

# Agenda

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## West Area Planning Committee

This meeting will be held on:

Date: **Tuesday 8 December 2020**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

**For further information** please contact:

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

☎ 01865 252402

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

**Members of the public can attend to observe this meeting and.**

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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*All public papers are available from the calendar link to this meeting once published*

## Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Colin Cook (Chair)	Jericho and Osney;
Councillor Michael Gotch (Vice-Chair)	Summertown;
Councillor Tiago Corais	Littlemore;
Councillor Alex Hollingsworth	Carfax;
Councillor Richard Howlett	Carfax;
Councillor Dan Iley-Williamson	Holywell;
Councillor Richard Tarver	Iffley Fields;
Councillor Louise Upton	North;
Councillor Elizabeth Wade	Wolvercote;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

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# 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 19/02601/FUL: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH

19 - 60

**Site address:** Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH

**Proposal:** Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II\* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional bedspaces and social/study spaces for a C2 residential institution.

#### Recommendation:

The West Area Planning Committee is recommended to:

1. **Approve the application** for the reasons given in the report and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning

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obligations which are referred to the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.

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

**4 19/02602/LBC: Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH**

61 - 80

**Site address:** Frewin Quad, New Inn Hall Street, Oxford, OX1 2DH

**Proposal:** Internal and external works to Frewin Hall including investigations to inform refurbishment works, reconfiguration of floorplan, new entrance lobby extension. Demolition of boundary walls, music room, lean-to and shed. Dismantling and reconstruction of entrance archway on New Inn Hall Street and east boundary stone wall. (Amended description).

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **Approve the application** for the reasons given in the report and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to the report and subject to the

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required listed building conditions set out in section 12 of the report and grant listed building consent.

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

**5 19/02306/FUL: Castle Hill House, 9 New Road, Oxford, OX1 1LT**

81 - 128

**Site address:** Castle Hill House, 9 New Road, Oxford, OX1 1LT

**Proposal:** Redevelopment of the former Conservative Club building at Castle Hill House comprising demolition of existing building and erection of a new building providing 54 student study rooms, along with internal and external amenity space, landscaping improvements including the reconfiguration of the Fellows' Car Park. (Amended plans)

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **Delegate authority to the Head of Planning Services to approve the application** for the reasons given in the report. Approval would be subject to the required planning conditions set out in section 12 of the report and subject to the approval of a final drainage strategy from the Local Lead Flood

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Authority.

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.
- Agree the provision of a final drainage strategy in consultation with relevant consultees.

**6 19/02307/LBC : Castle Hill House, 9 New Road, Oxford, OX1 1LT**

129 -  
144

**Site address:** Castle Hill House, 9 New Road, Oxford, OX1 1LT

**Proposal:** Alterations to east wall of Canal House including demolition of adjoining building and construction of new building abutting up to east wall of Canal House. (Amended plans)

**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 listed building conditions set out in section 12 of the report and grant listed building consent; and
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.

**7 19/02723/FUL: 20 Blenheim Drive, Oxford, OX2 8DG**

145 -  
184

**Site address:** 20 Blenheim Drive, Oxford, OX2 8DG

**Proposal:** Demolition of existing dwellinghouse.  
Erection of 2 x 5-bed dwellinghouses and 3 x 3-bed dwellinghouses (Use Class C3).  
Provision of car parking, shared access

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drive with infrared-controlled on-site traffic signals, bin and cycle stores. Associated landscaping. (Amended plans and description; additional information)

**Recommendation:**

The West Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report, subject to the findings of the archaeological field evaluation and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **agree to delegate authority** to the Head of Planning Services to:
  - consider and deal with the submitted archaeological report following the field evaluation including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add conditions required in connection with the archaeological field evaluation;
  - 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
  - issue the planning permission.

**8 20/00994/CT3: East Oxford Community Centre, Princes Street, Oxford, OX4 1DD**

185 -  
228

**Site address:** East Oxford Community Centre, Princes Street, Oxford, OX4 1DD

**Proposal:** Partial demolition, refurbishment and extension to the community centre and erection of 12 residential dwellings formed of 7 one-bedroom and 5 two-bedroom apartments, with associated access and landscaping. (Amended Plans)

**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

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section 12 of the report and grant planning permission subject to:

- the completion of a 21 day consultation period (closing on 10<sup>th</sup> December 2020) required due to the submission of amended plans.
- confirmation from the Lead Local Flood Authority that they remove their objection following the review of amended documents.

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

- consider and deal with any further representations received during the remainder of the consultation period including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add any conditions required in connection with those representations;
- 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
- issue the planning permission.

**9 20/01298/CT3: East Oxford Games Hall, 5 Collins Street, Oxford, OX4 1XS**

229 -  
262

**Site address:** East Oxford Games Hall, 5 Collins Street, Oxford, OX4 1XS

**Proposal:** Demolition of games hall and erection of 14 residential dwellings formed of 8 one-bedroom and 6 two-bedroom apartments, with associated access and landscaping. (Amended plans)

**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 completion of a 21 day consultation period (closing on 10<sup>th</sup> December 2020) required due to the submission of

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amended plans.

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

- consider and deal with any further representations received during the remainder of the consultation period including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add any conditions required in connection with those representations;
- 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
- issue the planning permission.

## 10 Minutes

263 -  
268

**Recommendation:** to approve the minutes of the meeting held on 10 November 2020 as a true and accurate record.

## 11 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.

19/00608/FUL: Jurys Inn, Godstow Road, Oxford, OX2 8AL	
20/01337/FUL: Site Of Millway Close, Oxford, OX2 8BJ	
20/02480/FUL: 1-5 Broad Street And 31 Cornmarket Street, Oxford, OX1 3AG	
20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	
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	
20/00747/VAR: The White Rabbit, 21 Friars Entry, Oxford, OX1 2BY	

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20/01314/FUL: Unit 1 & Unit 2, Botley Road, Oxford, OX2 0HA	
19/02926/FUL: Land Adjacent The Old School, Gloucester Green, Oxford, OX1 2BU	
20/02303/FUL Peacock House, Baynams Drive, Oxford, OX2 8FN	
20/02471/FUL: Tinbergen Building, South Parks Road, Oxford, OX1 3PS	
20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	
20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX	
20/02434/VAR: Dragon School, Bardwell Road, Oxford, OX2 6SS	
20/01567/FUL: 7-9 Blue Boar Street, Oxford, OX1 4EE	
20/02651/FUL: 152 Godstow Road, Oxford, OX2 8PG	
20/02884/VAR: Site Of Oxford University Science Area, South Parks Road, Oxford	

## 12 Dates of future meetings

Future meetings of the Committee are scheduled on:

2021
19 January
9 February
9 March
13 April

**Public access to this meeting and members of the public speaking**

**Remote meetings will be held on Zoom.**

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### **Public access to remote meetings**

1. You can watch the meeting remotely by clicking on the link in the comments section or under 'media' sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This will launch a YouTube video of the live meeting. If it does not, then follow the link to the council's YouTube channel where the video will be playing.

### **Registering to speaking**

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council's Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) not less than 24 hours before the meeting is due to start.** This will ensure that their contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

### **Public attendance and speaking at remote meetings**

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.
7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.
10. They will be held as an 'attendee' and be able to see and hear the

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meeting but not take part.

11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays caused by the technology.
12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.
15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

#### **Press access to remote meetings**

16. Journalists wishing to attend a remote meeting are advised to inform [pressoffice@oxford.gov.uk](mailto:pressoffice@oxford.gov.uk) not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

### **Information for those attending regulatory committees -**

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## Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

### Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

### Remote meetings etiquette

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.
- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

### Voting at remote meetings

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When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

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## **Information for those attending**

### **Recording and reporting on meetings held in public**

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

### **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". 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.

## **Procedure 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 interests is available from the Monitoring Officer.

### **The following minimum standards of practice will be followed:**

1. All members of the Committee will have pre-read the officers' report. Committee 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 guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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.
4. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

### **Public requests to speak**

**Members of the public wishing to speak must notify the Committee 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 via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).



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

**Any written statement that members of the public or 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 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**

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

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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.

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.**

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## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> December 2020

**Application number:** 19/02601/FUL

**Decision due by** 7<sup>th</sup> January 2020

**Extension of time** 18<sup>th</sup> December 2020

**Proposal** Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II\* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional bedspaces and social/study spaces for a C2 residential institution.

**Site address** Frewin Quad, New Inn Hall Street, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Carfax Ward

**Case officer** Michael Kemp

**Agent:** Chris Pattison      **Applicant:** The Kings Hall And College Of Brasenose

**Reason at Committee** The application is a major development

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to this report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

1.1.2. **Agree to delegate authority** to the Head of Planning 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;
- 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 erection of a new building ranging between three and four storeys (including basement space), which would contain 30 student flats, as well as social spaces and would be sited in an area of garden space associated with the Grade II\* listed Frewin Hall. The proposals also include external works to Frewin Hall itself and linked works within the curtilage of Frewin Hall. A series of internal alterations to Frewin Hall are proposed within a linked listed building consent application (19/02602/LBC).
- 2.2. The site would represent, in principle an acceptable location for student accommodation in line with Policy H2 of the Oxford Local Plan as the site is located within the City Centre and the new accommodation would be sited within a site with a pre-existing established use for student accommodation. In terms of justifying the requirement for the accommodation, the applicants have provided an assessment of need study. This identifies a shortfall in postgraduate accommodation, which the proposed development of 30 additional rooms would make a significant contribution towards addressing.
- 2.3. The proposals involve relatively large scale development in the immediate setting of the Grade II\* listed Frewin Hall, as well as alterations to the listed building itself. Additionally the development would fall within the setting of 22-24 New Inn Hall Street (John Wesley Cottages) and 32 New Inn Hall Street which are Grade II listed buildings. The site lies within Oxford's central conservation area.
- 2.4. The garden space where the proposed student accommodation building would be sited contributes positively to the setting of the Grade II\* listed Frewin Hall and the central conservation area. The proposed building would result in the loss of the garden space and the existing tree cover on the site. The building would be of a high design standard, though it would also be of substantial scale and volume, which would compete visually with Frewin Hall and the siting of the building would have an undeniably transformative impact on the setting of Frewin Hall which would constitute less than substantial harm to the setting of the listed building. To a lesser extent the siting of the building would also result in less than substantial harm to the setting of the adjacent John Wesley Cottages and similarly there would be a low level of less than substantial harm arising from proposed curtilage works including the removal and replacement of curtilage listed walls and the archway to New Inn Hall Street.
- 2.5. The internal and external works to Frewin Hall proposed within this planning application and the linked listed building consent application (19/02602/LBC) are considered to be beneficial and would enhance the significance of the listed building. A legal agreement will be necessary to secure these works within a reasonable timeframe. A draft of heads of terms has been agreed in principle to secure this programme of works.

- 2.6. The public benefits of the scheme include securing a series of works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would, in accordance with the government's housing delivery test, release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. Great weight has been given to the conservation of the designated heritage assets which are affected in accordance with Paragraph 193 of the NPPF. However, when weighing the less than substantial harm caused to the setting of Frewin Hall, the central conservation area and the Grade II listed John Wesley Cottages against the public benefits of the proposed development in accordance with Paragraph 196 of the NPPF, officers consider that the harm would be demonstrably outweighed.
- 2.7. Future occupiers of the student accommodation building would benefit from acceptable standards of internal amenity space in line with the requirements of Policy H8 of the Oxford Local Plan. The building has been designed to limit the impact on the amenity of the residential uses of No.18 Shoe Lane, which is adjacent to the proposed accommodation building. This building is currently used for student flats at first floor level, whilst there is a residential (non-student) flat at second floor. There would be a need to relocate a first floor window serving a bedroom within the adjacent student flat, however as the building is under the ownership of Brasenose College this can be realistically achieved and would be controlled by way of planning condition. Overall it is considered that the development would not have a significant impact on the amenity of the adjacent residential uses and the development would comply with Policies RE7 and H14 of the Oxford Local Plan.
- 2.8. The proposed development is located in the City Centre and would be car free which is in line with the requirements of Policy M3 of the Oxford Local Plan. The proposals would include the provision of additional cycle parking on site, the details of which would be required by condition to ensure compliance with Policy M5 of the Oxford Local Plan.
- 2.9. For the reasons outlined in the report, officers consider that the development is acceptable and recommend approval subject to a legal agreement to secure that the public benefits associated with the enhancement works to Frewin Hall are realised.

### **3. LEGAL AGREEMENT**

- 3.1. This application would be the subject of a legal agreement. The legal agreement is needed in order to ensure that the programme of improvement works to the Grade II\* listed Frewin Hall are carried out within an acceptable timeframe. This is to ensure that the principal public benefits of the scheme are fully realised. Whilst a range of works to Frewin Hall are detailed under linked listed building application 19/02602/LBC, a number of improvement works would require agreement under subsequent listed building consent applications. The improvement works to Frewin Hall would consist of the following measures:

- Restoration of the principal ground floor reception rooms within Frewin Hall back to a communal/interactive purpose
- Sympathetic restoration of the building's exterior including the re-opening of its southern entrance;
- The reversal of other unsympathetic internal and external changes during the 20<sup>th</sup> Century
- The sensitive refurbishment of the Norman Undercroft, improving its use and appreciation within Frewin Hall;
- The delivery of new landscape to improve the setting and accessibility of Frewin Hall.

3.2. The applicant's draft heads of terms outlines a timeframe for the commencement of works to Frewin Hall and the completion of the agreed works. Commencement of the works to Frewin Hall shall begin no later than four years after implementation of this planning permission. Completion of the agreed works to Frewin Hall shall be no later than two years after the commencement of the works to the listed building.

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

4.1. The proposal is liable for a CIL contribution of £136,836.31.

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

5.1. The site is located within Oxford City Centre and lies to the rear of a range of existing buildings, which face St Michaels Street to the North, Shoe Lane to the South and New Inn Hall Street to the West. The site falls within the Central Oxford Conservation Area

5.2. The site consists of Frewin Hall, a Grade II\* listed building, which was historically used as a private residence, but is under the ownership of Brasenose College and is used as student accommodation. Frewin Hall is a large three storey building consisting of three distinct elements; the west wing, south wing; and additions to the east. The original element of the west wing was constructed in around 1582. The south elevation of the building was refaced in the early 18<sup>th</sup> Century. The upper storey of the building was replaced in the 19<sup>th</sup> Century.

5.3. Alongside Frewin Hall, the site consists of two garden court areas used as amenity space associated with the student accommodation on the site. The court areas contain a number of trees. In addition to the student rooms in Frewin Hall itself, there is further student accommodation to the west of Frewin Hall, which faces the north east garden space. The Grade II\* listed Oxford Union Debating Chamber is located to the north east of the application site.

5.4. The new student accommodation blocks are proposed within the south east garden space of Frewin Hall. This consists of a landscaped space enclosed on three sides by existing boundary walls and the rear elevation of Nos. 18 to 18D Shoe Lane, which is a three storey 1980's building constructed from dark brick materials, currently used for a mix of office and student accommodation, whilst there is a 1 bedroom flat on the second floor of this building. There is a single storey music room located on the site, which is a 1990's extension to the rear of

No 32 New Inn Hall Street, a Grade II listed building that also falls under the ownership of Brasenose College. Nos. 22 to 24 New Inn Hall Street is also a Grade II listed building that lies to the west of the site and is separated from the site by a stone boundary wall. There are a number of trees on the site, this includes a large mature Horse Chestnut tree located along western boundary to the rear of No.32 New Inn Hall Street.

5.5. There is a stone boundary wall along the eastern perimeter of the site, beyond this there is a brick wall, which forms the edge of a gated service yard associated with the Clarendon Centre. Beyond the service yard is the rear, mainly blank façade of the Clarendon Centre, which is a large indoor shopping centre.

5.6. The main point of pedestrian access to the site is from the north adjacent to the Oxford Union Debating chamber, which is a private gated access. The only vehicular access to the site is from New Inn Hall Street, which is a gated access via a Grade II listed stone archway. This access is usually closed for students and general visitor access. Parking on the site is limited to a rear surfaced courtyard located behind the 20<sup>th</sup> century extension to Frewin Hall and is available only for staff and service vehicles. There is pedestrian access to Frewin Hall from Cornmarket Street to the East, via Frewin Court, a narrow alley between sets of buildings. This access is not typically in use as there are safety concerns regarding the use of this access.

5.7. See block plan below:



## 6. PROPOSAL

6.1. The principal element of this application would involve the erection of a new building ranging between three and four storeys, which would contain 30 student rooms and associated social spaces. The building would be located in an area of

garden space associated with the Grade II\* listed Frewin Hall. To facilitate the development, the single storey music room, which attaches to the rear of No.28 New Inn Hall Street would be removed.

- 6.2. The site of the new building would be partially excavated with space provided at basement level which would consist of four en-suite student rooms, shared social/kitchen space, music rooms and toilet facilities. The student rooms would be within a 'sub-basement space', this involves partial excavation of the central space between the flats to enable the creation of lightwells to provide sunlight to the basement bedrooms. The basement kitchen/social space would be served by large lightwells to provide natural light into this space. The upper floors would consist of en-suite student rooms, access corridors and small shared kitchenettes at first and second floor level. A new courtyard area would be formed within the centre of the new building which would include the planting of a new tree. A new stone wall would be constructed separating the new building from the main Frewin Hall entrance quad.
- 6.3. The proposals also include external works to the Grade II\* listed Frewin Hall to include a reconfiguration of the entrance spaces, including a reinstatement of the original entrance facing the central courtyard and a reconfiguration of the 1970's entrance. The external changes to the listed building alongside a series of internal alterations to renovate Frewin Hall are covered within the associated listed building application (19/02602/LBC).
- 6.4. The proposals also include a series of landscaping works to the front of Frewin Hall, which includes additional soft landscaping and tree planting to the front of Frewin Hall in place of the existing hard surfaced vehicle turning area. A new landscaping scheme is also proposed for the 'New Long Quad' an area of amenity space between Frewin Hall and the student accommodation to the rear of New Inn Hall Street as well as new landscaping within the Back Terrace Garden.
- 6.5. The principal pedestrian access to the site via St Michaels Street would be retained, whilst the secondary access, which is restricted would also be retained though this would remain restricted only to service vehicles. A new pedestrian access would be provided to serve the student rooms from New Inn Hall Street, this would utilise an existing gated passage between Nos.24, 28, 30 and 32 New Inn Hall Street and would involve the demolition of a section of the existing stone boundary wall and a storage shed. The development would be car free and no dedicated parking would be provided on site.

## **7. RELEVANT PLANNING HISTORY**

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

19/02601/FUL - Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional 26 additional bed spaces and
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social/study spaces for a C2 residential institution. (Amended Plans). Pending Consideration.

96/01165/L - Listed Building consent for blocking up existing openings on south elevation, ground floor. 1 new door at ground floor, east elevation (amendment to 92/01070/L). Approved 25th October 1996.

96/00639/NFH - Erection of 3/4 storey building to provide 22 study bedrooms, 7 parking spaces and cycle stands (amendment to 92/1071/NFH). Approved 3rd September 1996

96/00560/NFH - External alterations comprising entrance porch and new window in existing opening located in single storey east wing. Approved 7th June 1996.

96/00527/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option Two - with extended site area) for Frewin Hall, accessed from St. Michael's Street). Approved 4th July 1996.

96/00525/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option One) for Frewin Hall, accessed from St. Michael's Street. Approved 4th July 1996.

92/01074/NFH - Erection of three storey infill building containing 6 study bedrooms with shared facilities on each floor. Pedestrian access from Frewin Hall garden and realignment of existing garden boundary wall to Oxford Union - Site E (Amended Plans). Refused 7th December 1993.

92/01072/NFH - Building on 4 levels incl. basement & roof space (adjoining Oxford Union Debating Hall) to provide 18 beds with shared facilities. Landscaping incl. removal of steps & replacement with ramp, paving, planting & HH 44 cycle stands. (Site D). Refused 14th April 1993.

92/01071/NFH - Extension to Frewin Hall to provide 3 part 4 storey building comprising 22 study bedrooms with shared facilities and 7 car parking spaces under building, using existing access from New Inn Hall Street via archway - site B (Amended Plans). Approved 7th June 1994.

92/01070/L - Listed Building consent for alterations and extensions to Frewin Hall to provide part three and part four storey building comprising 22 study bedrooms - site B (Amended Plans). Approved 7th June 1994.

90/00142/NFH - Single storey building to form 2 No. music rooms. Approved 5th April 1990.

83/00804/L - Listed Building consent for part demolition of Listed boundary wall and its extension at right angles to provide a new boundary wall to Frewin Hall garden. Refused 2nd December 1983.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan
Design	117-123, 124-132	DH1, DH2
Conservation/Heritage	184-202	DH3, DH4
Housing	59-76	H8, H9, H14, H15, H16
Natural environment	91-101	G2, G7
Transport	117-123	M1, M2, M3, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 15<sup>th</sup> November 2019 and an advertisement was published in the Oxford Times newspaper on 23<sup>rd</sup> January 2020.
- 9.2. Following amendments to the red line area of the site, the application was re-advertised by site notice on the 10<sup>th</sup> May 2020 and in the Oxford Times newspaper on the 19<sup>th</sup> March 2020.

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

#### Oxfordshire County Council (Highways)

- 9.3. Overall no objections are raised subject to conditions.
- 9.4. The application seeks to demolish and refurbish existing buildings and erect further building which will provide study rooms for Brasenose College and an additional 26 bedrooms. There are currently 170 student rooms within the site, the additional 26 rooms will bring the total to 196. The college is well placed to make use of the wide range of public transport available in the vicinity with the train station approximately 10 minutes' walk and several bus services available which travel to different areas of the city and county. It is expected that students will be mostly using public transport to travel along with walking and cycling.

- 9.5. There is little opportunity in the area for students to bring cars to the city and park, there are parking restrictions in the form of double yellow lines in the city centre and Controlled Parking Zones in the surrounding areas and it is therefore not considered that the development will worsen the existing situation. There will be an increase of traffic at year start/end, however, in comparison to the existing 170 rooms, the addition of 26 rooms is not considered significant. However, a student traffic management plan has been produced for all 196 rooms, this is welcomed and sets out the form of management which will occur during these times. The 3 existing on-site parking spaces will be retained.
- 9.6. The city centre is sensitive at peak times and therefore a construction traffic management plan (CTMP) is required in order to manage construction traffic on the network, this has been conditioned. Any construction works taking part on the highway network will require a S278 Agreement prior to commencement.

#### Cycle Parking

- 9.7. The applicant has stated that there are currently 112 cycle spaces on site and 23 more will be provided for the new units bring the total to 135 spaces. A condition has been included to ensure that the required level of cycle parking is provided to a high standard.

#### Travel Plan

- 9.8. The transport statement identifies that this development will mean an extra 26 student rooms for Brasenose College under a C2 category.
- 9.9. This development will therefore only require a Travel Information Pack to be produced. This should be produced prior to first occupation and then distributed to all students at the point of occupation.
- 9.10. In addition to the required criteria contained within the OCC guidance document the pack should also contain information specifically relevant for students at Brasenose College. Information such as college procedures for drop off and collections at the beginning and end of term and links to any existing Brasenose College travel plan documentation or co-ordinator.

#### Oxfordshire County Council – Drainage

- 9.11. No Objection – subject to conditions

#### Historic England

- 9.12. The grade II\* listed Frewin Hall is a highly significant building principally because it is one of the few remaining fragments of a 12<sup>th</sup> century townhouse to survive in this country. The site as a whole is fascinating archaeologically, as is the story of the lost St Mary's College, while 17<sup>th</sup> century interiors on the ground floor are of great interest. Finally T. G. Jackson's work in transforming the exterior into a handsome house is also important.

9.13. The proposals for the house itself are wholly positive. They allow the 17<sup>th</sup> century spaces to be experienced by more people, reinstate a lost central chimney stack and avoid damage to historic fabric of significance.

9.14. The proposed new quad would change the character of this space dramatically but in our view this could be a positive development. While the Frewin Hall was a private house with a large garden in the 19<sup>th</sup> century it's currently context is now a College campus. Unsympathetic and high modern development has compromised the appearance of garden and in our view it now makes a very limited contribution to the significance of the grade II\* listed building as all it does is perpetuate a memory of a relatively short phase in the history of the building which is of limited interest rather than contributing to an appreciation of its architectural qualities. We therefore assess the harm entailed by the development of this site as very low. A new development which can relate positively to the Frewin Hall would be in our view justified as preferable to the status quo and we consider the current proposals to be of the high quality necessary to occupy this space. We therefore consider that the requirements of paragraphs 192 and 194 of the NPPF would be met if the council resolved to grant listed building consent and planning permission.

Thames Water Utilities Limited

9.15. No objection subject to conditions

Environment Agency

9.16. Do not wish to comment

Thames Valley Police

9.17. Overall no objections but recommend that consideration be given to lighting, installation of CCTV to cover all access points and the installation of secure access doors.

**Public representations**

9.18. No general public comments have been received in relation to on this application.

Oxfordshire Architectural and Historic Society (OAHS)

9.19. A detailed response has been received from OAHS, the key points within the response are summarised below:

9.20. We support the aim of the college to reinstate Frewin Hall as befits its grade II\* listing. This is a very important building in terms of its long history and some remarkable survivals from the 12<sup>th</sup> and 16<sup>th</sup> centuries. However, we are concerned about the paucity of in-depth information on, and analysis of, the building.

- 9.21. We are disappointed in the quality of the supporting information. There is no statement of need to justify some of the proposed interventions into the historic fabric, nor is that fabric fully understood in parts of the application.
- 9.22. We are disappointed that the written scheme of investigation is silent on the effects of the proposals on the sub-vault. Indeed, the D&A is quite short on detail for these proposals.
- 9.23. In relation to the new-build proposals, we note that the rubble stone eastern boundary wall of the southern garden is to be dismantled. This is a historic boundary line, present in all historic maps submitted in the application. We do not think that this wall should be dismantled unless absolutely unavoidable. Important evidence can be lost in such a process. Recording is not a justification for harm to or loss of significance (NPPF 199) but, at the very least, there should be an archaeological condition placed on this part of the works, and reinstatement should place stones back in their previous situation, so as not to lose historical evidence. More elements may come to light as the college strips back, and there may be tricky questions surrounding the impact of those 20th-century interventions on the historic fabric, for instance the structural support changes that must have been made when the stack was removed. So, it would be advisable for the college to be braced for that possibility, both in terms of awareness and contingency funds.
- 9.24. We suggest that Brasenose retain a contingency fund for dealing with the unexpected, before committing to expenditure on works that may be 'nice to have' rather than essential. In the non-essential category one might include the alterations to the carriageway to the south of Frewin Hall, exploratory works in the undercroft, and reinstating the ground floor part of the central chimneystack in the main range. They might need a contingency for sub-surface archaeology when they come to dig the foundations for the new building, and for works within the historic structures resulting from interventions such as opening up the ground floor fireplaces.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Impacts
- Archaeology
- Neighbouring amenity
- Transport
- Trees
- Flooding
- Ecology
- Land Contamination

**Principle of development**

- 10.2. Policy H8 of the Oxford Local Plan is permissive of the provision of student accommodation on or adjacent to existing University campuses or academic sites, in the city centre or district centre, or on sites allocated for the purposes of providing student accommodation. The site is located within the City Centre and would therefore be an acceptable location for the provision of student accommodation, in line with Policy H8 of the Oxford Local Plan.
- 10.3. Policy H8 of the Oxford Local Plan requires that student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. This restriction does not apply outside the semester of term-time, provided that during term-time the development is occupied only by university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whilst providing permanent university student accommodation when needed.
- 10.4. In order to comply with the provisions of Policy H8 of the Oxford Local Plan and to ensure that the accommodation is used for its stated purpose, to meet the college’s existing shortfall in student accommodation, officers consider it necessary to ensure that a planning condition is applied to restrict the use of the accommodation during term time to full time students.
- 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 releasing C3 housing back onto the open market. In this instance, this indicates that for every 2.5 student beds provided, 1 C3 dwelling is released. The new accommodation at Frewin Hall would provide 30 rooms, which would release approximately 12 dwellings back into the open market.
- 10.6. In support of the application, a statement of need has been provided which assesses Brasenose College’s existing and future need for student accommodation. The statement of need summarises that there is an existing shortfall of 108 rooms. Currently accommodation for Brasenose College is split across four sites at Radcliffe Square, Frewin Hall, St Cross and Hollybush Row. The table below taken from the applicant’s planning statement and statement of need provides a summary of existing undergraduate and postgraduate student numbers and the distribution of the college’s students across the four sites.

Student rooms in 2019	Undergraduate	Postgraduate
Main College at Radcliffe Square	163	1 (Junior dean)
The Frewin Site <sup>1</sup>	170	2 (Junior Deans)
St Cross	0	49
Hollybush Row	10	32
TOTAL Bedspaces	343	84
TOTAL number of students	356	288
% housed in College accommodation	96% (but 100% of demand)	29%

10.7. The above table indicates a significant shortfall in postgraduate accommodation. The vast majority of undergraduate students (96%) are already housed within purpose built student accommodation. The table below, taken from the applicant's Planning Statement provides a summary of the total needs of the University in terms of the requirement for undergraduate and postgraduate rooms as well as 'supporting spaces', these being facilities such as music practice rooms, gyms or common rooms for the social well-being of students.

Type of Bedspaces	No. of Bedspaces
Undergraduates	+4
Postgraduates	+88
Supporting spaces	+16
Total Need	+108

10.8. The table above outlines a total requirement for 108 rooms, most notably 88 postgraduate rooms are required. The applicant's statement of need also provides an assessment of existing sites under the ownership of Brasenose College which could theoretically address the college's accommodation needs. It should be noted though that none of the sites mentioned as part of this assessment as having the potential to deliver additional student accommodation currently benefit from planning permission. The assessment does however identify that even in the event that all of the sites which could theoretically provide student accommodation were to be developed to provide student accommodation, then there would still be a shortfall of 41 rooms.

10.9. Officers are satisfied that there is an identified need on behalf of the college for further student accommodation and the development of 30 additional rooms on this site, which is an established student housing site in close proximity to Brasenose College, would be acceptable in principle. The development would make a significant contribution to the college's need to accommodate its students, particularly addressing the shortfall in postgraduate accommodation.

### **Affordable Housing**

10.10. Policy H2 of the Oxford Local Plan states that for new student accommodation of 25 or more student units (or 10 or more 4 self-contained student units), a financial contribution should be secured towards delivering affordable housing elsewhere in Oxford. Contributions towards affordable housing provision from new student accommodation will not however be sought where:

- i) The proposal is within an existing or proposed student campus site, as defined in the glossary; or
- ii) The proposal is for redevelopment of an existing purpose-built student accommodation site which at the date of adoption of the Plan is owned by a university and which will continue to be owned by a university to meet the accommodation needs of its students.

- 10.11. Accounting for the above criteria, it is considered that the proposed development would be exempt from a requirement to make a financial contribution towards affordable housing, in line with Policy H2 of the Oxford Local Plan. The proposals would represent an intensification of student accommodation on a site where there is already student accommodation used by Brasenose College within Frewin Hall itself and in several of the buildings to the rear of New Inn Hall Street.
- 10.12. Taking these factors into account, officers consider that the applicant would not be required to make an off-site financial contribution towards affordable housing in line with the exemptions listed under Policy H2 of the Oxford Local Plan.

## **Design and Heritage Impacts**

### New Student Accommodation and Curtilage Works

- 10.13. The NPPF requires that local authorities seek high quality design. It suggests that opportunities should be taken through the design of new developments to improve the character and quality of an area and the way it functions. Policy DH1 of the Oxford Local Plan specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.14. The site lies within the Central Conservation Area. This part of the conservation area (part of the medieval town character zone as shown in the draft Central Conservation Area Appraisal) largely retains its historically residential and commercial character, with the survival of buildings, built features, plot layouts and alleyways. A key characteristic of this part of the conservation area is the enclosed green spaces set behind stone walls which are evidence of the historic origins of the city and contribute to its special interest. The Frewin Hall site with its boundary walls, entrance ways, and a large proportion of its garden area retained, makes a significant positive contribution to the character of the conservation area, the setting of the surrounding listed buildings and the public realm.
- 10.15. Frewin Hall is a grade II\* listed building and lies at the centre of the site. Historically used as a private residence, the building currently houses a number of student bedrooms. Frewin Hall is a large three storey building consisting of a 12<sup>th</sup> century vaulted basement, a 17<sup>th</sup> century house (ground floor western range), a 17<sup>th</sup> century southern range which was remodelled in the early 18<sup>th</sup> century, and late 19<sup>th</sup> century upper floor extensions and remodelling works by T.G. Jackson. A three storey late 20<sup>th</sup> century extension adjoins the southern range. The stone boundary walls which surround the site are curtilage listed including the entrance archway on New Inn Hall Street (likely to date to c.1600), and the remnants of the stone wall along Shoe Lane, the former boundary wall to Frewin Hall, are listed independently as a grade II listed structure.
- 10.16. Frewin Hall has high architectural, artistic and historic significance derived from the several phases of its development; principally the remaining part of



the 12<sup>th</sup> century townhouse that once existed on the site which evidences the influence of Norman urban development, followed by the subsequent medieval collegiate development, which is now largely lost above ground and of archaeological importance, and the post-medieval domestic use.

10.17. The site also lies within the setting of a number other listed buildings. The grade II\* listed buildings of the Oxford Union lie to the north east of the site. The building also lies within the setting of the Grade II listed 22 and 24 New Inn Hall Street; 20 New Inn Hall Street and 32 and 34 New Inn Hall Street, all of which back on to the Frewin Hall Site.

10.18. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).

10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

10.20. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.22. The principal element of the proposed development involves the erection of the proposed student accommodation building, which is a two to three storey building. The siting of the building would result in the development of the loss of the southern garden, with two three-storey (from ground level) blocks sited alongside the eastern and southern boundaries, and a two-storey block sited alongside the western boundary. The remaining garden area would be transformed into a courtyard, incorporating a mixture of planted areas, areas of

hardstanding, and floor-mounted glazing and lightwells to serve the lower ground floor rooms.

- 10.23. In association with the proposed new student accommodation block, it is proposed to dismantle and reconstruct the boundary stone wall on the eastern perimeter of the site and the entrance archway fronting onto New Inn Hall Street. The existing stone wall to the rear of No.32-34 New Inn Hall Street would be reconstructed on a slightly different alignment, the brick wall forming the rear boundary of No's 22-30 New Inn Hall Street would be demolished, and the music room building, timber shed and small lean-to would also be demolished.
- 10.24. The existing garden site makes a significant contribution to the setting of Frewin Hall, and conveys an understanding of the former domestic origins of the site. The introduction of built form of the scale and massing proposed would erase the character of a domestic building set within its garden setting, of which the size of the garden setting is commensurate to the building's status. Although the existing site does not have a prominent presence in the street scene, the way the site is experienced from the public realm, through the glimpsed views and views of tree canopy cover within the site (a key characteristic of the conservation area), is important and would be altered and eroded through the loss of tree canopies and addition of built form of a significant scale and massing.
- 10.25. Although not yet adopted the Draft Central Conservation Area Appraisal, which has undergone public consultation, is a material consideration with some weight. The document states that the principal aspects of the medieval character zone that harm character and appearance include 'large floorplate twentieth century commercial buildings with frontages of alien scale and modulation and inappropriate materials, which has resulted in the loss of historic plot boundaries, gardens and yards.'
- 10.26. The proposed building which varies between two and three storeys would be a large addition in terms of scale and massing when viewed in the setting of Frewin Hall and the surrounding garden space. The proposals would result in the loss of a section of garden space, which as referenced above, provides an important contribution to the setting of Frewin Hall. Whilst the new sunken courtyard space is referenced as a garden within the supporting documents, including the design and access statement, this would not generally be perceived as a garden from either within the site or externally in views from the conservation area, given both the sunken nature of the space and the introduction of the built form, which would occupy much of the former garden space.
- 10.27. The building would be contemporary in appearance, which contrasts with the vernacular aesthetics of Frewin Hall and the surrounding traditional buildings fronting New Inn Hall Street, including the adjacent Grade II listed John Wesley cottages. A contemporary approach is not in itself harmful given that a more traditional design approach replicating the vernacular would potentially blur the distinction between the older and new elements, particularly as the building has already been subject of a later less sympathetic 20<sup>th</sup> century rendered extension.

- 10.28. The overall design of the accommodation building is considered to be of a high standard, however the addition of a building of the scale and proportions proposed would have an undeniably transformative impact on the setting of the Frewin Hall. The addition of the sunken courtyard to conceal lower sections of the building when viewed from the garden to the front of Frewin Hall and limiting the height of the building to ensure that the higher elements sit below the main roof ridge of Frewin Hall does, to some extent reduce the perception of the scale of the new building. Nevertheless this cannot be fully achieved and the building would still have an obvious visual presence and the scale and proportions would visually compete with Frewin Hall, negatively affecting the setting of the listed building and how this is perceived and appreciated which would amount to less than substantial harm.
- 10.29. The proposed materials palette which predominantly consists of natural stone, timber cladding and steel of various types / finishes would be high quality materials that would introduce texture and depth to the buildings appearance, helping to knit it into the site (stone elements) and reduce some of the harm caused.
- 10.30. In addition to the less than substantial harm caused to the setting of Frewin Hall there would be a low level of less than substantial harm to the setting of the Grade II listed John Wesley Cottages, resulting from the siting of the two storey element of the proposed building and the spatial relationship between this and the rear sections of John Wesley Cottages. Whilst the rear elevations of John Wesley Cottages are of a lesser significance compared to the frontage of the buildings, the siting of the two storey element would obstruct views of the cottages from Frewin Hall affecting the setting of the listed building. The two storey element of the building would attach to a section of the rear of the cottages. Currently the music room also attaches to the rear of the cottages, however the student accommodation building would be a much larger addition which to an extent turns its back on the cottages and does not achieve a wholly positive relationship.
- 10.31. The existing music room building, timber shed and small lean-to which adjoin the eastern face of the John Wesley Cottages rear boundary walls date to the late-20<sup>th</sup> and early-21<sup>st</sup> century, and although the music room is a building of some quality, the structures comprise no heritage significance and therefore their demolition would not result in harm to the settings and significance of the associated listed buildings.
- 10.32. Whilst much of the site is not visible in public views in the Conservation Area, there are glimpsed views between Nos. 24 and 32 New Inn Hall Street and Shoe Lane. There are also views from Carfax Tower. The rear sections of the three storey elements of the building would be visible from Shoe Lane, above the existing boundary wall in a position adjacent to the Clarendon Centre service yard, though the presence of the building in itself is unlikely to be harmful within this context, given that the rear sections of the building would be sited alongside the more modern elements associated with the Clarendon Centre.
- 10.33. The greatest impact of the new accommodation building in terms of these key external public views would be the loss of the existing green canopy cover visible

from Shoe Lane and New Inn Hall Street owing to the removal of the existing trees on the garden site. The submitted plans include the planting of a substantial tree within the courtyard area of the accommodation building, which would potentially be visible in broader public views, in addition to planting elsewhere on the site. Whilst replacement planting would be subject to a condition to maintain a level of canopy cover and tree planting across the site, the external perception of the site as a hidden garden space when viewed particularly from Shoe Lane and to a lesser extent from New Inn Hall Street would be lost, which in officers view would amount to less than substantial harm to the setting of the Central Conservation Area and Frewin Hall itself.

10.34. Overall the introduction of the new building would result in less than substantial harm to the setting of the Grade II\* listed Frewin Hall given the loss of the existing garden area and tree canopy cover and the introduction of a building of a sizeable scale and volume into this presently, largely undeveloped space.

10.35. The development of a landscape masterplan for the entire site, although at a late stage in the design development process, has helped inform and improve the development of the proposed scheme. The reinstatement of a boundary wall in between the Frewin Hall forecourt and the development site is considered beneficial providing an element of separation and helping to define the two character areas.

10.36. The proposed landscaping of the development site should be informed by the existing garden/former orchard character of the space and as currently proposed there are concerns that due to the amount of hardstanding, the proposed scheme would not successfully achieve and convey a strong garden area character, therefore not adequately mitigate some of the harm caused to the settings of the listed buildings and conservation area. Notwithstanding this, the landscaping proposals across the wider site (phases 2 & 3) would improve the character of the wider site, settings of the surrounding buildings, and introduce additional improved tree planting which would help mitigate some of the tree canopy cover lost as a result of the proposed student block.

10.37. Careful consideration needs to be given to the siting of cycle parking and design of any structures to ensure it does not detract from the setting of the listed buildings on the site. The proposal to site cycle parking in front of the western elevation of the grade II\* listed Oxford Union Debating Chamber will cause harm to its setting and other alternative locations should be considered. Details in respect of the location and design of the cycle parking will be sought by condition.

10.38. The arched gateway and walls fronting New Inn Hall Street and forming the western boundary of the site are remains of the former St Mary's College (15<sup>th</sup>-16<sup>th</sup> century), with the top of the gateway likely contemporary with the erection of Frewin Hall c.1600. As is evidenced by the photographs and specifications included in the Heritage Statement of Significance, substantial work including the reconstruction of a significant extent of the gateway was carried out in the 1970s. Subject to a condition requiring the structure to be fully recorded prior to dismantling and further details of the reconstruction works provided in the form of

a construction method statement and on-site samples, the works would cause limited harm to the significance of this structure.

- 10.39. Evidence suggests that the eastern boundary wall was reconstructed during the 20<sup>th</sup> century, likely as part of the 1970s development which occupies the southern end of the plot fronting Shoe Lane. The proposal to dismantle and reconstruct this section of wall would therefore cause limited harm to its significance subject to its recording prior to dismantling and appropriate reconstruction, which will be secured by condition.
- 10.40. The proposal to rebuild the northern section of stone wall which forms the rear east boundary of the John Wesley Cottages, further to the east would reinstate the stone wall on a former boundary line and therefore not cause harm to the significance of this wall or lessen its contribution to the setting of the listed building.
- 10.41. The need for the dismantling and reconstruction of these walls to facilitate the construction of the new student accommodation is considered clear and convincing justification for the works. The harm caused to the heritage significance of these structures and their contribution to the significance of Frewin Hall would be limited and outweighed by the public benefits associated with the new student accommodation building and the improvement works to Frewin Hall.
- 10.42. The brick walls forming the rear eastern boundaries of the John Wesley cottages are likely to date to the late-19<sup>th</sup> century. The loss of these walls would cause a low level of less than substantial harm to the significance and setting of these listed buildings. This need for the removal of these walls is considered justified by the need for the student accommodation, mitigated by the retention of the boundary line albeit with new construction, and outweighed by the benefits associated with the new development.

#### External Works to Frewin Hall

- 10.43. A series of alterations are proposed within this application to Frewin Hall itself. The external alterations to the building form part of this planning application, whilst a number of internal changes are proposed under the linked listed building consent application.
- 10.44. The proposed restoration and reinstatement of the entrance doorway in the west elevation of the southern range of the building would enhance the architectural significance of the listed building and be a heritage benefit. The proposed changes to the façade openings of the 1996 Frewin extension are also considered positive and beneficial by removing the visual emphasis away from the vehicular entrance.
- 10.45. The new glazed lobby extension to the north elevation would cause a low level of less than substantial harm by reason of its flat roof form which extends beyond the 19<sup>th</sup> century lean-to extension. The harm is considered to be justified and mitigated by the improvements that would be made to this entrance and the functioning of the building. The use of structural glass, and natural stone for the

new side wall and floor, which together with the existing external walls remaining exposed within the space, is considered an appropriately sympathetic treatment which would result in a more visually lightweight lobby.

10.46. Overall the proposed works to Frewin Hall would better reveal and enhance the heritage significance of the building, whilst ensuring it can function as student accommodation and meet the modern day needs of the college.

#### Assessment of Harm and Public Benefits

10.47. The NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Paragraph 193 requires great weight to be given to the conservation of designated heritage assets. For development that would lead to less than substantial harm, this harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.48. As identified above, it is considered that the siting of the new accommodation building would result in less than substantial harm to the setting and significance of the Grade II\* listed Frewin Hall, the Central Conservation Area and surrounding heritage assets. This is accounting for the loss of the garden space and existing canopy cover in addition to the transformative impact of the building accounting for its overall scale and massing.

10.49. The development would also deliver notable public benefits. The provision of student accommodation may primarily benefit the college, however in addressing an identified deficit in available accommodation this would constitute a public benefit by releasing additional housing back into the local housing market. Under the government's Housing Delivery Test, the provision of 30 student rooms would equate to the release of 12 Class C3 residential dwellings back into the local housing market.

10.50. The majority of the works to Frewin Hall proposed within this application and particularly the linked listed building consent application would constitute a significant public benefit. In order, however, for the public benefits to be fully realised it is essential that these works are carried out in full, within a reasonable timeframe. It is essential that a mechanism exists to ensure that planning permission is not partially implemented, thereby excluding the works which would be beneficial from a heritage perspective. Without such a guarantee that the works to Frewin Hall would be completed, this could not be afforded weight as a public benefit. The applicants have therefore agreed to enter into a Section 106 agreement to ensure that the following works to Frewin Hall are carried out:

- Restoration of the principal ground floor reception rooms within Frewin Hall back to a communal/interactive purpose
- Sympathetic restoration of the building's exterior including the re-opening of its southern entrance;
- The reversal of other unsympathetic internal and external changes during the 20<sup>th</sup> Century

- The sensitive refurbishment of the Norman undercroft, improving its use and appreciation within Frewin Hall;
- The delivery of new landscape to improve the setting and accessibility of Frewin Hall.

10.51. A draft heads of terms (HOTs) document prepared by the applicant outlines a timeframe which would see the completion of all of the enhancement works to Frewin Hall concluded within a period of 6 years following implementation of the planning permission, this would consist of a 4 year period to commence works and a 2 year period to complete works. Officers consider that this is a reasonable timeframe in which the public benefits in respect of the works to Frewin Hall can be secured and fully realised.

10.52. The overall package of improvement works to Frewin Hall proposed within this application, the linked listed building consent application and the draft HOTs would constitute a significant public benefit, which would enhance the significance of the Grade II\* listed Frewin Hall and should be afforded great weight in the overall planning balance.

10.53. To summarise officers consider that the development would result in less than substantial harm to the significance of Frewin Hall and the Central Conservation Area. The public benefits of the scheme include securing a series of beneficial works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would in accordance with the government's housing delivery test release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. In accordance with Paragraph 196 of the NPPF, when weighing up the less than substantial harm against the public benefits of the proposed development, officers consider that the harm would be outweighed.

### **Archaeology**

10.54. Policy DH4 of the Oxford Local Plan states that applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. The Policy states that proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm.

10.55. The site is of interest because of the potential for late Saxon, Norman, late medieval and post-medieval remains related to over 1000 years of occupation activity within the historic core of the town. The listed Frewin Hall itself preserves the remains of a 12th century vaulted cellar and various phases of above ground structures of likely medieval and later date.

10.56. The site is located between Cornmarket and New Inn Hall Street, within the rectilinear street grid that is believed to have been laid out when a defended burh was established at Oxford in the late 9th or early 10th century. The foundation

date of the burh and its central rectilinear street system remains to be established, however the burh is referenced in the early 10th century in the Burghal Hidage and a coin of Edward the Elder was found pressed into the primary street metaling of New Inn Hall Street.

- 10.57. The plot occupied by Frewin Hall can be traced back to an unusually large urban *curia* recorded from 1160 and this may be related to a large plot or *haga* associated with a late Saxon elite residence taking the form of a urban estate, defined by Shoe Lane, Cornmarket, New Inn Hall Street and Ship Street (or some smaller variation of this). The archaeology of such plots (*hagan*) is of considerable interest in the study of proto-urban and urban development in England, potentially reflecting urban copies of rural manorial complexes that gradually make use of retained or leased sub-divided plots along the principal street frontages to gain access to the developing urban markets.
- 10.58. By the late Norman period these plots had been decisively divided into the narrower densely packed urban plots however the Frewin Hall site may be an exception to this process and may have survived as an extensive urban manorial holding that was subsequent gifted to the Augustinians to be used for the foundation of a monastic college in the 15th century (St Mary's College). The late medieval college was poorly managed and only decisively completed in the early 16th century under the auspices of Cardinal Woolsey and with the input of leading royal craftsman. Post Dissolution the college was briefly a secular college and school and then demolished for its stone. The floor plan of the former college is not known but has been hypothesised by Prof. John Blair (1978). The wider Frewin Hall plot was subsequently used for cannon casting (another reference suggests that it was the location of the main Royalist field hospital) during the Civil War The area of the proposed development is shown as garden or orchard on the available 16th and later maps of the town.
- 10.59. The 2018 field evaluation has demonstrated that features interpreted by the earlier radar survey (rectilinear structure and possible graves) were not in-fact significant but instead spreads of later material. However a large east-west stone foundation was identified that corresponds with the line of the former college cloister (as suggested by John Blair in 1978). This lies outside the proposed basement footprint and is to be preserved in-situ. The remainder of the trenches demonstrated the presence of thick garden soil deposits sealing a dense array of late medieval and post-medieval rubbish and quarry pits as one would expect for such a location. One likely late Saxon pit was found along with a deeper late medieval pit (not bottomed) containing organic deposits, along with a number of exposures of brick earth/loam and natural gravel. These rubbish pits and quarry pits are of interest because 1) they form part of a wider urban assemblage of discarded waste (bone, pottery, organic waste etc.) that can provide information about the life ways and economy of the town and 2) because of the likely association of this waste with the Norman manorial site, St Mary's College and later use of Frewin Hall by Brasenose College.
- 10.60. The Saxon and medieval pits identified in the evaluation trenching, whilst themselves not individually exceptional, form part of a larger and diminishing asset formed by the defined plots and tenements of the Saxon and later medieval town. This wider asset can be identified as of great interest in the field



of Late Saxon and medieval studies and the cumulative impact of basement construction on these assets should be noted. In this instance the level of harm to this asset base can be assessed as less than substantial harm to a non-designated heritage asset (the tenement archaeology of the historic plot associated with Frewin Hall) or a low level of less than substantial harm to the wider asset type (back of tenement waste pits and ditches) which can be assessed as nationally significant at a city wide scale (although not scheduled).

10.61. Frewin Hall is 16<sup>th</sup> century and later structure (with 19<sup>th</sup> century re-building) with some fabric suggestive of a possible 13<sup>th</sup> century component (or re-use from this date). It is built over a Norman vault that has been identified as “as one of the oldest domestic buildings remaining in England” (Blair 1978). The eastern perimeter wall of the southern garden is also of interest as it forms part of the post-medieval precinct boundary and the extent of previous rebuilds and repairs remains unclear. The works to dismantle and rebuild the previously reconstructed gateway on the New Inn Hall frontage would also warrant targeted observation to monitor works adjacent to known medieval fabric.

10.62. To avoid harm to avoid potential harm to archaeological deposits, officers recommend the inclusion of conditions requiring the archaeological excavation of the new basement footprint and related impacts in accordance with the submitted Written Scheme of Investigation, in addition to historic building recording. The historic building recording would relate to a) Frewin Hall b) the eastern garden precinct wall and c) the rebuilding of the St Mary’s College gateway on New Inn Hall Street 3) further archaeological recording in the phase 2 area.

## **Amenity**

### Future Occupiers

10.63. Policy H8 of the Oxford Local Plan requires the provision of internal communal amenity spaces within new developments of student accommodation

10.64. The new accommodation would be served by a kitchen/café/social space at lower ground floor level. This would be the only substantial area of social space within the new accommodation. Some concerns were expressed at pre-application stage, including by the design review panel in relation to the quality of this space, in particular the amount of natural light serving this space. In order to address these concerns the plans include a large lightwell which would provide natural light into this basement area. It should be noted that all occupiers of the existing and future accommodation would also have access to the new areas of social space which would be created within the remodelled ground floor of Frewin Hall. Across the site it is considered that future and existing occupiers of the student accommodation on the site would be served by adequate standards of social space.

10.65. It should be noted that in terms of room sizes the Nationally Applied Minimum Space Standards applied to regular residential dwellings are not applied to student living spaces, nevertheless it would still be expected that future occupiers benefit from adequate privacy and daylight standards, as outlined in

Policy H14 of the Oxford Local Plan. The proposed rooms would not be significantly overlooked by any existing accommodation or adjacent uses, therefore occupiers would benefit from an acceptable standard of privacy. In terms of natural light, the applicants have provided a daylight assessment in order to demonstrate the building's performance in accordance with BREEAM standards.

10.66. The assessment indicates acceptable levels for each of the proposed rooms within the new accommodation. Light levels to the lower ground floor rooms have been enhanced through the addition of a cut away sunken sub-basement space adjacent to the rooms. The daylight assessment also demonstrates that the majority of the social spaces at ground floor level would benefit from acceptable standards of daylight. In summary, officers consider that the living accommodation for the new student residences would be acceptable in amenity terms.

10.67. The site is served by existing communal external amenity space in the form of landscaped garden spaces between the existing student accommodation fronting New Inn Hall Street and Frewin Hall to the north of the location of the proposed new accommodation building. The amenity space associated with the existing student accommodation also includes the southernmost garden area, some of which would partially developed to provide the new student accommodation proposed within this application.

10.68. To partially compensate for the loss of this area of space, a new central courtyard space with external seating would be provided within the new development of student flats. The wider landscape strategy for the site aims to improve the quality of the existing external areas including the area to the rear of the existing accommodation fronting New Inn Hall Street. The proposals also involve the re-landscaping of the 'back terrace' rose garden which at present exists as a planted area rather than a functional outdoor space. The re-landscaping of this area would create a new area of outdoor amenity space for students on the site. The re-landscaping of the front quad to the south of Frewin Hall would also create a new area of external space, which at present is not useable as this comprises an area of hardstanding, used principally for parking and vehicles to turn.

10.69. Overall officers consider that the wider amenity and landscaping improvements across the site compensate for the loss of the south garden quad as an area of outdoor amenity space and across the site there is a sufficient standard of external amenity space for existing students as well as the additional 30 students, which would be living on site.

#### Existing Occupiers/adjacent land uses

10.70. The area to the north of the site consists of a service yard for the adjacent Clarendon Shopping Centre. On the side of the service yard are a range of windows serving upper floor office space which would not be affected by the proposed development given the relative separation distance between the east facing rear of the student accommodation and these upper floor windows (Over

14 metres). A blank side wall which forms part of the Clarendon Centre extends up to the edge of the site.

- 10.71. The majority of the surrounding buildings are owned by Brasenose College and have upper floors in use as student accommodation. This includes the John Wesley buildings (Nos. 28 and 26 New Inn Hall Street) to the east of the site. The east elevation of the two storey element of the new building would attach to the side of these buildings. It should be noted that there are no side facing windows on the east facing elevation of John Wesley Buildings which would be obstructed by the proposed development.
- 10.72. The proposed building would attach to the rear of 18 Shoe Lane at first and second floor level. No.18 Shoe Lane is a three storey building which has student accommodation at first floor level, which is occupied by Students of Brasenose College. There is also a residential dwelling (non-student) at second floor level. There are existing windows in the north facing elevation of No.18 Shoe Lane facing the garden area of Frewin Hall and the site of the proposed building. This includes three smaller windows at first floor level as well as a larger window, as well as five windows set into the mansard roof of the building.
- 10.73. A void would be retained between the four storey element of the accommodation building and No.18 Shoe Lane. The ridge height of the first floor of the building would sit below two of the high level first floor windows serving living spaces in the adjacent student flats. This would ensure that the windows can be retained. There are several windows serving the living room area in the first floor student accommodation at Shoe Lane and the existing windows are north facing, overall the amenity of this living space would not be adversely affected. A stairwell serving the proposed flats would be sited adjacent to a first floor high level window serving a bedroom in the student accommodation. This room does not currently benefit from a high level of natural light and outlook given that it is served by a single high level, north facing window. Nevertheless there would be a need to re-site this window. No.18 Shoe Lane is owned by Brasenose College and the site plan and red line plan covering this site has been amended to include No.18. The applicants are proposing to move the first floor window to align with an adjacent lightwell, which would ensure that a window can be provided to serve this bedroom, which would be required by condition to ensure that the amenity of this room is preserved.
- 10.74. The ridge of the proposed building would sit below the mansard roof of No.18 Shoe Lane. Consequently the development would not result in a loss of light to the windows at second floor level serving the adjacent residential flat at No.18 Shoe Lane. Notwithstanding the close relationship with the proposed accommodation building, owing to the angle of the second floor windows and height differential between the existing and proposed building, officers consider that the scale of the building would not have an oppressive or overbearing impact upon the amenity of the occupiers of the upper floor flats.
- 10.75. Taking the above matters into consideration officers conclude that the proposed development would not impact detrimentally on the residential amenity of existing occupiers and the development would comply with the requirements of Policy H14 of the Oxford Local Plan.

10.76. The applicant has submitted a noise assessment report, which concludes that the noise risk associated with the site is between negligible and low risk. The installation of plant equipment may be required in order for the development to comply with the requirements outlined in the supporting Energy Statement. No detailed design or specifications have been provided for plant or service installations. A condition will be needed requiring the submission of designs and a specification for any plant equipment in order to ensure compliance with Policy RE8 of the Oxford Local Plan and to ensure an acceptable standard of amenity for future occupiers.

## **Transport**

10.77. The site is located in the City Centre and is in a highly sustainable location in terms of proximity to existing services and facilities, as well as public transport links. The accommodation would also be within 500 metres distance of Brasenose College.

10.78. With the exception of disabled and operational parking, it would be expected that student developments are otherwise car free in accordance with Policies M3 and H8 of the Oxford Local Plan. The proposed development would be car free and therefore complies with the aforementioned policies. There are currently three parking spaces on the site which are used for servicing which would be retained, though the total number of parking spaces would be roughly reduced from nine spaces as the informal parking area to the front of Frewin Hall would be landscaped. A reduction in parking would be in line with Policy M3 of the Oxford Local Plan.

10.79. A Student Traffic Management Plan has been submitted which outlines arrangements for drop off and collection procedures at the end of term so as to mitigate the impact of the development of the surrounding road network. The County Council Highways Team have reviewed this and have considered the Management Plan to be acceptable.

10.80. The applicant has stated that there are currently 112 cycle spaces on site. 23 cycle parking spaces are proposed for the new accommodation, this would bring the total number of spaces to 135 which would be in line with the required standards. The details of cycle parking, including the location and specification of the cycle parking would be secured by condition.

10.81. Enhancements are proposed to the pedestrian access to the site, through the creation of a new access point to New Inn Hall Street to serve the new student rooms. This would be beneficial as existing pedestrian access is limited to a single access gate from St Michaels Street.

10.82. In summary it is considered that the proposed development would be acceptable in terms of access arrangements and the development would not have an adverse impact on the surrounding highways network. The development would comply with the Policies M1, M2 and M3 of the Oxford Local Plan and Paragraphs 108 and 110 of the NPPF.

## **Trees**

- 10.83. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.
- 10.84. The proposals would involve the removal of 7 existing trees of various species from within the site; most significantly a mature horse chestnut tree (T1) from near to the western boundary of the gardens, which is partially visible to the public between and above buildings from a short section of New Inn Hall Street and from the Shoe Lane entrance to the Clarendon centre. The trees scheduled for removal are low quality and value trees and the impact on public amenity in the area can be adequately mitigated by the intended new tree planting as shown on the Landscape Masterplan.
- 10.85. Tree T2 is a prominent category B Horse Chestnut Tree, this would be retained. Minor pruning work would be required with selected reduction of upper lateral branches. Officers are satisfied that the works to construct the new building, housing student accommodation would not damage the future integrity of tree T2.
- 10.86. 18 new trees of various species are to be planted as part of a phased upgrading of the various garden spaces, which should improve quality and enjoyment of the gardens, enhance the setting of the various buildings, and ensure that Tree Canopy Cover is maintained within the site over time.
- 10.87. The development would be subject to the implementation of an acceptable landscaping scheme, which would be secured by condition. Officers consider that the development would therefore comply with Policy G7 of the Oxford Local Plan.

### **Sustainability**

- 10.88. Policy RE1 of the Oxford Local Plan requires that an Energy Statement shall be prepared for all new residential developments, including for student accommodation. Policy RE1 of the Oxford Local Plan requires 40% reduction in carbon emissions from a 2013 building regulations compliant base case. This reduction should be secured through on-site renewable energy and other low carbon technologies.
- 10.89. An energy statement has been provided, which outlines that the development would include the following sustainability measures to achieve a reduction in carbon emissions:
- Solar water heating.
  - Advanced solid wall insulation.
  - Centralised ground source heat pump system.
  - Efficient lighting design.
- 10.90. The submitted Energy Statement was prepared prior to the adoption of the new local plan and suggests that the overall carbon emission reductions

calculated on the basis of the Energy Statement would be equivalent to 32.9%, which would be short of the 40% requirement outlined under Policy RE1 of the Oxford Local Plan. The applicant's energy consultants have stated that the strategy outlined within the submitted Energy Statement is capable of comfortably achieving the 40% requirement carbon reduction outlined under Policy RE1. In order to demonstrate this objectively, officers recommend a condition requiring the submission of an updated Energy Statement.

### **Drainage and Flood Risk**

10.91. The development would be located within Flood Zone 1 and is therefore identified as being at low risk of flooding. A Flood Risk and Drainage Strategy has been prepared for the site, the scope of which has been extended to provide drainage information for the building and the surrounding landscape (i.e. the whole site) identifying all parcels of the site and providing explanation and calculations for the surface water disposal of each. The work has also been extended to provide an outline design for the surface water disposal. The County Council have reviewed the Flood Risk and Drainage Strategy and have raised no objection to the development. The development is therefore considered to comply with the requirements of Policies RE3 and RE4 of the Oxford Local Plan.

### **Ecology**

10.92. Policy G2 of the Oxford Local Plan states that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.93. The application is accompanied by an ecology report which observes that the development would not have any direct or indirect adverse impact on protected species. The ecological potential of the site is limited by virtue of its urban nature.

10.94. It is indicated that bats may use features associated with the roof of Frewin Hall as roosting sites, though the overall potential for use is indicated as low and the alterations to create the proposed new entrance canopy at ground floor level is considered highly unlikely to have impacts on any bats using these features to roost.

10.95. The Council's Ecology Officer has indicated that they are satisfied that the accompanying ecology report gives due regard to the presence of protected species. The development would be subject to a condition requiring the addition of measures to enhance biodiversity on site.

### **Health Impacts**

10.96. Under the provisions of Policy RE5 of the Oxford Local Plan major development proposals, the Council will require a Health Impact Assessment to be submitted. The applicants have prepared a rapid HIA. Whilst the development would be classed as a major development, this is a smaller scale development which would be unlikely to have significant implications in terms of health

outcomes. The conclusion that can be drawn from the submitted HIA is that the development would not have any notably adverse impacts in terms of health outcomes and overall impact on public health would be neutral to positive. The opportunity is taken to incorporate measures which promote positive health outcomes for public health including the promotion of active travel, the building would also incorporate high standards of sustainability in the design of the building and would provide a positive contribution towards meeting local housing need. Any negative impacts, which in terms of health outcomes would be short term and mainly limited to short term construction impacts which may be appropriately addressed.

## **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 it 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 the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposed development would provide an additional 30 student rooms for Brasenose College, which would go some way to addressing an identified shortfall in the college's need for purpose built postgraduate student accommodation. The accommodation would be located in the City Centre on a site with an established long term use for student accommodation, which would represent an acceptable location in line with the Policy H8 of the Oxford Local Plan. The accommodation would be in a sustainable location in terms of access to public transport and existing services and facilities and would be car free, in line with the requirements of Policies H8 and M3 of the Oxford Local Plan.
- 11.4. The proposals involve relatively large scale development in the immediate setting of the Grade II\* listed Frewin Hall, as well as alterations to the listed building itself. Additionally the development would fall within the setting of 22-24 New Inn Hall Street (John Wesley Cottages) and 32 New Inn Hall Street which are Grade II listed buildings. The site lies within Oxford's central conservation area.
- 11.5. The garden space where the proposed student accommodation building would be sited contributes positively to the setting of the Grade II\* listed Frewin Hall and the central conservation area. The proposed building would result in the loss of the garden space and the existing tree cover on the site. The building

would be of a high design standard, though it would also be of substantial scale and volume, which would compete visually with Frewin Hall and the siting of the building would have an undeniably transformative impact on the setting of Frewin Hall which would constitute less than substantial harm to the setting of Frewin Hall. To a lesser extent the siting of the building would also result in less than substantial harm to the setting of the adjacent John Wesley Cottages and similarly there would be a low level of less than substantial harm arising from proposed curtilage works including the removal and replacement of curtilage listed walls and the archway to New Inn Hall Street.

11.6. The internal and external works to Frewin Hall proposed within this planning application and the linked listed building consent application (19/02602/LBC) are considered to be beneficial and would enhance the significance of the listed building. A legal agreement will be necessary to secure these works within a reasonable timeframe. A draft of heads of terms has been agreed to secure this programme of works.

11.7. The public benefits of the scheme include securing a series of beneficial works which will enhance the significance of Frewin Hall as proposed within this planning application and the linked listed building consent application. Furthermore there would be benefits arising from the provision of an additional 30 student rooms, which would in accordance with the government's housing delivery test release up to 12 units back into the local housing market. This is a small, but nonetheless valued contribution towards local housing need. In accordance with Paragraph 196 of the NPPF, when weighing up the less than substantial harm against the public benefits of the proposed development, officers consider that the harm would be outweighed.

11.8. The building would provide acceptable standards of amenity for future occupiers and the scale and siting of the development has been designed to limit the overall impact on existing occupiers. This includes the existing first floor student flats at No.18 Shoe Lane and the second floor residential dwelling also within this building which is under the ownership of Brasenose College. As this adjacent building falls under the ownership of the college it will be feasible to relocate the first floor window serving the north facing bedroom in the student accommodation at No.18 Shoe Lane. Overall it is considered that the development retains an acceptable standard of amenity for existing and future occupiers in line with Policies H8 and H14 of the Oxford Local Plan.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to a legal agreement to secure comprehensive works are carried out to the Grade II\* listed Frewin Hall and to the conditions in section 12 of this report.

## **12. CONDITIONS**

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

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



2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans subject to conditions 3, 4, 5, 21, 28 and 29.

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 all exterior materials proposed to be used, including but not limited to, structural framing, timber panelling, other framing elements, window and door frames, glass blocks, stone and hard surfacing, shall be made available for inspection on site and approved in writing by the Local Planning Authority prior to the commencement of above ground works and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

4. Sample panels of stonework demonstrating the colour, texture, face bond, mortar and pointing for the new walls shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The approved sample panels shall be constructed with a lime mortar mix, shall represent the minimum standard and any pointing shall at least match the standard of the sample, to the satisfaction of the Local Planning Authority. The development shall be completed in accordance with the approved sample panel which shall remain on site for the duration of the development works. The existing stone from the John Wesley Cottages boundary wall shall be carefully cleaned off, stored safely and re-used in the reconstruction of the wall.

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

5. The following details of the new student accommodation building, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development / before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:
  - a) Large scale drawn details, including vertical and horizontal sections, of typical 'bays' showing structural frame, framing, timber panels and windows
  - b) Large scale drawn details of roofs, eaves and fascias
  - c) Large scale drawn details and samples of the filigree panels
  - d) Large scale drawn details of external spiral staircase
  - e) Large scale drawn details of solar panels including elevations showing them in situ on the building

Reason: In the interests of visual amenity in accordance with policy DH1 of the Oxford Local Plan.

6. Prior to the commencement of above ground works, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife, including green roofs and nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes and a minimum of two dedicated swift boxes. The approved measures shall be implemented before 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 G2 of the Oxford Local Plan.

7. 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 3.4 - pages 24-25 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved measures.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Policy RE7 of the Oxford Local Plan.

8. 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 to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved measures.

Phase 1 (incorporating 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) 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.

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 RE9 of the Oxford Local Plan.

9. 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 RE9 of the Oxford Local Plan.

10. Any contamination that is found during the course of construction of the approved development that was not previously identified 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 RE9 of the Oxford Local Plan.

11. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The approved CTMP shall be adhered to during the construction phase of development. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;

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

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.

12. Prior to commencement of development, a landscape phasing plan shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, detailed landscape plans shall be submitted to, and approved in writing by, the Local Planning Authority prior to the relevant phase of development. The plans shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

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

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

14. Prior to commencement of the relevant phase of development 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 and shall be implemented as agreed. 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.

Reason: To avoid damage to the roots of retained trees in accordance with policy G7 of the Oxford Local Plan.

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

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

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

Reason: To protect retained trees during construction in accordance with Policy G7 of the Oxford Local Plan.

17. Prior to first occupation a Student Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Travel Information Pack shall be distributed to all new occupiers upon first occupation of the development.

Reason: To promote sustainable modes of transport in line with policy M1 of the Oxford Local Plan.

18. Before the development permitted is first occupied details of the cycle parking areas for 23 cycles, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan.

19. 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 H8 of the Oxford Local Plan.

20. 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 in writing by the local planning authority; and the study bedrooms shall only be let on tenancies

which include that clause or any alternative approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies H8 and M3 of the Oxford Local Plan.

21. Prior to the commencement of development an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall confirm that the development achieves at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies. The approved measures shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

22. A Noise Assessment shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works. The assessment shall follow the methodology set out in BS 4142: 2014 to predict the likely noise impact at all noise sensitive receptors. The assessment shall demonstrate that the proposed development would not cause any significant adverse noise impacts and all reasonable steps have been taken in its design and operation to achieve a rating level  $L_{Ar,Tr}$  at least 10 dB below the existing background sound level  $L_{A90,T}$  at any dwelling. The development shall be carried out in accordance with the approved measures.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with policy RE8 of the Oxford Local Plan.

23. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;

- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The approved drainage scheme shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development.

24. For land that is included within the submitted Archaeological Written Scheme of Investigation (WSI) by Oxford Archaeology (dated March 2020) no development shall take place other than in accordance with the agreed WSI, this includes:

- A programme and methodology of site investigation, recording, public outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
- A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in accordance with Policies DH3 and DH4 of the Oxford Local Plan.

25. Before the relevant works are undertaken on the eastern perimeter garden stone wall, western perimeter garden stone wall, and western New Inn Hall Street gateway, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Scope of recording: The archaeological investigation should consist of an intermittent watching brief and Level 2 photographic recording of the eastern and western perimeter walls and western gateway during dismantling works (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local

Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

26. Before the relevant works are undertaken on Frewin Hall, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Scope of recording: The archaeological investigation should consist of a detailed watching brief and a Level 4 historic building recording survey of Frewin Hall (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

27. No development in the Phase 2 area (as defined within the submitted Design and Access Statement) shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation, recording, public outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Late Saxon, medieval and post-medieval remains, in accordance with Policies DH3 and DH4 of the Oxford Local Plan.

28. The first floor window serving the north facing bedroom within the first floor student flat at No.18 Shoe Lane shall be relocated before the commencement



of above ground building operations. The window shall be positioned in accordance with the details shown on approved drawings. 162/P/006 and 162/SK/020.

Reason: To preserve the amenity of existing occupiers of the adjacent student accommodation in accordance with Policies H14 and RE7 of the Oxford Local Plan.

29. The following details regarding the dismantling and reconstruction of the western boundary archway shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only:

- a) Recording of the archway in accordance with the requirements of condition 3 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the archway, storage of the stone, and reconstruction of the archway on a like-for-like basis,
- c) Samples of new stone required to make up any shortfall following the dismantling works, and
- d) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled archway shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the archway.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works and to ensure a sympathetic appearance for the new work in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

30. The following details regarding the dismantling and reconstruction of the eastern boundary wall shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only:

- a) Recording of the wall in accordance with the requirements of condition 3 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the wall, storage of the stone, and reconstruction of the wall on a like-for-like basis,
- c) Drawings showing elevations and sections of the reconstructed wall in the context of the proposed new building,
- d) Samples of new stone required to make up any shortfall following the dismantling works, and
- e) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled wall shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the wall.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works and to ensure a sympathetic appearance for the new work in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

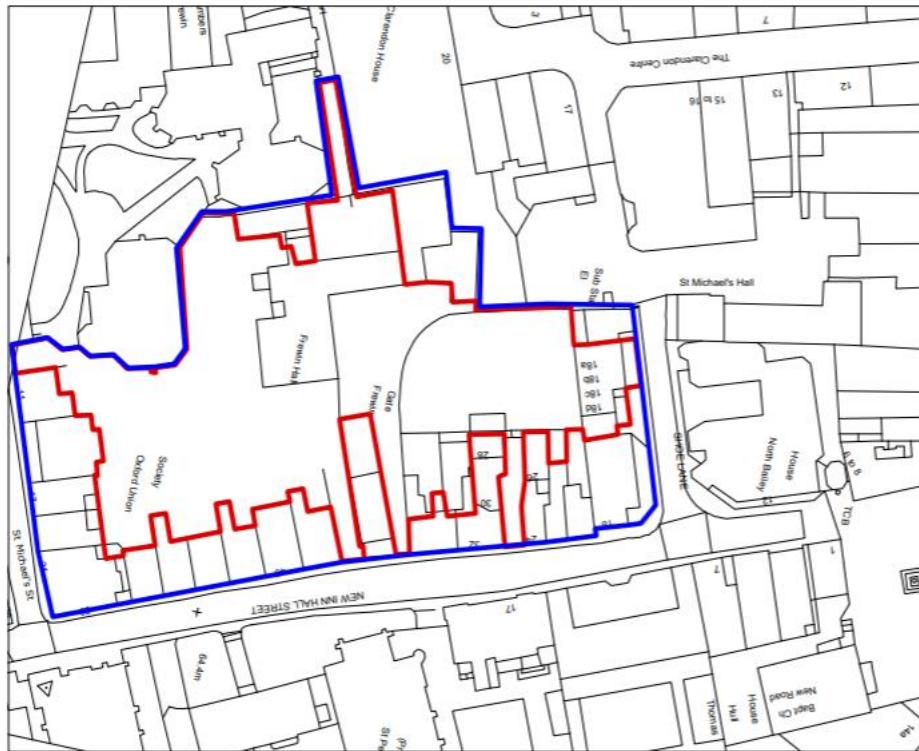
### **14. HUMAN RIGHTS ACT 1998**

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.

# Appendix 1 – Location Plan (19/02601/FUL) Frewin Hall, New Inn Hall Street



Location Plan  
1:1250



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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	19/02602/LBC		
<b>Decision due by</b>	12th February 2020		
<b>Extension of time</b>	18 <sup>th</sup> December 2020		
<b>Proposal</b>	Internal and external works to Frewin Hall including investigations to inform refurbishment works, reconfiguration of floorplan, new entrance lobby extension. Demolition of boundary walls, music room, lean-to and shed. Dismantling and reconstruction of entrance archway on New Inn Hall Street and east boundary stone wall. (Amended description).		
<b>Site address</b>	Frewin Quad, New Inn Hall Street, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Amy Ridding		
<b>Agent:</b>	Chris Pattison	<b>Applicant:</b>	The Kings Hall and College of Brasenose
<b>Reason at Committee</b>	The application is associated with 19/02601/FUL which is a major development.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to this report and subject to the required listed building conditions set out in section 12 of this report and grant listed building consent.

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;
- 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 listed building consent) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the listed building consent.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers refurbishment and alteration works to Frewin Hall, a grade II\* listed building sited within the Central Conservation Area and surrounded by a number of other grade II\* and grade II listed buildings. Frewin Hall is of very high heritage significance, comprising a 12<sup>th</sup> century vaulted basement with a 17<sup>th</sup> century house above, with 18<sup>th</sup> and 19<sup>th</sup> century remodelling works and upper floor extensions. A three-storey late-20<sup>th</sup> century extension adjoins the building to the south. The building is surrounded by curtilage listed boundary walls and gateways. Originally a domestic building, Frewin Hall and the surrounding Frewin Annex site are today occupied by Brasenose College and used primarily for student accommodation and associated facilities.
- 2.2. The proposed scheme involves both internal and external alterations to Frewin Hall including the reversal of unsympathetic late-20<sup>th</sup> century additions, improvements to its floorplan, the reinstatement of a former entrance door, and the return of the principal ground floor rooms from student rooms to communal uses more appropriate with their status. The works to Frewin Hall are largely positive and would enhance the architectural and historic significance of the building resulting in heritage benefits. A programme of historic building recording, investigation works and further design details would be required by condition to ensure the significance of the building is appropriately documented and understood to ensure the detailed design of the works are fully informed. The design development of a number of associated works which would be informed by the programme of investigation works, would require agreement under subsequent listed building consent applications.
- 2.3. The resulting shortfall of student bedrooms would be addressed by a new student accommodation building proposed in the garden area to the south of Frewin Hall, currently being considered under the linked planning application 19/02601/FUL. To facilitate the construction of the new student accommodation building, it is proposed to dismantle and reconstruct the boundary stone wall on the eastern perimeter of the site and the entrance gateway fronting onto New Inn Hall Street. The existing stone wall to the rear of No.32-34 New Inn Hall Street would be reconstructed on a slightly different alignment.
- 2.4. The proposed works to the boundary walls and gateway are justified by the need to facilitate the construction of the new student accommodation, and the limited harm to heritage significance that would be caused by the works would

be outweighed by the public benefits of the provision of on-site student accommodation and the improvement works to Frewin Hall.

### **3. LEGAL AGREEMENT**

3.1. This application would be the subject of a legal agreement. The legal agreement is needed in order to ensure that the programme of improvement works to the Grade II\* listed Frewin Hall are carried out within an acceptable timeframe and to ensure that the principal public benefits of the scheme are fully realised. Under the associated planning application (19/02601/FUL) the proposed works to Frewin Hall have been assessed as constituting public benefits that would outweigh the harm caused by the new student accommodation building to the designated heritage assets. The improvement works to Frewin Hall would consist of the following measures:

- Restoration of the principal ground floor reception rooms within Frewin Hall back to a communal purpose;
- Sympathetic restoration of the building's exterior including the re-opening of its southern entrance;
- The reversal of other unsympathetic internal and external changes undertaken during the 20th Century
- The sensitive refurbishment of the Norman Undercroft, improving its use and appreciation within Frewin Hall;
- The delivery of new landscaping to improve the setting and accessibility of Frewin Hall.

3.2. The applicant's draft heads of terms outlines a timeframe for the commencement of works to Frewin Hall and the completion of the agreed works. Commencement of the works to Frewin Hall shall begin no later than four years after implementation of the planning permission for 19/02601/FUL. Completion of the agreed works to Frewin Hall shall be no later than two years after the commencement of the works to the listed building.

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

4.1. The proposal submitted under this listed building consent application is not liable for CIL.

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

5.1. The site is located within the core of Oxford city centre and the Central Conservation Area, situated behind the building ranges which front Shoe Lane to the south, New Inn Hall Street to the west, St Michael's Street to the north, and Cornmarket Street to the east. The grade II\* listed buildings of The Oxford Union lie to the north east of the site and the Clarendon Shopping Centre lies to the south east. The site, known as Frewin Quad, is owned by Brasenose

College and is currently in use as student accommodation with associated facilities. The wider site, known as the Frewin Annex, includes the buildings which front New Inn Hall Street and St Michael's Street, several of which are grade II listed (32-34 New Inn Hall Street (also known as John Wesley Cottages) and 11, 17-19 St Michael's Street) and contain student accommodation.

- 5.2. Frewin Hall is a grade II\* listed building and lies at the centre of the site. Historically used as a private residence, the building currently houses a number of student bedrooms. Frewin Hall is a large three storey building consisting of a 12<sup>th</sup> century vaulted basement, a 17<sup>th</sup> century house (ground floor western range), a 17<sup>th</sup> century southern range which was remodelled in the early-18<sup>th</sup> century, and late-19<sup>th</sup> century upper floor extensions and remodelling works by T.G. Jackson. A three storey late-20<sup>th</sup> century extension adjoins the southern range. Surrounding the site are a number of stone boundary walls which include the curtilage listed entrance archway on New Inn Hall Street (likely to date to c.1600), and the independently grade II listed stone wall along Shoe Lane.
- 5.3. Frewin Hall has high architectural, artistic and historic significance derived from the several phases of its development; principally the remaining part of the 12<sup>th</sup> century townhouse that once existed on the site which evidences the influence of Norman urban development, followed by the subsequent medieval collegiate development, which is now largely lost above ground and of archaeological importance, and the post-medieval domestic use. Many internal architectural features of exceptional craftsmanship and artistic value, namely from 17<sup>th</sup> century remain in the building.
- 5.4. To the south of Frewin Hall, directly in front of the front elevations, is a circular tarmaced forecourt, with a treed garden area beyond which extends to the rear elevation of the Shoe Lane building. This garden area, which retains its character as a former orchard, contains a number of mature trees, is bordered by a stone boundary wall to the east, the brick and stone curtilage walls of No's 20-34 New Inn Hall Street to the west, and contains several ancillary buildings including a small music room / summer house (c.1990s) and small timber shed. To the east of Frewin Hall is an enclosed entrance court, which is accessed through the arched entrance way via Frewin Court, the alley way from Cornmarket Street formerly known as Bodin's Lane. To the north of Frewin Hall and south of the Oxford Union Debating Chamber is a landscaped rose garden, and to the north west is a large grassed area open to the rears of the New Inn Hall Street buildings.
- 5.5. The main point of pedestrian access to the site is from a secure gated access on St Michaels Street to the north, adjacent to the Oxford Union debating chamber. The only point of vehicular access to the site is from New Inn Hall Street, through a gated access via the grade II listed stone entrance archway. Parking on the site is limited to three spaces within a rear surfaced courtyard located behind the 20<sup>th</sup> century extension to Frewin Hall and is available only for staff and service vehicles. There is a further pedestrian access to Frewin Hall from Cornmarket Street to the east, via Frewin Court, though this access is not typically in use for safety and security reasons.



z ← 5.6. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes refurbishment works and alterations to Frewin Hall including the reversal of a number of unsympathetic late 20<sup>th</sup> century additions and alterations, the reconfiguration of the floorplan involving the removal and repositioning of stud partitions, the recreation of the former ground floor chimney breast, and the re-opening of blocked doorways. The proposed external works include an extension to the lobby entrance on the north elevation, the re-opening of the former entrance door on the west elevation of the south range, and the remodelling of the vehicular entrance on the west elevation of the southern extension.
- 6.2. These works are in association with the proposal to return the principal ground rooms from student bedrooms to more communal uses (seating areas and study spaces). The resulting shortfall of student bedrooms is addressed by the proposed new student accommodation building currently being considered under the associated planning application 19/02601/FUL.
- 6.3. In association with the proposed new student accommodation block, it is proposed to dismantle and reconstruct the boundary stone wall on the eastern perimeter of the site and the entrance archway fronting onto New Inn Hall Street. The existing stone wall to the rear of No.32-34 New Inn Hall Street would be reconstructed on a slightly different alignment, the brick wall forming

the rear boundary of No's 22-30 New Inn Hall Street would be demolished, and the music room building, timber shed and small lean-to would also be demolished.

## 7. RELEVANT PLANNING HISTORY

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

19/02601/FUL - Demolition of existing music practice rooms, stone wall and garden store; refurbishment of Grade II\* Listed Building and associated works and landscaping; and the erection of building with basement, landscape and associated works, to provide additional 26 additional bed spaces and social/study spaces for a C2 residential institution. (Amended Plans). Pending Consideration.

96/01165/L - Listed Building consent for blocking up existing openings on south elevation, ground floor. 1 new door at ground floor, east elevation (amendment to 92/01070/L). Approved 25th October 1996.

96/00639/NFH - Erection of 3/4 storey building to provide 22 study bedrooms, 7 parking spaces and cycle stands (amendment to 92/1071/NFH). Approved 3rd September 1996

96/00560/NFH - External alterations comprising entrance porch and new window in existing opening located in single storey east wing. Approved 7th June 1996.

96/00527/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option Two - with extended site area) for Frewin Hall, accessed from St. Michael's Street). Approved 4th July 1996.

96/00525/NFH - Construction of a dwarf wall, railings and gates with single storey gate house (Option One) for Frewin Hall, accessed from St. Michael's Street. Approved 4th July 1996.

92/01074/NFH - Erection of three storey infill building containing 6 study bedrooms with shared facilities on each floor. Pedestrian access from Frewin Hall garden and realignment of existing garden boundary wall to Oxford Union - Site E (Amended Plans). Refused 7th December 1993.

92/01072/NFH - Building on 4 levels incl. basement & roof space (adjoining Oxford Union Debating Hall) to provide 18 beds with shared facilities. Landscaping incl. removal of steps & replacement with ramp, paving, planting & HH 44 cycle stands. (Site D). Refused 14th April 1993.

92/01071/NFH - Extension to Frewin Hall to provide 3 part 4 storey building comprising 22 study bedrooms with shared facilities and 7 car parking spaces under building, using existing access from New Inn Hall Street via archway - site B (Amended Plans). Approved 7th June 1994.

92/01070/L - Listed Building consent for alterations and extensions to Frewin Hall

to provide part three and part four storey building comprising 22 study bedrooms - site B (Amended Plans). Approved 7th June 1994.

90/00142/NFH - Single storey building to form 2 No. music rooms. Approved 5th April 1990.

83/00804/L - Listed Building consent for part demolition of Listed boundary wall and its extension at right angles to provide a new boundary wall to Frewin Hall garden. Refused 2nd December 1983.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	7	DH1 High quality design & placemaking
Conservation/ Heritage	12	DH3 Designated heritage assets

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd December 2019 and an advertisement was published in The Oxford Times newspaper on 9th January 2020.

### Statutory and non-statutory consultees

#### Historic England

- 9.2. 'The grade II\* listed Frewin Hall is a highly significant building principally because it is one of the few remaining fragments of a 12<sup>th</sup> century townhouse to survive in this country. The site as a whole is fascinating archaeologically, as it tells the story of the lost St Mary's College, while 17<sup>th</sup> century interiors on the ground floor are of great interest. Finally T. G. Jackson's work in transforming the exterior into a handsome house is also important.
- 9.3. The proposals for the house itself are wholly positive. They allow the 17<sup>th</sup> century spaces to be experienced by more people, reinstate a lost central chimney stack and avoid damage to historic fabric of significance.
- 9.4. The proposed new quad would change the character of this space dramatically but in our view this could be a positive development. While the Frewin Hall was a private house with a large garden in the 19<sup>th</sup> century its current context is now a College campus. Unsympathetic and high modern development has compromised the appearance of the garden and in our view

it now makes a very limited contribution to the significance of the grade II\* listed building as all it does is perpetuate a memory of a relatively short phase in the history of the building which is of limited interest rather than contributing to an appreciation of its architectural qualities. We therefore assess the harm entailed by the development of this site as very low. A new development which can relate positively to the Frewin Hall would be in our view justified as preferable to the status quo and we consider the current proposals to be of the high quality necessary to occupy this space. We therefore consider that the requirements of paragraphs 192 and 194 of the NPPF would be met if the council resolved to grant listed building consent and planning permission.'

#### National Amenity Societies

- 9.5. No representations received.

#### Natural England

- 9.6. No objection.

### **Public representations**

#### Oxfordshire Architectural and Historic Society

- 9.7. A detailed response has been received from OAHS, the key points within the response are summarised below:
- 9.8. We support the aim of the college to reinstate Frewin Hall as befits its grade II\* listing. This is a very important building in terms of its long history and some remarkable survivals from the 12<sup>th</sup> and 16<sup>th</sup> centuries. However, we are concerned about the paucity of in-depth information on, and analysis of, the building.
- 9.9. We are disappointed in the quality of the supporting information. There is no statement of need to justify some of the proposed interventions into the historic fabric, nor is that fabric fully understood in parts of the application.
- 9.10. We are disappointed that the written scheme of investigation is silent on the effects of the proposals on the sub-vault. Indeed, the D&A is quite short on detail for these proposals.
- 9.11. In relation to the new-build proposals, we note that the rubble stone eastern boundary wall of the southern garden is to be dismantled. This is a historic boundary line, present in all historic maps submitted in the application. We do not think that this wall should be dismantled unless absolutely unavoidable. Important evidence can be lost in such a process. Recording is not a justification for harm to or loss of significance (NPPF 199) but, at the very least, there should be an archaeological condition placed on this part of the works, and reinstatement should place stones back in their previous situation, so as not to lose historical evidence. More elements may come to light as the college strips back, and there may be tricky questions surrounding the impact of those 20<sup>th</sup>-century interventions on the historic fabric, for instance the structural support changes that must have been made when the stack was

removed. So, it would be advisable for the college to be braced for that possibility, both in terms of awareness and contingency funds.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Impact on the special architectural and historic interest and the setting of the grade II\* listed building.

### **Impact on the listed building**

10.2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

10.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and National Trust*, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).

10.4. In relation to the historic environment the NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para 184).

10.5. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194).

10.6. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 196).

10.7. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding

positively to the significance character and distinctiveness of the heritage asset and locality. Policy DH3 echoes the requirements of paragraphs 193 and 194 of the NPPF, requiring great weight to be given to the conservation of designated heritage assets and to their settings where it contributes to significance, and for less the substantial harm to be weighed against public benefits with clear and extensive justification for the harm demonstrated.

- 10.8. The NPPF requires that local authorities seek high quality design. It suggests that opportunities should be taken through the design of new developments to improve the character and quality of an area and the way it functions. Policy DH1 of the Oxford Local Plan specifies that permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

*Internal works*

- 10.9. The proposal to change the use of the principal ground floor rooms in the western range from student bedrooms to more communal uses (study rooms and seating areas) involving the reinstatement of the former chimney stack, fire place and doorway, and the removal of the existing modern partitions (including cupboard and sink units) would return this part of the building to a layout which more closely reflects the original 17<sup>th</sup> century floorplan, enhancing the significance of the rooms, and enabling the exceptional architectural features of these spaces to be experienced by a wider number of people.
- 10.10. Elsewhere within the southern and eastern ranges the extent of the works would amount to the removal of existing late 20<sup>th</sup> century partitions, fittings and fixtures (stairwell fire screens, bathroom units) and the reconfiguration of the room layouts to better relate to the original floorplans and bay arrangements, and enable the provision of en suites to the student rooms on the first floor. Whilst the proposed changes would not reinstate the original (17<sup>th</sup> and 19<sup>th</sup> century) floorplans entirely, they would result in the removal of a large amount of the most unsympathetic late-20<sup>th</sup> century alterations, better relate to the original layouts, resulting in an overall enhancement to the building's significance and not cause harm to its special architectural and historic interest.
- 10.11. The Norman sub-vault, although altered in the 20<sup>th</sup> century, remains highly significant and can be counted among the earliest standing domestic buildings in the country. Currently an underused space, the scheme proposes the sub-vault to be used as a more functional library study space for the college. Other than a programme of investigation works, no physical alterations to the space are proposed within the sub-vault as part of this submission.
- 10.12. The investigation works will be undertaken throughout the building to ensure the structure and fabric are fully understood. Due to the complexity of the building as a result of its various phases of development and significance, these investigation works are essential to inform the detailed design of the new works proposed as part of this application, as well as a series of associated works (such as the installation of new and upgraded mechanical

and electrical services including new heating systems, alterations to doors and windows, changes to floor, wall and ceiling finishes, and structural alterations) for which separate listed building consent will be required. This phased approach will ensure the proposed alterations are fully informed by a thorough understanding of the building's fabric and significance.

#### *External works*

- 10.13. The proposed restoration and reinstatement of the entrance doorway in the west elevation of the southern range would enhance the architectural significance of the listed building and be a heritage benefit.
- 10.14. The reconfiguration of the ground floor façade openings in the west elevation of the 1996 Frewin extension are considered positive and beneficial by removing the visual emphasis away from the vehicular entrance which would detract less from the west elevation of the southern range.
- 10.15. The new glazed lobby extension to the north elevation would cause a low level of less than substantial harm by reason of its flat roof form which extends beyond the 19<sup>th</sup> century lean-to extension. The harm is considered to be justified and mitigated by the improvements that would be made to this entrance and the accessibility of the building. The use of structural glass, and natural stone for the new side wall and floor, which together with the existing external walls remaining exposed within the space, is considered an appropriately sympathetic treatment which would result in a visually lightweight lobby.
- 10.16. Overall the proposed internal and external works to Frewin Hall would better reveal and enhance the heritage significance of the building, whilst ensuring it can function as student accommodation and meet the modern day needs of the college. Subject to conditions requiring a programme of investigation works, further design details of the internal alterations, new entrance door and lobby extension, to ensure the works are of an appropriate high quality and sympathetic to the character and appearance of the building, the works would not cause harm to its architectural or historic significance.

#### *Works to curtilage listed structures*

- 10.17. The arched gateway and walls fronting New Inn Hall Street and forming the western boundary of the site are remains of the former St Mary's College (15<sup>th</sup>-16<sup>th</sup> century), with the top of the gateway likely contemporary with the erection of Frewin Hall c.1600. As is evidenced by the photographs and specifications included in the Heritage Statement of Significance, substantial work including the reconstruction of a significant extent of the gateway was carried out in the 1970s. Subject to conditions requiring the structure to be fully recorded prior to dismantling and further details of the reconstruction works provided in the form of a construction method statement and on-site samples, the works would cause limited harm to the significance of this structure.
- 10.18. Evidence suggests that the eastern boundary wall was reconstructed during the 20<sup>th</sup> century, likely as part of the 1970s development which occupies the

southern end of the plot fronting Shoe Lane. The proposal to dismantle and reconstruct this section of wall would therefore cause limited harm to its significance subject to its recording prior to dismantling and appropriate reconstruction, which will be secured by condition.

- 10.19. The proposal to rebuild the northern section of stone wall which forms the rear east boundary of the John Wesley Cottages, further to the east would reinstate the stone wall on a former boundary line and therefore not cause harm to the significance of this wall or lessen its contribution to the setting of the listed building.
- 10.20. The need for the dismantling and reconstruction of these walls to facilitate the construction of the new student accommodation is considered clear and convincing justification for the works. The harm caused to the heritage significance of these structures and their contribution to the significance of Frewin Hall would be limited and outweighed by the public benefits associated with the new student accommodation building and the improvement works to Frewin Hall; see report for 19/02601/FUL.
- 10.21. The brick walls forming the rear eastern boundaries of the John Wesley Cottages (22-30 New Inn Hall Street) date to the late-19<sup>th</sup> century. The loss of these walls would cause a low level of less than substantial harm to the significance and setting of these listed buildings. This need for the removal of these walls is considered justified by the need for the student accommodation, mitigated by the retention of the boundary line albeit with new construction, and outweighed by the benefits associated with the new development; see report for 19/02601/FUL.
- 10.22. The existing music room building, timber shed and small lean-to which adjoin the eastern face of the John Wesley Cottages rear boundary walls date to the late-20<sup>th</sup> century, and although the music room is a building of some quality, the structures comprise no heritage significance and therefore their demolition would not result in harm to the settings and significance of the associated listed buildings.

## **11. CONCLUSION**

- 11.1. Great weight and importance has been given to the desirability of preserving this grade II\* listed building as a designated heritage asset. The proposed works to Frewin Hall would enhance its heritage significance and not cause harm to its special architectural and historic interest. The low level of less than substantial harm that would be caused to the significance of the curtilage listed structures is justified and outweighed by the public benefits associated with the new student accommodation building and the improvement works to Frewin Hall. These public benefits would outweigh the less than substantial harm caused and subject to conditions, the scheme would comply with sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF and policy DH3 of the Oxford Local Plan 2036.



- 11.2. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject to the conditions in section 12 of this report.

## 12. CONDITIONS

- 1 The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 2 Before the relevant works are undertaken on the eastern perimeter garden stone wall, western perimeter garden wall, and western New Inn Hall Street gateway, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Scope of recording: The archaeological investigation should consist of an intermittent watching brief and Level 2 photographic recording of the eastern and western perimeter walls and western gateway during dismantling works (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 3 Before the relevant works are undertaken on Frewin Hall, the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological work including Historic Building Recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Scope of recording: The archaeological investigation should consist of a detailed watching brief and a Level 4 historic building recording survey of Frewin Hall (in accordance with the Historic England guidance 2016 Understanding Historic Buildings). The recording work should be undertaken

by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 4 Prior to the commencement of works to Frewin Hall, a detailed methodology and schedule of the proposed investigation works into the existing building fabric shall be submitted to and approved in writing by the Local Planning Authority. The investigation works shall be carried out prior to construction works commencing and in accordance with the approved details only.

Reason: To inform the detailed design of the proposed scheme, in the interest of the special architectural and historic interest of the building in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 5 All existing internal features, such as wall paintings, plaster work, floorboards, ironwork, fireplaces, doors, windows, staircase balustrading and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified to the contrary in the approved drawings. Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction of the Local Planning Authority. The Local Planning Authority shall be notified in writing of their discovery and details of their preservation shall be submitted to, and approved in writing by, the Local Planning Authority before any relevant works take place.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 6 Notwithstanding the hereby approved plans, the new basement to ground floor stair in the southern range as shown on drawing no. 162/FH/GA/001 rev.A, and the widening of the external basement stair on the west elevation of the western range as shown on drawing no. 162/FH/ELE/001 shall not be implemented.

Reason: In the absence of sufficient detailed information it is not demonstrated that the special architectural and historic interest of the building would not be harmed by these elements in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 7 The hereby approved new partitions shall be of a reversible construction, with minimal fixings into the existing fabric and scribed to fit around the existing skirtings, cornices and timber framing which shall be retained in situ unless expressly specified to the contrary in the approved drawings.

Reason: To protect the special interest of the building in accordance with

policy DH3 of the Adopted Oxford Local Plan 2036.

- 8 The following details of the alterations to the ground floor drawing room (RM-G4), shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are carried out and the works shall be carried out in accordance with the approved details only:
- a) Large scale drawn details of the proposed alterations to and opening up of the fireplace,
  - b) Large scale drawn details showing the existing timber frame discovered as a result of the investigation and recording works in relation to the reinstatement of the doorway, and
  - c) Large scale drawn details showing the proposed works to reinstate the doorway in the west wall.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policies CP1 and HE3 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 9 The following details of the new lobby extension on the north elevation, shall be made available for inspection on site where relevant and submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:
- a) Material samples, including the structural glass, stone, framing, roof and flooring,
  - b) Sample panel of the stonework demonstrating the face bond, pointing, and colour, texture and type of mortar,
  - c) Large scale drawn details showing the new entrance doors,
  - d) Large scale drawn details showing the eaves, fascia, and means of rain and surface water drainage, and
  - e) Large scale drawn details showing the junctions of the new roof with the surrounding walls and the existing lobby roof.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 10 The following details of the reinstated entrance door on the west elevation, shall be made available for inspection on site where relevant and submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:
- a) Material samples of the new stone,
  - b) Large scale drawn details showing the proposed restoration works of the stone surround, and
  - c) Large scale drawn joinery and finish details of the proposed new door.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 11 The following details of the reconfigured vehicular entrance on the west elevation, shall be made available for inspection on site where relevant and submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only:

- a) Material samples of stone and timber,
- b) Large scale drawn details showing the proposed reconfiguration to the design of the vehicular entrance and rusticated stone surround, and
- c) Large scale drawn joinery and finish details of the proposed new vehicular entrance doors,

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 12 The following details regarding the dismantling and reconstruction of the western boundary archway shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out in accordance with the approved details only:

- a) Recording of the archway in accordance with the requirements of condition 2 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the archway, storage of the stone, and reconstruction of the archway on a like-for-like basis,
- c) Samples of new stone required to make up any shortfall following the dismantling works, and
- d) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled archway shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the archway.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works and to ensure a sympathetic appearance for the new work in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

- 13 The following details regarding the dismantling and reconstruction of the eastern boundary wall shall be submitted to and made available for inspection on site where relevant and approved in writing by the Local Planning Authority before the relevant works are commenced and the works shall be carried out

in accordance with the approved details only:

- a) Recording of the wall in accordance with the requirements of condition 2 (historic building recording),
- b) Construction method statement and schedule of works for the dismantling of the wall, storage of the stone, and reconstruction of the wall on a like-for-like basis,
- c) Drawings showing elevations and sections of the reconstructed wall in the context of the proposed new building,
- d) Samples of new stone required to make up any shortfall following the dismantling works, and
- e) Sample panel of the new stonework demonstrating the face bond, pointing, and colour, texture and type of mortar.

The stone from the dismantled wall shall be carefully cleaned off and set aside under cover for re-use in the reconstruction of the wall.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works and to ensure a sympathetic appearance for the new work in the interest of the special character of the listed building, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

#### INFORMATIVES :-

- 1 The consented works extend to those detailed on the approved plans list and do not include all of those detailed in the documents titled 'Schedule of proposed work by room' by Lee Fitzgerald Architects and 'Data Sheets' by Asset Heritage. Listed building consent will be required for the other works specified in these documents but not shown on the plans, the design development of which will need to be informed by the findings of the approved investigation works (details of which are required by condition). These works include the installation of new mechanical and electrical services including new heating systems, alterations to doors and windows, changes to floor, wall and ceiling finishes, and structural alterations.
- 2 Any damage caused to the building as a result of the works hereby approved shall be made good to match the existing original work in respect of materials used, detailed execution and finished appearance.
- 3 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their

agents to adopt a similarly proactive approach in pursuit of sustainable development.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

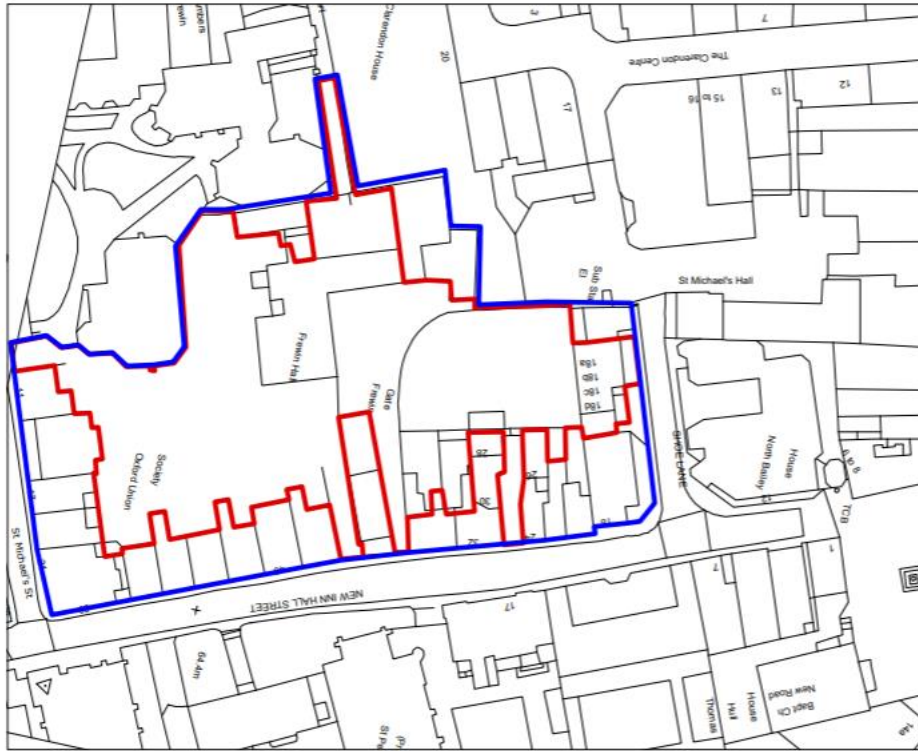
### **14. HUMAN RIGHTS ACT 1998**

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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

# Appendix 1 – Location Plan (19/02602/LBC) Frewin Hall, New Inn Hall Street



Location Plan  
1:1250



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## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> December 2020

<b>Application number:</b>	19/02306/FUL		
<b>Decision due by</b>	5th December 2019		
<b>Extension of time</b>	18 <sup>th</sup> December 2020		
<b>Proposal</b>	Redevelopment of the former Conservative Club building at Castle Hill House comprising demolition of existing building and erection of a new building providing 54 student study rooms, along with internal and external amenity space, landscaping improvements including the reconfiguration of the Fellows' Car Park. (Amended plans)		
<b>Site address</b>	Castle Hill House, 9 New Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Carfax Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Simon Sharp	<b>Applicant:</b>	St Peter's College
<b>Reason at Committee</b>	The proposals are major development		

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## 1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

1.1.1. Delegate authority to the Head of Planning Services to **approve the application** for the reasons given in the report. Approval would be subject to the required planning conditions set out in section 12 of this report and subject to the approval of a final drainage strategy from the Local Lead Flood Authority.

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.
- Agree the provision of a final drainage strategy in consultation with relevant consultees.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed demolition of Castle Hill House and a replacement development consisting of two buildings of three and four storeys providing a total of 54 student study rooms and ancillary facilities. The proposals also include a rationalisation of the existing parking area accessed from New Road and various landscaping works across the site, including the formation of a new access to Bulwarks Lane to the north east linking the site with the main part of the St Peters College campus.
- 2.2. The principle of providing additional student accommodation on this site is considered to be acceptable. St Peters College have provided a needs assessment, which identifies that there is an existing deficit in existing student accommodation in particular for undergraduate students of the college. The provision of 54 student rooms on the site would go some way to addressing this deficit. In turn the provision of purpose built student housing on this site has the potential to release a total of 21 dwellings back into the local housing market, when applying the government's housing delivery test. The site is located within the City Centre and forms part of the St Peters College campus and in locational terms is considered an appropriate location for the provision of student housing in line with Policy H2 of the Oxford Local Plan.
- 2.3. The proposals include a net reduction in parking across the site from 17 to 8 spaces. The proposed student accommodation would be car free, with the exception of 2 disabled parking spaces. A single parking space would be retained for the master's residence at Canal House, which already benefits from parking. The remaining bays would be used for pick up and drop off operational purposes at the start and end of term time and for the parking of maintenance and service vehicles. The car free nature of the student housing, alongside the reduction in overall parking on the site is considered to be justified in line with Policies H8 and M3 of the Oxford Local Plan.
- 2.4. The site is in a very sensitive setting in heritage terms. The site occupies a prominent position in the Central Conservation Area. Castle Hill House itself would be classed as a local heritage asset, albeit that the condition of the building has diminished. The site contains the Grade II\* listed Canal House and lies within the setting of several other designated heritage assets including the Grade I listed Oxford Castle and Motte.
- 2.5. The development would result in the loss of Castle Hill House, which when assessed in line with the requirements of Paragraph 197 of the NPPF and Policy DH5 of the Oxford Local Plan would constitute less than substantial harm. The addition of two, three and four storey buildings would have a transformative effect on the setting of the Central Conservation Area and the setting of a number of listed heritage assets in particular the adjacent Grade II\* listed Canal House by virtue of the scale and siting of the new buildings. Notwithstanding this, the new buildings are considered to be well-designed and provide an improved relationship with the adjacent public realm, particularly along Bulwarks Lane, where there would be notable improvements to accessibility and the overall environment which would discourage anti-social behaviour and encourage footfall.

- 2.6. Notably the proposals would result in the loss of an important identified view of the castle motte from Bulwarks Lane. The loss of this view would result in low to moderate less than substantial harm to the significance of this heritage asset, though this would be mitigated at least in part through the provision of a new view, which has some additional benefits compared with the existing view particularly given the lower height of the opening, which makes the replacement view more inclusive.
- 2.7. Taken in the realm, the overall level of harm to designated heritage assets arising from the development is considered to be less than substantial and must, in line with paragraph 196 of the NPPF be assessed in relation to the public benefits of the development, having given great weight to the conservation of the designated heritage assets in accordance with paragraph 193 of the NPPF. In this instance the public benefits include the provision of additional student accommodation and the subsequent release of housing back into the local housing market. The proposals represent a positive and efficient re-use of a prominent brownfield site to provide a well-designed development, which would improve the relationship between the site and the adjacent public realm, particularly along Bulwarks Lane. Overall it is considered that the public benefits of the development outweigh the identified level of less than substantial harm to the Central Conservation Area and affected heritage assets.
- 2.8. For the reasons outlined within this report, officers consider that the development is acceptable and recommend that planning approval is granted subject to the agreement of a final drainage strategy with officers and the County Council.

### **3. LEGAL AGREEMENT**

- 3.1. This application would not be subject of a legal agreement.

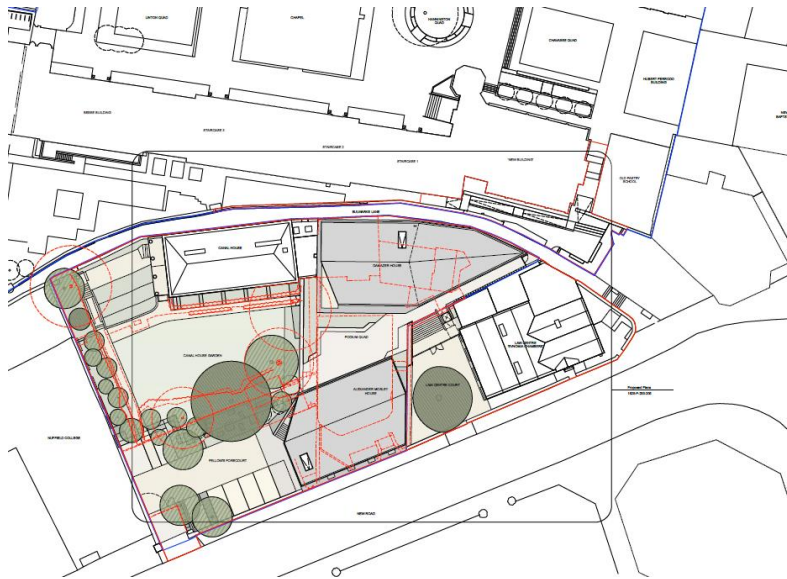
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal would be liable for a CIL contribution of £211,013.41

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

- 5.1. The site is 1.1 hectares in size and is located within the City Centre to the North of New Road. The site is located within the Central Oxford Conservation Area.
- 5.2. The site is under the ownership of St Peters College and consists of a range of existing buildings, surfaced parking and landscaped space. The site includes the Canal House, a three storey 19<sup>th</sup> Century Grade II\* listed stone building. The Canal House is used as a private residence for the master of the college, there is a landscaped area of garden space associated with this property which surrounds the building. The garden area includes a number of mature trees. The south west section of the site includes an area of surfaced car parking which is used by staff and as residential parking for the masters lodgings and is accessed through a gate from New Road. There is a high stone wall which forms the boundary of the site facing New Road.

- 5.3. Castle Hill House is located in the north west part of the site. The building is a three storey 19<sup>th</sup> Century white rendered former domestic dwelling. The frontage of the building faces New Road, whilst the rear elevation backs on to Bulwarks Lane to the north of the site. Castle Hill House was last used as a Conservative Club for social functions and as a drinking establishment. The original Castle Hill House has been the subject of a large, unsympathetic late 20<sup>th</sup> century extension to the south elevation of the building, for the purpose of providing club facilities, bars and social spaces associated with the former use of the building. The Conservative Association vacated the building in 2017 and the building has since been vacant.
- 5.4. St Peters College is located to the north and north east of the site on the opposite side of Bulwarks Lane, which is an historic lane and public right of way enclosed by high stone boundary walls. The majority of the range of buildings on the St Peters College site are Grade II listed. Nuffield College is located to the west and south west of the site. This includes a range of Grade II listed buildings which are principally two storey, though the range also includes the Nuffield College tower and spire. A surfaced area of car parking associated with Nuffield College is located adjacent to the western boundary of the application site.
- 5.5. To the South West of the site is the Grade I listed Castle Mound, which is a Scheduled Ancient Monument and adjacent to this is the Grade II listed former Oxford prison site. Opposite the site is the Grade II\* listed County Hall, which is a three storey stone building. This building is set behind a tarmac area of parking and bus shelters. The Grade II\* listed structure attaches to a five storey 1960's concrete building used by Oxfordshire County Council.
- 5.6. The Grade II listed, two storey Law Centre is located to the south east corner of the site and forms a corner plot with Bulwarks Lane and New Road. This is owned by St Peters College and is a two storey 19<sup>th</sup> Century stone building featuring prominent front facing gables.
- 5.7. There are a number of mature trees on the site, these include three large trees to the south of the Canal House in the garden area. There is a large mature tree located in the existing hard surfaced area between the Law Centre and former Conservative Club. There are also a number of trees along the boundary with Nuffield College, to the west of the raised section of the Canal House garden.
- 5.8. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of Castle Hill House, including the original 19<sup>th</sup> Century structure and single storey 20<sup>th</sup> Century front extension. A pair of three and four storey buildings are proposed. The proposed buildings would provide a total of 54 student study rooms and ancillary facilities, including cooking and social spaces. The upper floors of the buildings would sit above a lower basement podium space which provides internal connectivity between the two buildings as well as housing common room space, bin and bike stores and Fellows rooms. A new means of pedestrian access would be provided into the site from Bulwarks Lane, thereby providing a direct means of access into the main area of St Peters College on the opposite side of the lane.
- 6.2. The buildings would adjoin the east elevation of the Canal House, though no further alterations are proposed to the Grade II\* listed building. As the proposals would abut the wall of the Canal House, there is a linked application for listed building consent (19/02307/LBC).
- 6.3. The proposals include the addition of a new opening in the wall along Bulwarks Lane in a position to the west of the Canal House. The intention is to open up views of St Georges Tower and the Castle Mound, replacing an existing view to the north east of Castle Hill House, which would be lost, owing to the proposed siting of the new four storey building. This would include the addition of a privacy screen on the opposite side of the wall as a means of mitigating potential overlooking of the Canal House, which is used as a private dwelling by the master of the college.
- 6.4. The proposals include landscaping alterations across the site, including the formation of a new podium quad area between the two proposed buildings. The proposed car parking area in the south west corner of the site would be re-landscaped. This would include the removal of the existing garage and a reduction in the number of parking bays from 17 to 8 spaces, additional soft landscaping and a resurfacing of this space is proposed, alongside a new

entrance gate. The existing stone boundary wall along New Road would be retained. The solid wooden door would be removed and replaced with a new metal gate which would offer views through towards the Canal House from New Road.

6.5. This application has been subject of a number of amendments to the site layout and elevational treatment since the submission in September 2019. Most notably the amended design incorporates changes to the elevational treatment, massing and design details of the proposed buildings. The amended plans also include a revised design approach relating to the opening in the wall fronting Bulwarks Lane following additional consultation with the Council’s Heritage Officer and Archaeologist as well as Historic England. The number of student rooms on the site has also marginally increased from 52 to 54 rooms.

## 7. RELEVANT PLANNING HISTORY

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

19/02224/CAT - Works to various trees in the Central Conservation Area – No objection Raised - 12th September 2019.
19/02307/LBC - Alterations to east wall of Canal House including demolition of adjoining building and construction of new building abutting up to east wall of Canal House. Pending Consideration

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036
Design	117-123, 124-132	DH1
Conservation/ Heritage	184-202	DH2 DH3 DH4 DH5
Housing	59-76	H8 H14 H15 H16
Natural environment	91-101	G1 G2 G7
Social and community	91-101	V7
Transport	117-123	M1 M2

		M3 M4 M5
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 RE2 RE3 RE6 RE7 RE8 RE9
<b>Miscellaneous</b>	7-12	S1

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 24th September 2019 and an advertisement was published in The Oxford Times newspaper on 26th September 2019.
- 9.2. The application was re-advertised following the receipt of amended plans. Site notices were displayed around the site on 23<sup>rd</sup> September 2020 and an advertisement was published in The Oxford Times newspaper on 26th September 2020.

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

#### Oxfordshire County Council

- 9.3. No Highways objections are raised in relation to the amended plans.
- 9.4. Impact in relation to pick up and drop off at the start of term time will be limited to a short time period which is considered acceptable. The drop-off/pick-up process for students will need to be formalised through a Student Accommodation management Plan which has been conditioned.
- 9.5. The fellows car park is being reconfigured which will result in a reduction of car parking bays from 17 to 8, these measure 2.5m x 5m which is in line with county council standards and accepted. The Transport Statement states that 2 of the student rooms will be accessible units and that the car parking for these units will now be within the car park provided following previous comments made. This is welcomed and now considered acceptable.
- 9.6. The Transport Statement states that 54 cycle spaces will be provided within a secure cycle store on the ground floor. This is in line with the required level and is deemed beneficial to the development and users.
- 9.7. A Construction Traffic Management Plan will be required. A Travel Plan will be required by condition prior to first occupation of the units alongside a Travel Information Pack which will be distributed to students at the point of occupation.
- 9.8. An initial objection was raised by the County Council's drainage team in relation to the drainage details provided including agreements with Thames Water, details of the testing of the drainage system and consideration of additional SUDs measures.

## Historic England

- 9.9. Historic England has no objection to the applications on heritage grounds. An excerpt of their comments is supplied below:
- 9.10. In our last letter of the 6<sup>th</sup> March 2020 we concluded that further design development was needed to create a building that sits comfortably in this sensitive site. In response to this the design has been reviewed. The roofline has been altered with the addition of a pitched roof and making the upper floor into a mansard which reduces the apparent mass of the building and makes the front building sit more easily with both Canal House and the Law Centre. The elevational treatment has also changed, and now more presents a more open, and less defensive, aspect to New Road.
- 9.11. Contemporary design in a historic area like this is often controversial and opinions on the quality of the architecture will vary. In our view the issues raised in our previous letters have been addressed and the result is now a careful and considered response to the challenges of the site, though cannot be judged a positive improvement to the character of the conservation area.
- 9.12. The existing view of the scheduled Oxford Castle motte is illustrated and described here. This view will be lost as a result of the new development. While it is a kinetic view, it can only be seen by taller people, and it includes unsightly elements of existing buildings.
- 9.13. Proposals are then set out for a new view through a designed gap in wall of Bulwarks lane. The new view is not truly kinetic, but it would be available to more people and accompanied by appropriate interpretation. There is no perfect answer to retaining a view of the mound for the new development but we advise the proposal is a reasonable compromise, and that it justifies the loss of a small amount of historic fabric from the wall of Bulwarks Lane.
- 9.14. For the new view to be successful it will be important to secure regular cleaning and maintenance of the opening, including the interpretation panel. Such maintenance and cleaning should be a condition if planning consent is granted. A screen would be installed to create privacy for the garden behind the Bulwarks Lane wall. We suggest that the screen as seen by viewers from Bulwarks Lane should have an appropriate heritage design which enhances the viewer experience in relation to the castle mound.
- 9.15. The proposals would involve the loss of an early 19<sup>th</sup> century building which has been greatly altered and is of limited heritage value but nonetheless is of some significance. We have always accepted the loss of this building provided it allowed the redevelopment of the site in a way that benefited the character of the conservation area. A kinetic view of the castle will also be lost, albeit replaced with a different view.
- 9.16. Therefore the proposals, while greatly improved do not in our view result in an improvement to this character and thus there is an element of harm to its significance, though this has been minimised as far as is reasonably possible. We accept that there is a justification for that harm, as required by paragraph 194 of the National Planning Policy Framework, as the College's requirements



cannot be met on this site without replacing the 19<sup>th</sup> century building or losing the existing view. It is for the Council to weigh this harm against the public benefits of the proposal in accordance with paragraph 196 of the Framework.

#### Oxford Preservation Trust

9.17. OPT has reviewed the recent amendments to the scheme and considers that the changes are more about improving the relationship between the new buildings and the existing Canal House and the overlooking of its garden, which is a private space within the confinements of the site. They do not seek to address the need for improvements to the relationship between the development and the public domain.

9.18. The new 'viewpoint' opening through the Bulwarks Lane wall and the idea that this creates a 'window' onto Bulwarks Lane is a fundamental flaw of the development, regardless of the wider scheme. The view of the Castle Mound from Bulwarks Lane is not just a fleeting glimpse and cannot be seen to compensate for the loss of the 'original' views from Bulwarks Lane. Currently the whole of the Mound is visible and easily seen from Bulwarks Lane, and this visual connection between the lane and the castle is important in reinforcing the original layout of the castle precinct. These recent amendments continue to overlook this relationship and are under analysed by the Applicant, as indicated by the provision of a 'replacement' view from a narrow opening in the wall at near the edge of the site.

9.19. This is an important piece of town and should not be lost to private/college use. This is an historic view frequently enjoyed by those exploring the remarkable interest of Bulwarks Lane, and it demands more than a restricted opportunity to peek at a view which needs to allow a proper and prolonged chance if anyone is to understand the complex and varied subject. It needs to be accessible to more than one person at a time, and to those of restricted height. OPT therefore strongly disagrees with the conclusions of the Heritage Report (August 2020) recently submitted as part of the application, that the opening of the wall provides appropriate compensation for the loss of an existing view.

#### Thames Water Utilities Limited

9.20. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

#### Natural England

9.21. No comments

#### Environment Agency

9.22. No comments

#### Royal Society for the Protection of Birds (RSPB)

- 9.23. The Protected Species Survey report conducted as part of this development application recommends that swift bricks are incorporated into the new buildings of this development; stating that “the installation of six swift bricks...would provide a significant enhancement for the species within the site”.
- 9.24. Moreover, during field work as part of the ongoing RSPB swift survey, evidence has been found of swifts nesting during the 2019 breeding season in buildings in an adjoining street to the location of the proposed development site. Incorporating swift bricks into the new development would provide valuable new opportunities for the species to nest and thrive in an area where they are already present in small numbers and would help to enhance the biodiversity of the local area. Designing for and installing swift bricks into the fabric of the buildings during the construction phase and alterations is easy, inexpensive, and will last the life-time of the building.

### Thames Valley Police

- 9.25. Robust physical security should be provided to protect the occupants as well as the development as a whole which is addressed through the Silver Award Secured by Design.
- 9.26. Access controls should be present on the perimeter of the site grounds on the access gates and within the building itself preventing unauthorised access into private areas. It should not be assumed that a student accessing the study areas should have access to the residential areas of the development unless resident there. Fob activated access controls should be provided to enable robust and timely management. A security and access control strategy should be submitted.
- 9.27. Secure mail boxes for each dwelling should be provided, ideally within the secure lobby area and without the need for postal workers to enter private areas of the development.

### **Public representations**

- 9.28. Oxfordshire Architectural and Historical Society (OAHS) commented on both the original design and revised planning application. In relation to the most recent plans OAHS advice is summarised as follows:
- As a non-designated heritage asset, Castle Hill House requires special consideration under the NPPF, para. 197. The scale of harm and loss to the significance of this heritage asset will be total: it will be demolished and not enhanced or preserved in any way.
  - Concerns were expressed regarding the loss of the views towards the Castle and Motte from Bulwarks Lane.
  - Notwithstanding the recent changes to the proposed roof line and wall detailing, the proposed buildings remain large in scale and massing. The building fronting New Road in particular will overshadow and dominate the street, views along it and the other listed buildings in the area. It has none of the interesting architectural features and variety that the Nuffield College buildings, the Gothic law centre, Canal House, the Court House or the Castle buildings all have.

- Concerned about such large expanses of unsympathetic synthetic material being used in this area: concrete cladding, highly visible boxed-out zinc roofs with large square boxed windows.
- The development would result in harm to the setting and significance of numerous listed buildings.
- There are concerns about the proposed treatment of several historic boundary walls surrounding and running through the site. This includes the plans to remove historic rubble stone walls both (a) to make a wider opening into the rest of St Peter's College to the east, and (b) to make a 'new' view of the mound to the west.
- The loss of internal walls is regrettable - particularly the internal rubble stone wall to the west of the modern Conservative Club addition. We note that the splayed entrance onto New Road is to be demolished and replaced with 'feature brickwork'. This gateway has reveals with shaped quoins and, on the western reveal, what appears to be a small blocked aperture. It should not be demolished. We reiterate that the dressed stone/keyed doorway entrance further west along the wall with its wooden door should also be retained.
- The wall bounding the Grade II listed Law Centre seems contemporary with the listed building (visible on the 1878-80 map: Oxford Archaeology fig.18) and so is part of its curtilage. It would, therefore, require listed building consent for its demolition under ss.1 (5) and 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This has not been sought.

9.29. One letter of objection has been received in relation to originally submitted plans for this planning application from the occupier of No.12 The Towpath, Hythe Bridge Street. In summary, the main comments raised were in respect of Castle Hill House, including the history of construction, date of construction and historic ownership.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Loss of Community Facility
- Affordable Housing
- Impact on Heritage Assets
- Design
- Neighbouring amenity
- Transport
- Trees
- Drainage
- Ecology
- Air Quality

## Principle of development

- 10.2. Policy H8 of the Oxford Local Plan is permissive in principle of the provision of student accommodation on or adjacent to existing University college campuses or academic sites in the city centre.
- 10.3. The site is located within the city centre and would also be adjacent to an existing College and academic site, as St Peters College is immediately adjacent to the north of the site. The site would therefore be an acceptable location for new student accommodation, in line with Policy H8 of the Oxford Local Plan.
- 10.4. Policy H8 of the Oxford Local Plan states that student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. This restriction does not apply outside the semester of term-time, provided that during term-time the development is occupied only by university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whilst providing permanent university student accommodation when needed. Officers consequently recommend the addition of a condition restricting the occupation of the proposed development in order to ensure that the accommodation is used for the purposes described within this application and to ensure compliance with Policy H8 of the Oxford Local Plan.
- 10.5. In order to justify the requirement for the additional accommodation proposed, the applicants have provided a Statement of Need as part of the revised Planning Statement dated August 2020. The stated analysis indicates that St Peters College has a shortfall of 155 rooms to accommodate their undergraduate and postgraduate students. The greatest demand stated is for undergraduate students, where there is a shortfall of 109 rooms, with a requirement for 46 postgraduate rooms. It is proposed that the accommodation would be provided solely for undergraduate students. The table below, copied from the applicants statement of need (Appendix 1 of the Planning Statement) provides a summary of the accommodation requirements of the college:

Accommodation Shortfall	Number of Students	Number of Rooms Required	Number of Rooms	Shortfall
Undergraduates	363	334	225	109
Postgraduates	192	120	74	46
Visiting Students	25	25	25	0
Total	580	479	324	155

- 10.6. Though there would still be a shortfall of 103 undergraduate rooms, the provision of 54 student rooms would make a significant contribution towards addressing the college's need for additional accommodation. Officers are satisfied that there is reasonable in-principle justification for the development accounting for this identified need.
- 10.7. 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 achieves in terms of releasing C3 housing back onto the open market. As the

average student household is calculated as being 2.5 persons per dwelling, it is calculated that for every 2.5 rooms created within purpose built accommodation, this would release a total of 1 additional dwelling back into the local housing market. A total of 54 student rooms are proposed within this application, the delivery of this accommodation would therefore equate to the release of 21 units back into the local housing market, which would represent a notable public benefit of the scheme.

### **Affordable Housing**

10.8. Policy H2 of the Oxford Local Plan states that new student accommodation developments comprising 25 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 circumstances where sites will be exempt from this requirement, which include where developments are proposed within an existing campus site.

10.9. Part of the site at Castle Hill House is currently used by St Peters College for use as master's lodgings and for other functions, whilst the remainder of the site is used as Car Parking. The Conservative Club were former tenants of Castle Hill House, which is under the ownership of the college. The site is also immediately adjacent to the main college St Peters College and Campus and student accommodation on the opposite side of Bulwarks Lane and the sites are functionally linked, albeit that Bulwarks Lane divides the two sites. The site also lies within a small cluster of buildings containing the master's lodgings and law centre.

10.10. Officers consider that the site would be considered part of the St Peters College Campus and the development would be exempt from an affordable housing requirement under Policy H2 of the Oxford Local Plan.

### **Loss of Community Use**

10.11. Castle Hill House, which occupies a section of the site and would be demolished was formerly used by the Conservative Association as a private members club, similar to a social club space. The space provided two principal functions as a general social and meeting space and as a drinking establishment. The club ceased operation in 2017 as declining membership meant that the continued operation of the facility was no longer viable and the building has been vacant since 2017.

10.12. Policy V7 of the Oxford 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.

10.13. 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.

- 10.14. The plans do not include proposals to re-provide a similar community facility or space on site or to replace the facility which would be lost elsewhere either directly or through a financial contribution.
- 10.15. The applicants within their planning statement have provided an assessment of existing facilities within the area which provide a similar function to the former Conservative Club. The loss of the club as a social space and drinking establishment would not in officers view disadvantage the local community, as there is a wide range of similar facilities in the area within walking distance of the site, including a range of pubs and bars which provide a similar function as a drinking establishment to the Conservative Club which formerly existed on the site. The applicants have provided an analysis of existing meeting spaces within the area which can be rented out. The analysis indicates that there are a number of spaces within the vicinity of the site which can be rented out by members of the public and therefore perform a similar meeting/social space function to the Conservative Club. It should also be noted that the former Conservative Club was a private members club, therefore ability to access the facility was dependent on paid membership, compared to other facilities in the area which are not subject of such restrictions.
- 10.16. Given the existence of a wide range of facilities and services in the area, it is considered that the loss of the existing community use on the site would not have an adverse impact on the local community contrary to Paragraph 92 of the NPPF and when considering the proposals in relation to Policy V7 of the Oxford Local Plan, officers consider that there would not be a foreseeable need to re-provide the community facility on the site. The development would not therefore conflict with Policy V7 of the Oxford Local Plan and Paragraph 92 of the NPPF.

## **Design and Heritage Matters**

### Heritage Impacts

- 10.17. The application site lies within a prominent position in the Central Conservation Area. The site also lies within the setting of several listed buildings and heritage assets. The development would be within the immediate setting of the Grade II\* listed Canal House, a 19<sup>th</sup> Century ashlar stone building. The principal elevation of the listed building faces New Road behind a private garden space. Views of the Canal House are particularly prominent from New Road to the west adjacent to the Castle Mound and from the mound itself and from the south from New Road and the Oxford Castle entrance.
- 10.18. The Oxford Castle and motte is a Grade I listed Scheduled Ancient Monument of national heritage significance and the proposed development would be in the close setting of this heritage asset. Castle Hill House and the site subject of the proposed development is highly prominent in views from the Castle mound. There is also an identified view towards St Georges Tower and the Castle Mound from Bulwarks Lane to the north east of the application site, visible above lower sections of the stone wall adjacent to the Canal House. These views would

be lost through the siting of the replacement building, this matter and the proposed means of mitigating the loss of the view is discussed in greater depth in the sections below.

- 10.19. Opposite the site to the south is the Grade II\* listed County Hall. The frontage of the listed 19<sup>th</sup> century part of the building faces New Road and the front of the site subject of redevelopment. To the south east of the site is the Grade II listed St Peters College Law Centre, which is a two storey stone building located on the corner of New Road and Bulwarks Lane. To the north of Castle Hill House is the Grade II listed Emily Morris Building, which is located in the main campus of St Peters College.
- 10.20. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).
- 10.21. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 10.22. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.23. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.24. It should be noted that paragraph 200 of the NPPF states that Local Authorities should look for opportunities for new development in Conservation Areas. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Paragraph 201 of the NPPF adds that not all elements of the Conservation Area will necessarily contribute to its significance, which is

applicable in the case of the application site given the nature of the existing buildings and general condition of the site.

- 10.25. Castle Hill House is a three storey 19<sup>th</sup> Century building originally constructed as a private house, though this has been used in the latter part of the 20<sup>th</sup> Century by the Oxford Conservative Association. The building is assessed to be of some architectural significance and could be defined as a building of some local historical significance, albeit that the building is not included on the Oxford Heritage Asset Register (OHAR).
- 10.26. Policy DH5 of the Oxford Local Plan requires that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals. This reflects the requirements outlined under Paragraph 197 of the NPPF.
- 10.27. The building is of some architectural significance having been built probably between 1840 and 1850 whilst this might have made a possible candidate for listing it does not survive in anything like an original condition and therefore would not reasonably be considered for such protection. The building may have association with Daniel Harris whose connections with Oxford Gaol and Castle provide some historical significance however the date of building would cast some doubt on this and it may be that he occupied or built the building that preceded the present Castle Hill House. It would seem that the present building was built before 1850 by a William Bartlett, who occupied it in 1851 and who was a master carpenter, hence the quality of surviving features such as the staircase.
- 10.28. The building has been substantially altered, some original interior features survive but insufficiently exceptional to warrant inclusion in the statutory list. The alterations include the large single storey extension to the south which was originally built in 1939 following purchase by the Conservative Club in 1923 and then added to and finally rebuilt in 1972.
- 10.29. The total removal of a local heritage asset would typically be classified as resulting in substantial harm when assessed under Paragraph 197 of the NPPF. Any harm to heritage assets must be accorded huge weight as determined by the judges in the Court of Appeal in the case of Barnwell Manor. Taking into account the above assessment of the building's condition, the low level of architectural and historic significance that can be attributed to the building tempers that level of overall harm and a condition requiring recording of those features that do survive will offer some mitigation for that loss.
- 10.30. The poor condition of the building and the ability to replace it with a more sustainable building that makes efficient use of the limited site area for building footprint and which is able to be built with a substantially greater floor area, in



part through increased building height provides some justification for the removal of the building.

- 10.31. The site lies within the historic bailey of Oxford Castle a scheduled ancient monument (the scheduling does not extend to the site). This is a Norman castle built over an earlier Saxon burh, evidence of which survives in street patterns and surviving defences. The C11 castle motte grade I listed standing over 20m high dominates the space in which the site lies providing an important focal point in views and offering the opportunity for views over the city and out to the surrounding hills from the top of it. Together with other surviving structures, most notably St George's Tower (grade I listed), which probably pre-dates the Norman castle and defines the southern edge of the bailey. All these elements make a significant contribution to the character of the place.
- 10.32. The connection between the site and the castle relates to the fact that the site lies within the castle bailey extending from the top of the bailey bank at its northern side and running down into the ditch that surrounded the castle mound. This relationship is evident in the topography of the site and its neighbours and also reinforced by the alignment of the lane, Bulwarks Lane that runs immediately to the north of the site which clearly defines the perimeter of the historic bailey.
- 10.33. Currently there is a relatively open view of the castle motte visible from Bulwarks Lane between Castle Hill House and the Law Centre, albeit that this view is somewhat compromised by the 20<sup>th</sup> century additions to Castle Hill House, which are visible in the foreground. The view is also only discernible to those of a certain height given the presence of a brick wall along this section of Bulwarks Lane. The current view from Bulwarks Lane, which would be blocked by this proposal however allows one to appreciate the significance of the castle motte because it provides a rare long view providing the last remaining visual link from the line of the bailey ditch and bank (captured in the line of the lane) towards the motte. This is the only location where this connection can be well appreciated (a less clear connection can be appreciated by the entrance of the lane on New Road to the south). The view from Bulwarks Lane towards the motte also allows one to appreciate the functional relationship between motte and the bailey and the scale of the overall defences.
- 10.34. The remaining medium and long views towards the Castle motte are extremely important to sustaining the significance of the asset. The current design will remove the view from Bulwark's Lane towards the motte. The current view from Bulwark's Lane is partial in that the height of the wall restricts the view to approximate average male height and above, although the viewing experience will vary depending on whether one stops and positions oneself in the lane. It is fair to say that for significant numbers of people the view will not be apparent as they walk past.
- 10.35. In order to mitigate the loss of this view, the applicants have proposed a new glass framed opening in the stone wall to the north west of the Canal House, which would provide a replacement public view. The proposed replacement view offers a static vista that has the advantage of allowing a clearer view of St George's Tower and a view of the motte in profile (with some obstruction from

roadside trees). The replacement view would allow wheel chair users (who would be able to access the lane via the college only), children and adults to experience the view. The applicant has submitted a rectified drawing and erected a viewing platform to confirm the view is viable. They have also agreed to a time limited privacy screen which once removed will open up additional context for the view. The privacy screen is discussed in further detail in the amenity section of this report.

- 10.36. The existing and replacement view are not a like for like replacement as there is less of a dynamic and kinetic element to the new view, however the replacement view does provide some mitigation, and thus lessens the level of harm from the loss of the existing partial view, by maintaining a visual link between the motte and the line of the bailey ditch and by providing greater access to a view.
- 10.37. Other factors to consider are that whilst both views would in theory be vulnerable to planting/tree growth in the medium or long term and would not be protected from this by current legislation, the proposed view would clearly be a designed view within a Conservation Area. Interpretation signage is also proposed next to the new view.
- 10.38. The proposed opening will involve a degree of harm to the fabric of the Bulwarks Lane wall which is likely to be 18<sup>th</sup> or 19<sup>th</sup> century in date (the inner face of the wall was constructed on ashlar blocks when Canal House was constructed in the 1820s and it is perhaps likely the wall was rebuilt at this time).
- 10.39. Taking into account the proposed mitigation (by creating a replacement view) it is considered that as a result of the loss of the existing view there would be less than substantial harm to the setting of the motte.
- 10.40. Additionally within the context of the site there are a number of significant buildings that contribute to the overall character and appearance of the place an important factor in that the site and its surroundings all fall within the Central Conservation Area, the special character and appearance of which there is a duty to preserve under the Planning (Listed Buildings and Conservation Areas) Act 1990 section 72(1).
- 10.41. Immediately to the west of the site lies Nuffield College, which is grade II listed. The college buildings, dating from 1949 are viewed within the setting of the castle motte. The building architecturally reflects a Cotswold domestic vernacular clearly seen in the southern range of buildings that directly front on to New Road. The principle feature of the building is the bookstack tower with its copper spire that stands out, making a contribution to many views within, out of and in to the city including notably to the Oxford skyline.
- 10.42. Opposite the site is County Hall which is grade II\* listed. This is a neo-Norman fortress built in 1841 to house the Oxford assizes, its defensive architectural language and enclosing curtilage walls grade II listed, with lantern topped stone pillars echo the context within which it was built.

- 10.43. To the east of the site, completing the nose of the “urban block” within which the site lies is the Law Centre building (grade II listed), occupied by St Peter’s College the building is a piece of early Victorian Gothic architecture designed by Charles Buckeridge and creates a distinctive punctuation mark to views up New Road from the west, before the road splits and becomes Queens Road, heading into the centre of town or drops down the hill as Castle Street.
- 10.44. Finally, within the site itself is Canal House, grade II\*listed built in the early C19 as offices for the Canal Master, now the Master’s Lodgings for St Peter’s College and sited in what had become a coal wharf at the eastern end of the canal basin (Worcester Street car park) that provided the destination point for barges using the Oxford canal bringing coal south and carrying goods up and down the burgeoning canal network. Built by Richard Tawney, the architecture of the building exhibits the building’s importance or stature demonstrating a classical design with a fine Doric portico at its western end. As with Castle Hill House, the building was built at the top of the bailey bank on the southern edge of Bulwarks Lane where previously medieval and post medieval tenement houses had been built with gardens running down to the castle ditch below, consequently the building sits raised up in views from New Road, above its gardens which fill the space to the south and are enclosed behind a high, stone boundary wall that runs from Nuffield all the way up the northern side of New Road to the Law Centre and within which sit a pair of fine stone pillars that survive as markers of the entrance to the former coal wharf.
- 10.45. New Road was set out in the C18 as a turnpike road heading west out of Oxford bisecting the castle bailey and its generous width affords views that take in the buildings structures and spaces to both north and south, including the site. Consequently any development on the site has the potential to impact on the setting of all these important buildings and structures both individually and as a group that inform the character and appearance of the collective place, this part of the Central Conservation Area.
- 10.46. The design of the proposed development is discussed in detail in the design section of this report, however the considered view is that whilst the form and massing of the proposed development is bold, placing one large building directly over the boundary wall that fronts onto New Road. The building therefore sits unflinchingly in the centre of the collective view of extremely important listed buildings and scheduled monuments, the design now presented is the culmination of a period of consultation and development and the architecture of the building. The relatively simple, elemental proportions of the facades and features within them have been designed to reflect the monumentality of the surrounding buildings not to challenge it or distract from those buildings but to add buildings that will appear beautifully crafted from carefully considered materials that will sit quietly amongst the material quality of the surroundings. The close proximity to Canal House has been carefully considered with elements of the new buildings reinforcing the proportions of the listed building and the siting of the two pavilion buildings and the cutting back of their western facades exposing views into the raised garden quad between them helping to preserve in part the setting of the listed building. Overall when considered in relation to Paragraph 196 of the NPPF that there would be a low level of less than

substantial harm would be incurred to the setting of Canal House as a result of the proposed development.

- 10.47. Taken with the very low level of less than substantial harm that would result from the loss of Castle Hill House it is considered that the overall level of less than substantial harm would be low and that this should be balanced against public benefits that would arise from the new development as required under Paragraph 196 of the NPPF.
- 10.48. There are a number of notable public benefits associated with the proposed development. Firstly, the development would provide a total of 54 additional student rooms. Whilst primarily this would be of direct benefit to the college, the Government's housing delivery test identifies that the provision of purpose built student housing has the benefit of releasing existing regular housing back into the local housing market, this is to the equivalent of 1 dwelling per 2.5 student rooms provided. In this instance, the development would release up to 21 dwellings back into the local housing market which would constitute a notable wider public benefit of the proposed scheme.
- 10.49. The proposals make efficient use of a brownfield site and there are a number of notable visual benefits associated with the development. The proposed buildings on the site are considered to be of a high design standard in architectural and sustainability terms and would replace existing elements which make a negative contribution to the setting of the Conservation Area and surrounding listed buildings, including the 20<sup>th</sup> century extensions to Castle Hill House. The reduction in the extent of parking and landscaping of this part of the site is also a benefit in visual and sustainability terms.
- 10.50. The proposed buildings and overall works taken as a whole would achieve a more effective interaction with the public realm along New Road and Bulwarks Lane. The development would improve passive surveillance along Bulwarks Lane and would encourage additional activity and footfall along this neglected historic route, which in turn would help to prevent incidences of anti-social behaviour making this route safer and more inviting for members of the public.
- 10.51. Whilst the siting of the proposed buildings would result in the loss of the existing view of the castle motte from Bulwarks Lane, the replacement view would go some way to mitigating the loss of this view, whilst also providing additional benefits, as the lower height of the proposed opening would open this view to all, including children and persons using wheelchairs.
- 10.52. Taken as a whole it is considered that the public benefits outweigh the less than substantial harm to the Central Conservation Area and surrounding heritage assets including the castle motte, Canal House and adjacent listed buildings including Nuffield College, the Law Centre, County Hall and the Emily Morris Building within the St Peters College campus.

#### Archaeology

- 10.53. Policy DH4 of the Oxford Local Plan requires an assessment as to the impact of the development on archaeological features and deposits of significance. The

site has potential for post-medieval remains relating to the 17<sup>th</sup>-18<sup>th</sup> occupation along the south-eastern side of Bulwarks Lane.

- 10.54. The archaeological borehole survey at this site did not produce any conclusive evidence for the presence of a north-south primary burh ditch in this location. The survey indicated that the base of the baily ditch preserves waterlogged deposits of potentially high archaeological significance at around 6m Below Ground Level (c55.25). Below this level laminated deposits are present (layered non oxidised deposits laid down sequentially in static or slow moving water). These basal deposits have produced a 12<sup>th</sup>-13<sup>th</sup> century radio carbon date suggesting that for this part of the circuit at least, the base of the ditch was not re-cut or cleared out in the post medieval period. Above this level further waterlogged material is present but there is evidence for oxidisation and a significant component of dumped material of post-medieval date.
- 10.55. The proposed pile array has been designed to avoid the projected extent of the laminated deposits in the base of the ditch. Therefore taking into account 1) the density and location of the piles 2) the absence of any earlier deep foundations in this location 3) the harm and logistical issues that would result from excavating at depth further pre-determination investigation is not recommended. The impact on the castle bailey ditch can be assessed as a low level of less than substantial harm. The undertaking of a further borehole by condition to complete the bore hole transect (previously obstructed by upstanding structure) and further processing of retrieved samples are requested in mitigation of the impact, alongside the excavation of post-medieval remains that may be impacted by demolition, pile mat, caps and beams.

### Design

- 10.56. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.57. Against the backdrop of a very important arena, whose surviving elements offer visual evidence of the early, pre and post medieval history of Oxford the development proposal seeks to remove existing buildings associated with the Conservative Club and to place two, new, three and four storey buildings over a plinth of ground storey with a footprint extending across much of the site area from which the existing buildings will have been removed.
- 10.58. The new buildings have gone through a number of substantive design iterations in response to design reviews and other consultation responses. The formal response from the Oxford Design Review Panel (ODRP) relating to a previous design iteration of the scheme is included at appendix 2 of this report. The design that has evolved seeks to make a presence within the surrounding context without distracting from the significant architectural and historic elements that make up that context.
- 10.59. Relevant local plan policies and national planning policy guidance seek that new buildings in an historic context should make a positive contribution to both the character and appearance of that context but the local planning authority is

required to ensure that the significance of heritage assets that would be impacted upon by the development will not be harmed or that any harm that would occur is balanced against the benefits (public benefits) that the development would bring. Given the significance of the surrounding context perhaps the most important considerations are the contribution that the development will make to the significant views of and from its immediate surroundings.

- 10.60. In splitting the publicly visible building mass into two distinct but identifiably related volumes the design seeks to reduce the potential for the development to be overbearing and permits what are relatively large building masses to be detailed to reduce their visual impact. The cutting back of the west facing building facades of both pavilions offers a suggestion of direction through the site but more importantly reduces the apparent length of these facades and frames the garden setting of Canal House which in turn preserves the sense of the historic bailey and the later site of the coal wharf, both of which inform the character and appearance of this part of the conservation area.
- 10.61. The further articulation of the pavilions' facades, with angled windows sets up a strong rhythm that responds to the architectural rhythm of the south façade of Canal House but which does not dominate and therefore pays deference to the listed building, as well as offering focussed views from within the student rooms and an appropriate degree of privacy.
- 10.62. The simple, elemental architectural language of the pavilion buildings makes reference to the strong, defensive architecture of the castle precinct as well as the later assizes building, not seeking to mimic but to offer a pared back modern architectural language that suggests defence and that is intended to celebrate the craftsmanship of the buildings and their carefully considered materials.
- 10.63. The podium is designed to sit behind the New Road stone boundary wall. There will be a glimpsed view of the west façade with its cloister which is designed to complete the enclosure of the Canal House garden, through the new landscape of the planted car park, the rhythms of the colonnade that runs along this level of the building podium echoing the pattern of the lower windows on Canal House as well as providing a screen to the largely glazed teaching and communal spaces of the lower ground floor. The glazed elements will enable connection to the private but shared space of the Canal House gardens. This reinforcing of the garden setting recognises the importance of garden spaces which occupied much of this part of the castle bailey through to the middle of the C20.
- 10.64. The theme of gardens runs on through the central open space on top of the podium between the two pavilion buildings where the proposed landscape design sets out a formal garden space and also into the reworked courtyard between the new buildings and the Law Building to the east of the site.
- 10.65. To the north of the site, the north pavilion and the podium sit hard onto Bulwarks Lane in much the same way that Castle Hill House does at present. The proposed design seeks to retain the sections of stone wall but to allow the new building to replace or infill and then build up with three floors of building

above the top of the boundary wall. Here the new building will change the character of the lane with a new building façade that is active, windows and a staircase having a visual presence along the new building façade and that is also directly against the edge of the public footpath. The college buildings to the north, form a sinuous wall of C20 neo-Georgian brick and stonework that sits as a backdrop to the proposed development in views from New Road and from the top of the Castle motte. These buildings rise to three storeys plus attic rooms in steeply pitched roofs with an overall height distinctly greater than the proposed new pavilion buildings however they sit back from the northern boundary wall to Bulwarks Lane and their repeating windows do not have quite the same active presence that those on the north façade of the proposed new pavilion will have. The sense of enclosure that presently exists would be essentially preserved although the active building façade and the sections of visually permeable boundary, either railings or open masonry, would dilute that at points along the lane. The essentially unbroken façade of Canal House would preserve the important enclosing character where the building joins Bulwarks Lane and would not be diluted by the activity in the new façade.

10.66. The design proposes a connection back in to the main college site across the eastern end of Bulwarks Lane opening up the boundary wall and replacing short sections with a more permeable railing. The connection is intended to be reinforced through the use of consistent ground treatment or paving finish. The purpose of this is to provide further surveillance and activity on the lane to alleviate the problems associated with anti-social behaviour that persist here. The benefit would be the increased use of the lane and the increased understanding of its historical significance marking the outer edge of the bailey and the top of the bailey ditch. This is clearly a change in character however it is difficult to assess this as being harmful to the character and appearance of the conservation area or having a harmful impact on the significance of the surrounding listed buildings. The fundamental character and appearance of the lane would remain unchanged.

10.67. Views from the Castle motte northward across the roofs of the new development to the range of C20 College buildings that form a backdrop to views would be changed by the insertion of the new development. The C20 building ranges would be in part obscured however the new buildings have been designed to sit within the roof line of the background range and the tone of materials to be used on the upper storey of the new pavilions to give them the appearance of subservient, attic storeys following the traditional appearance of upper storeys through the city. Additionally, the roofscape has been altered to be traditional in form and to make a positive contribution to but not distract from or stand out against the traditional patterns and tones of Oxford's roofscape. It is therefore considered that the new development will make a positive contribution to the views north from this high viewing place.

10.68. On balance it is considered that the design has the potential to make a positive contribution to this part of the city and that in doing so it would meet the terms of the local plan policies DH1 And DH3 and the policies set out in the NPPF in particular at sections 12 and 16.

### **Amenity of Future Occupiers**

- 10.69. Policy H8 of the Oxford Local Plan states that for developments of 20 or more bedrooms, indoor communal amenity space for students to gather and socialise must be included in the design. The flats would be served by internal social spaces in the form of shared communal social and kitchen spaces on the ground and upper floors of the building. There would also be a small area of outdoor amenity space in the form of the podium quad area located between the buildings.
- 10.70. It should be noted that in terms of rooms, Nationally Applied Minimum Space Standards do not apply to student accommodation, nevertheless it would still be expected that future occupiers benefit from adequate privacy and daylight standards. Each of the student study rooms are considered to be of a good size. The majority of the proposed rooms would benefit from high standards of natural light. The north facing rooms facing Bulwarks Lane would not benefit from the equivalent standards from natural light as the south and west facing rooms, though overall officers consider that that internal and external amenity standards for all of the student rooms are acceptable.
- 10.71. Policy H8 of the Oxford Local Plan requires that a management regime is agreed with the City Council that will be implemented on first occupation of the development. This would be secured by planning condition.

#### **Amenity of Existing Occupiers and Adjacent Uses**

- 10.72. The buildings to the south and south west of the site are non-residential buildings used by the County Council. The existing buildings to the north east of the site form part of the Nuffield College range of buildings, which contains academic space and are located over 65 metres away from the side elevation of the proposed student bedrooms. The development is not considered to impact on the function or amenity of these buildings.
- 10.73. The Canal House is a residential building currently used in part as a private residence of the master of the college. The siting of the building, would result in loss of light to the south east facing side facing windows of the masters lodgings, though it is noted that these windows serve bathrooms and a staircase and there would be no loss to habitable rooms on this side of the building.
- 10.74. The new opening proposed within the stone wall fronting Bulwarks Lane has been designed to limit overlooking of the Canal House and the private garden spaces surrounding the building. Although this is a university owned building, it is also a private residence for the master of the college. The design of the opening directs views towards St Georges Tower and the Castle Mound and views into the Canal House and into the garden area would be restricted as indicated within the applicant's design and access statement. A privacy screen would be sited within the Canal House garden, though it has been agreed in discussion with the applicants that this would only be in place for a period of five years at which point removal of the screen would be conditioned that the screen should be removed. The removal of the screen after 5 years will open up a more dynamic view of the castle, St Georges Tower and the motte.



10.75. The proposals relating to the new opening have been developed in close consultation with the college and the master of the college who would be occupying the residences on the site in order to achieve an appropriate balance between retaining an acceptable degree of privacy for what is a private residence and providing views of the Castle Mound to mitigate for the loss of the existing views further along Bulwarks Lane. The five year period has been agreed on the basis that an additional interim level of privacy to the garden area to the side of the Canal House would be provided for the present occupier, which is the master of the college whose family also occupies the property. The applicant has agreed that this would no longer be required after this time and that the screen could be removed. It is only the garden area which would be overlooked and as the opening would not directly face into the windows serving the Canal House. Officers consider that this is an appropriate compromise and that the development affords appropriate privacy in line with the requirements of Policy H14 of the Oxford Local Plan.

10.76. The building to the north of the site is currently used as student rooms by St Peters College as well as office accommodation and is therefore under the applicant's ownership. This building is located on the opposite side of Bulwarks Lane. There is a relatively low separation distance between the proposed building and existing student rooms opposite and privacy of both existing and future occupiers is a matter which should be afforded due consideration. As indicated within the applicant's design and access statement there would be a difference in levels between the existing buildings to the north and the north facing elevation of the proposed student residences. Consequently there would not be direct overlooking between the facing sets of windows as the sill height of the south facing windows would sit above that of the north facing windows in the proposed accommodation. On balance officers consider that this would be acceptable in ensuring that an adequate degree of privacy is retained for users of both the existing rooms in the block to the north and the occupiers of the new building.

10.77. Policy RE8 of the Oxford Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. The application is accompanied by an Acoustic report, which has assessed the impact of any likely noise generation arising from the development on surrounding land uses, including adjacent residential uses. The application and supporting Acoustic Report has also been reviewed by the Council's Environmental Health Team. Overall it is considered the submitted design and acoustic information are reasonable and practicable and that the development would not generate unacceptable noise impacts for existing occupiers.

## **Transport**

10.78. The site is located in the City Centre and is in a highly sustainable location in terms of accessibility and proximity to services and facilities. The site is also adjacent to a number of bus stops and lies within 500 metres of Gloucester Green Bus Station and 700 metres of Oxford Railway Station. Policies H2 and M3 of the Oxford Local Plan require that student accommodation should be car

free, with the exception of disabled and operational parking, where such provision is required.

10.79. The student accommodation would be adjacent to an existing car park used by St Peters College which currently provides 15 parking spaces and a garage with parking for two vehicles. This is currently used by staff, for residential parking for the master's lodgings at the Canal House and for the parking of service and maintenance vehicles.

10.80. There would be a reduction in parking on the site from 17 spaces to 8 spaces, a total reduction of 9 spaces. No dedicated disabled parking bays were proposed within the originally submitted scheme and it was instead proposed that disabled occupiers would use the on street parking spaces in New Road. This was considered unacceptable by officers and the County Council, as the existing on street spaces are heavily used given their proximity to the city centre shops and Westgate Centre and have since been incorporated into the off-street parking provision on site. The 8 spaces retained on the site would be used for the following purposes:

- A single residential space would be retained for the college masters residence.
- A space for the parking of a maintenance vehicle currently owned by the college which is parking in the existing garage.
- Two disabled parking spaces, to serve the proposed accommodation.
- Four spaces to be made available for student drop off and collection at the end of term time.

10.81. Aside from the provision of the disabled parking bays, the proposed student accommodation would be car free, which aligns with the requirements of Policies H2 and M3 of the Oxford Local Plan. All of the surrounding streets are subject to parking controls, therefore the car free nature of the development can be easily enforced.

10.82. The Canal House is currently provided with parking spaces on the site and the retention of a space to serve this building which serves as the College Masters Residence would not be contrary to Policy M3 of the Oxford Local Plan, given that there is existing parking serving this building and the retention of a space to serve this residential use would not constitute a net increase in parking provision.

10.83. The County Council requested the provision of four dedicated drop off and collection bays, so as to ensure that there would be no obstruction of New Road at the start and end of term times as a result of parking. A management plan will be required by condition to outline appropriate control measures in respect of picking up and dropping off at the start and end of term. The management plan must also address how these spaces would be used outside of these specific times. In order to ensure that the student development remains car free and only essential operational parking is provided for the other spaces, it would be expected that these spaces are not used for any parking outside of the specified drop off and collection period. In terms of the maintenance vehicle parking spaces, the functional requirement to provide these spaces is accepted.

- 10.84. Overall there would be a net reduction in parking across the site, which would be supportable in line with Policy M3 of the Oxford Local Plan, particularly accounting for the City Centre location of the site and the operational need for the retained parking spaces has been clearly outlined.
- 10.85. All of the proposed parking spaces would be served with Electric Vehicle charging points in compliance with Policy M4 of the Oxford Local Plan, this requirement would be secured by planning condition.
- 10.86. The development includes internal cycle parking provision which should be sufficient to meet the requirements of Policy M5 of the Oxford Local Plan; this would be at lower ground level and would be accessed via New Road. Details, including a specification of the proposed cycle parking would be required by condition.

## **Trees**

- 10.87. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.
- 10.88. The tree stock on the site comprises 9 trees which are not the subject of individual TPO's, but are afforded protection as the site falls within a Conservation Area. Seven trees are proposed for removal as part of the planning application. These removals are referenced as follows in the planning application documents: T2, T3, T5, T6, G7, T8 and T9.
- 10.89. Of these trees two are considered to be of moderate quality (T2 – Tulip tree and T3 – Sweetgum). These trees are within the site, but are visible from public views. T3 is prominent in front of T2, but is close to the boundary wall and garage. T2 is planted too close to Castle Hill House for viable long term retention. There are also retained trees that will buffer the initial loss of these trees.
- 10.90. The remainder of the trees scheduled for removal are low quality Category C tree which were subject to removal under a Section 211 notification. The trees are set well back into the site along the north-west corner boundary wall. The trees make only a modest contribution to public views and there will be an in significant harm to local character from their removal. Verified views from the location of the proposed wall slit (towards the mound) required the removal of the trees to achieve; therefore the Council raised no objection to the S211 Notice.
- 10.91. The key landscape trees on the site are T1 (Lime) and T4 (Birch), which contribute significantly to the street scene and from views from the castle Mound, and in the case of T4 the setting of the Canal House. These trees are shown to be retained and it is considered that their retention is fully feasible within the context of the proposed design; providing that adequate tree protection measures are implemented by condition. Overall officers consider that the development would not conflict with Local Plan Policy G7.

## **Sustainability**

10.92. Policy RE1 of the Oxford Local Plan requires that an Energy Statement shall be prepared for all new residential developments, including for student accommodation. The Energy Statement outlines that a 40% reduction in carbon emissions from a 2013 building regulations compliant base case is required. This reduction is to be secured through on-site renewable energy and other low carbon technologies.

10.93. An Energy Statement has been provided, this outlines that the building is targeting the Passivhaus Institute Low Energy Building standard, which provides the main energy strategy for the building, the measures include:

- High levels of insulation
- High performance glazing
- Airtight construction
- Heat recovery ventilation
- Whole-building energy modelling
- Site quality assurance procedures for insulation and air tightness

10.94. To further reduce energy demand, waste-water heat recovery (WWHR) is proposed.

10.95. Overall the submitted Energy Statement suggests that the development would achieve a 43.8% carbon reduction exceeding the 40% carbon reduction target outlined under Policy RE1. The development is therefore considered to comply with the requirements of Policy RE1 of the Oxford Local Plan.

## **Drainage and Flood Risk**

10.96. The site is within Flood Zone 1 and would typically be adjudged to be at a low risk of flooding. The application is accompanied by a Flood Risk Assessment, which similarly concludes that the site is at a low risk of flooding.

10.97. The County Council had raised concerns that insufficient information has been provided to make a technical assessment as to whether a SuDS system can be implemented for the site. This includes details on connections to the Thames Water network, including evidence that permission has been granted from Thames Water for the developer to connect to their system. A method of testing the drainage system was also required alongside the consideration of other SuDS measures. This information is required in order to satisfy the requirements of Policy RE4 of the Oxford Local Plan.

10.98. The applicants have since provided an updated drainage strategy for the site, alongside the other details requested by the County Council. The Council's Drainage Engineers have agreed that the details provided are likely to be acceptable in principle. This is subject to formal confirmation and officers intend to provide an update at the committee meeting on the 8<sup>th</sup> December at which point it is expected that formal comments will be provided. The final recommendation is also anticipated to be subject to an additional condition(s) in

respect of the management of surface water drainage. Again a further update will be provided on this before the meeting.

## **Ecology**

10.99. Policy G2 of the Oxford Local Plan states that development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.100. The application is accompanied by a Protected Species Survey Report which assesses the likelihood that protected species may be present on site, this includes a bat survey/preliminary roost assessment of existing buildings on site, including Castle Hill House which would be demolished.

10.101. No evidence of bats was found on site and Castle Hill House was identified as having negligible bat roost potential. The Canal House was identified as having low to moderate bat roost potential. All of the trees within the site were identified as having negligible bat roost potential. The urban nature of the site limits the likelihood that bats would be present on the site.

10.102. Overall it is considered that there are no foreseeable impacts on bats or other protected species and no further ecological surveys are considered necessary at this stage. The Council's Ecologist has raised no objection to the proposed development subject to a biodiversity enhancement condition being attached to any planning permission in order to achieve a net gain in biodiversity to accord with the requirements of Policy G2 of the Oxford Local Plan.

## **Air Quality**

10.103. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated. An Air Quality Assessment has been provided by the applicant. It is assessed that the air quality impacts of the development are unlikely to be significant given the relatively low level of traffic use within the immediate vicinity of the site and accounting for the overall reduction in parking spaces on site.

## **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 it 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 the Framework

that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The principle of providing new student accommodation on this site is adjudged to be acceptable in line with Policy H2 of the Oxford Local Plan. The college have identified that there is a clear need for additional undergraduate accommodation and providing accommodation on this site will provide a significant contribution in terms of addressing the deficit in available purpose built student housing for the college. The provision of purpose built student accommodation has the public benefit of releasing back existing housing into the local housing market. Applying the Government's Housing Delivery Test, this would be up to the equivalent of 21 dwellings.
- 11.4. The development would result in the loss of Castle Hill House, which would be classed as a local heritage asset. When assessed in line with the requirements of Paragraph 197 of the NPPF and Policy DH5 of the Oxford Local Plan, it is considered that this would constitute less than substantial harm accounting for the overall condition of the building. The addition of two, three to four storey buildings would have a transformative impact on the setting of the Central Conservation Area and the setting of a number of listed heritage assets in particular the adjacent Grade II\* listed Canal House. Notwithstanding this, the new buildings are well-designed and the scheme would improve the relationship between the site and the adjacent public realm, particularly along Bulwarks Lane, where there would be notable improvements to the overall environment which would assist in reducing anti-social behaviour and encouraging footfall.
- 11.5. Notably the proposals would result in the loss of an important identified view of the castle motte from Bulwarks Lane. The loss of this view would result in low to moderate less than substantial harm to the significance of the castle and motte, though this would be mitigated at least in part through the provision of a new view, which has additional benefits compared with the existing view given the lower height of the opening.
- 11.6. Taken in the round, the overall level of harm to designated heritage assets, namely the surrounding listed buildings and the Conservation Area resulting from the development is considered to be less than substantial and is considered to be outweighed by what are significant public benefits including the provision of the student accommodation and the positive and efficient re-use of a prominent brownfield site to provide a well-designed development, which would improve the relationship between the site and the adjacent public realm, particularly along Bulwarks Lane.
- 11.7. The development is considered to be acceptable in all other respects. The design retains acceptable standards of amenity for existing occupiers, whilst providing appropriate amenity for future occupiers of the accommodation, in line with Policy H8 of the Oxford Local Plan. The student accommodation would be car free in line with the requirements of Policy H8 of the Oxford Local Plan, whilst the proposals would include an overall reduction in parking from 17 to 8 spaces,

reducing non-essential parking in line with the provisions of Policy M3 of the Oxford Local Plan.

- 11.8. For the reasons outlined above officers consider that the development is acceptable in planning terms and it is recommended that the Committee resolve to grant planning permission for the development proposed, subject to the provision of a satisfactory drainage scheme.

## 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 subject to the approval of conditions 3, 15 and 33.

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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

4. Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy M5.

5. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The construction phase of development shall be carried out in accordance with the approved CTMP. The CTMP should follow Oxfordshire County Council's template if possible. 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,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

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.

6. A Student Accommodation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the student accommodation. This should 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 management plan shall include details on the use and management of the four parking spaces used for drop off and collection outside of these specific times. The approved measures shall be implemented thereafter 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.

7. 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 approved Travel Information Pack shall be distributed to all occupiers upon first occupation of the rooms.

Reason: To promote sustainable modes of transport

8. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB <sub>LAeq 16 hrs</sub> daytime and of more than 30 dB <sub>LAeq 8hrs</sub> in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policy RE8 of the Oxford Local Plan.

9. Prior to commencement of the development hereby approved, a construction/demolition management plan shall be submitted to and approved in writing by the Local planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary from 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays. No development shall be



carried out on Sundays. Advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The approved details shall be implemented throughout the project period.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8 and M2 of the Oxford Local Plan 2016-2036.

10. 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 a net gain in biodiversity will be achieved. The scheme will include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes and a minimum of 6 dedicated swift boxes. Any new fencing will include holes for the safe passage of hedgehogs. The approved scheme shall be implemented prior to the commencement of development and the approved features shall be retained thereafter 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 G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

11. 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 in writing by the local planning authority.

A Phase 1 (desk study) and Phase 2 (intrusive investigation) have already been completed although further monitoring data is to be provided as stated in the submitted report; Geoenvironmental interpretative report produced by Chelmer Global Limited. Dated Feb 2019. Ref: GENV/10095. Once all results of sampling have been provided to the Local Planning Authority with an updated contamination risk assessment, this will inform the remediation strategy (as required).

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

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

12. 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 RE9 of the Oxford Local Plan 2016-2036

13. Any contamination that is found during the course of construction of the approved development that was not previously identified 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 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 RE9 of the Oxford Local Plan 2016-2036.

14. The development shall be carried out in accordance with the recommendations outlined within the Energy Statement reference 1964.R5 Rev A prepared by QODA dated 9<sup>th</sup> September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is of a sustainable design and meets the carbon reduction targets outlined under Policy RE1 of the Oxford Local Plan 2016-2036.

15. 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 correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

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

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

17. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority. The approved works shall be carried out before first occupation of the development.

Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with Policy G7 of the Oxford Local Plan 2016-2036.

18. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

19. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated CEZs unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

20. No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas or Construction Exclusion Zones of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

21. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority (LPA). The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be carried out in accordance with the measures agreed within the AMP.

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

22. No demolition shall take place until the applicant or agent has submitted a demolition methodology statement that has been approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved demolition methodology statement unless otherwise agreed in writing by the Local Planning Authority.

Part I: The demolition statement shall set out a methodology for demolition that ensures the protection and preservation of the northern stone wall of Castle Hill House and sets out how demolition process will facilitate archaeological recording of any earlier building fabric that may be sealed by the 1840s structure.

Part II: The demolition statement shall set out provision to cover the eventuality that should demolition works expose the anticipated historic tunnel below Bulwarks Lane at Castle Hill House then an addendum to the demolition method statement setting out a programme for sensitive consolidation and repair will be submitted to the local planning authority for written approval prior to works continuing on this part of the site.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

23. No development shall take place until a foundation design and foundation method statement has been submitted by the applicant, or their agent, and approved in writing by the local planning authority. The method statement shall set out how the foundations will be designed to substantively bridge over and leave undisturbed the medieval laminated basal fill of the Castle Bailey ditch as projected by the archaeological borehole survey results. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

24. No occupation of the new development shall take place until the applicant, or their agent, has submitted a design and method statement for a privacy screen to be installed near the new viewing point in Bulwarks Lane and this has been approved in writing by the Local Planning Authority. The design and method statement shall detail the archaeologically or historically inspired art or text for the northern side of the screen and detail its dimensions and installation. The screen shall be removed five years after installation. All works shall be carried out and completed in accordance with the approved design and method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

25. Occupancy of the building shall not commence until a method statement to secure on-site interpretation of Oxford Castle and Bulwarks Lane has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

26. No development shall take place until the applicant, or their agent, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved historic building recording programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

27. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the approved works.

The written scheme of investigation shall include the subsequent analysis, publication & dissemination and deposition of resulting material including the processing and publication of the archaeological evaluation results already completed. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the approved programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policies DH3 & 4).

28. 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 H8 of the Oxford Local Plan.

29. 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 policy M3 of the Oxford Local Plan.

30. No development shall take place until the complete list of site specific dust mitigation measures that are identified on page 18 of the Air Quality Assessment (version 4) submitted with this application, are included in the current Construction Environmental Management Plan (CEMP). The revised CEMP shall

be re-submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy RE6 of the Oxford Local Plan 2016- 2036.

31. 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 electric vehicle infrastructure shall be formed, and laid out before the development occupied and shall remain in place thereafter.

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

32. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers to be installed on-site shall 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.

33. A lighting plan for the site, detailing the specification and location of all external lighting features shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the approved development. The approved lighting plan shall be implemented before first occupation of the development. No external lighting shall be installed on site without the written approval of the Local Planning Authority.

Reason: In the interests of public safety, amenity and preserving the character of the Conservation Area and surrounding heritage assets in accordance with policies RE7, DH1 and DH3 of the Oxford Local Plan.

34. Design details of the following features shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the approved development and shall be implemented before first occupation of the development:

- Boundary treatments including new railings and gates.
- Details of the abutment of the proposed building adjacent to Bulwarks Lane and New Road.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in the interests of preserving the character and appearance of the conservation area, and in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036

## 12. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Oxford Design Review Panel (ODRP) letter

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

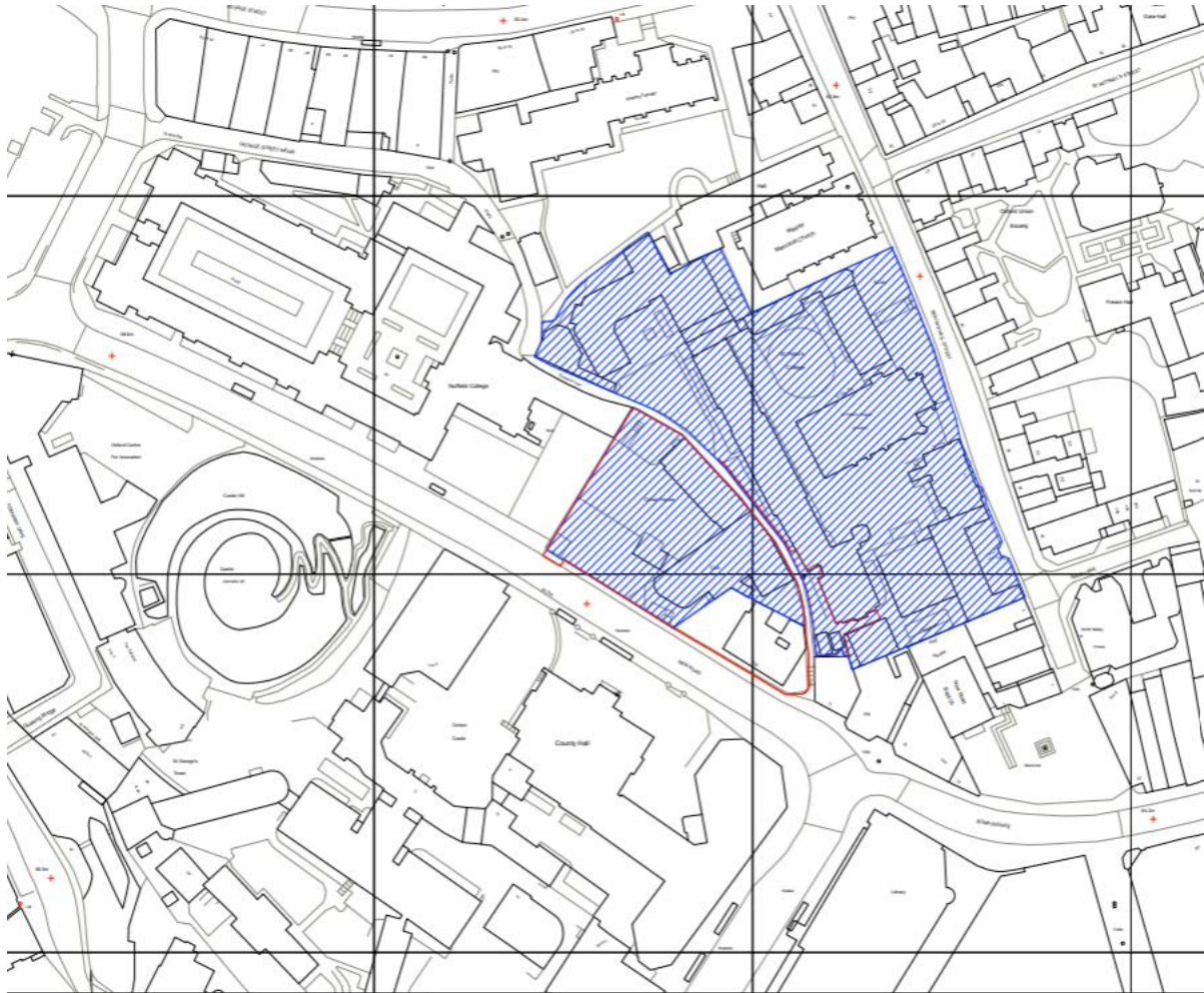
13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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

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



## Appendix 1 – Location Plan (19/02306/FUL) Castle Hill House



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## CONFIDENTIAL

Simon Sharp  
JPPC  
Bagley Croft  
Hinksey Hill  
Oxford  
OX1 5BD

22<sup>nd</sup> November 2018

Our reference: DCC/0995

### Oxford City Council: Castle Hill House redevelopment, St Peter's College

Dear Simon Sharp,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on the Castle Hill House redevelopment proposal at the Design Workshop on 08 November 2018. The review focused on strategic elements of the design and how the proposed development relates to its wider context. Given that this scheme is still in early stages of design, the quality and design of the internal environment were not discussed during the workshop.

#### Summary

We support the principle of the two buildings on the site and welcome the initial landscape and building design studies to date. However, we think that there are many more opportunities to develop the site layout, and landscape and building design to create a stronger identity for the scheme – one which better integrates this development within the existing campus, the heritage context and the surrounding townscape itself. We appreciate that the design team has endeavoured to address the challenges with site topography and further constraints regarding the heritage context of the site. However, before settling on a final design, we believe the scheme would highly benefit from further site studies and design iterations to achieve the best possible outcome. The proposed massing and the height of the building can work on this site, but we strongly encourage the design team to test slightly different site layouts and building orientations to better relate to and build on the existing character of this area, and open spaces and routes within the site. We strongly support the team to give the landscape greater priority within the design process. We recommend that the best outcome can be only achieved by reconsidering the proposed approach to car parking. The proposed elevational design is in its early stages of design and will require more work. We suggest the following guiding principles for the design development of the scheme.

## CONFIDENTIAL

### St Peter's College & the integration of the scheme in the wider context

We strongly encourage the team to develop a more integrated placemaking strategy for areas within and surrounding the development. This could help residents and visitors read the different sequences of places more easily and create a more coherent 'campus' for St Peter's College. While we acknowledge that Bulwarks Lane is a public access route, we encourage the design team to incorporate the lane as much as possible into the design process and provide every opportunity to engage with the community. By enabling a significant improvement in the public realm on both Bulwarks Lane and New Road, the scheme could not only enhance a campus-feel but enable movement throughout the site and improve the feeling of security.

The site is within the Central Oxford Conservation Area and therefore has a prominent location in Oxford with key views to multiple heritage sites. We also encourage the team to think about the framing of views from, through and to the development and take every opportunity possible to open up more views to the city's residents and visitors to Castle Mound and to the surrounding heritage sites. Ways in which physical and visual connectivity could be enhanced and improved between St Peter's College, Bulwarks Lane and the site – including creating strategic breaks in the boundary wall to the north of the site – should be considered. The existing wall of Canal House along Bulwarks Lane however should be kept intact.

By treating and opening up the proposed entrance on Bulwarks Lane, the scheme could make a more positive gesture to the community. Further improvements could be achieved by a more integrated approach to landscape on the north of the site along Bulwarks Lane. Possible solutions such as setting back the rear of the building from the current wall, curving differently the back wall alongside the development and even creating a second courtyard on Bulwarks Lane are also options to be investigated. Opening up access routes along the wall of St Peter's College campus would further enhance connectivity and movement on Bulwarks Lane and design out crime. We are concerned, for example, that the indentations in the current building design in this location can create spaces for anti-social behaviour.

### Site layout and car parking

A more holistic site layout that relates to the neighbouring listed buildings and spaces is needed in this prominent location of Oxford. This approach will help to ensure that the site is optimised both in the short and longer term. If there is an opportunity to acquire more land on the east of the site, we believe that could create a more distinctive and rationalised area between New Road and Bulwarks Lane, and an overall stronger masterplan.

We recommend continuing to test the orientation of the southern building at this stage of the design process. Slightly shifting the orientation of the south building – to be parallel with the

## CONFIDENTIAL

adjacent New Road – could improve the overall site plan. The current plan seems to fight against the existing urban grain of the wider area and alignment of New Road.

While we would like to see a car-free development on the site, we appreciate the current necessity for car parking for the College. We encourage the team, however, to further reduce the number of bays and relocate the car parking away from the New Road given its prominence from this key route. The car parking could be located towards the north of the site where habitable rooms cannot be incorporated, for example. Alternatively, the car parking could be relocated from its planned location to the west side of the site adjacent to Nuffield College. A combined car parking area between Nuffield and St Peter's College could be potentially considered and brokered to better optimise space and car parking for both colleges.

If car parking is to be reduced or relocated, there is a potential to provide a new, low-rise building as a replacement alongside New Road. This building could, for example, be used for communal spaces or a dining area which would benefit from the key views to a garden quad. By developing a more coherent elevational language around the garden, a lively 3-sided garden quad could be created on the west side of the development.

### Landscape & access

The scheme would also benefit from a landscape study throughout the seasons. We encourage the team to find ways in which the landscape informs a more holistic response to the site and its context and seeks ways of ensuring that the overall design is sensitive to the landscape's innate qualities. The type of trees that will need to be planted will need thorough research and design consideration. In principal we support the tree strategy, including the removal of the apple and tulip trees and the retention of the liquid amber.

The lime tree that is outside of the boundary of the current development was also discussed in relation to the proposed works. It may be possible to remove the tree, if that enables a more integrated landscape strategy in the future, and as it appears to be coming to the end of its life. Ways in which the landscape could give more prominence to Canal House should be also considered. It would be also important to consider how the tree strategy builds up on the existing line of London Plain trees along New Road. New, feature trees along this route could potentially add to the green character of the street and add a visual attraction along this key route. We suggest trees within the car park should be low to enable views to Canal House.

## CONFIDENTIAL

### Access

The current entrance strategy to the site is beginning to work well but it should be further tested and optimised. Bulwarks Lane can work as a primary entrance. We believe, however, that a larger outdoor entrance courtyard to the north of the site is needed to improve wayfinding and the sense of space along this tight route and could provide a space for gathering. We suggest 'cutting the corner' of the proposed building to the north of the site which could also help to enhance the flow of movement through the development.

We think that the sequence of spaces along the route through the site from east to west should be reconsidered. The eastern end of the passage adjacent to the proposed building appears canyon-like. We believe that the passageway between the two buildings should be a grander, more legible route through the site. This would include further exploration of the site levels, the sequence of spaces and the proposed staircase on the west side of the south building to create a more straightforward route that leads to the garden which feels safe.

We encourage the team to continue looking at ways in which the current entrance and boundary treatment on New Road could be redesigned and provide a more inviting, secondary access to the site. The current location of the refuse store should be moved from the south of the building as this elevation presents a primary frontage to New Road and a large number of pedestrians walk along this key route.

### Building design, height & massing

Whilst we welcome the initial approach to building height, it will be worthwhile continuing to test the height of the building to the north. We also strongly encourage the design team to reconsider the roofscape and develop a more sculptural roof-design that is not merely a continuation of the façade.

The character of the two buildings should be further developed. We recommend that the design team tests the character of the two buildings further and potentially develops different characters for these buildings. A more refined and robust architectural design that would reflect the calm and refined character of the surrounding buildings would be welcomed. A calmer elevation would sit more comfortably next to Canal House.

The west elevation of the north building is crucial in the overall character of the scheme as it provides a key frontage onto the garden and is visible from New Road. We therefore suggest that this elevation is considered in much more detail. The front elevation of the south building adjacent to New Road should be also reconsidered as – if it remains as proposed – it could appear a bit fortress like.

We also suggest exploring different elevational treatments of the two buildings. Landscape could inform the brick colour(s) and materiality of the development across the site. The views

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from and to the site, and the way building materials are treated and change in different weather conditions and with time can inform the elevational design.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,



**Gyorgyi Galik**

Design Council Cabe Lead Advisor

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Tel: +44(0)20 7420 5307

### Review process

Following a site visit and discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 8<sup>th</sup> November 2018 by Keith Bradley (chair), Jessica Bryne-Daniel, Sarah Wigglesworth and Charles Wagner. These comments supersede any views we may have expressed previously.

### Confidentiality

Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.cabe@designcouncil.org.uk](mailto:dc.cabe@designcouncil.org.uk).

### Attendees (cc-d)

James Graham	St Peter's College
Doug Shaw	St Peter's College
Andy Waterman	Waterman Project Management Ltd
Simon Sharp	JPPC Chartered Town Planners
Richard Rose-Casemore	Design Engine
Richard James	Design Engine
Guillaume Baltz	Guillaume Baltz Landscape and Garden Design
Nicholas Doggett	Asset Heritage Consulting
Tobias Fett	Oxford City Council
Gill Butter	Oxford City Council
Richard Peats	Historic England
Victoria Lee	Design Council
Gyorgyi Galik	Design Council

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## WEST AREA PLANNING COMMITTEE

8<sup>th</sup> December 2020

**Application Number:** 19/02307/LBC

**Decision Due by:** 31.10.2020

**Extension of Time:** 31.10.2020

**Proposal:** Alterations to east wall of Canal House including demolition of adjoining building and construction of new building abutting up to east wall of Canal House. (Amended plans)

**Site Address:** Castle Hill House  
9 New Road  
Oxford  
Oxfordshire  
OX1 1LT

**Ward:** CARFAX - Carfax Ward

**Case Officer:** Gill Butter.

**Agent:** Mr Simon Sharp, JPPC.

**Applicant:** St Peter's College

**Reason at Committee:** Concurrent application with major Full planning application.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**1.1.1 Approve the application for the reasons given in the report and subject to the required listed building conditions set out in section 12 of this report and grant listed building consent; and**

**1.1.2 Agree to delegate authority to the Head of Planning Services to finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.**

## EXECUTIVE SUMMARY

1.2. This report considers the impact of the proposed development on the architectural and historic significance of Canal House a grade II\* listed building

1.3. The key matters for assessment set out in this report include the following:

- The significance of the listed building.
- The impact of the proposed development on the significance of the listed building including any harm that may result from the proposed development.
- The justification for the proposed development.
- Any mitigation for any harm that may have been considered as part of the development of the design of the proposed development.
- The weight of any residual harm to the significance of the listed building that may exist following mitigation through design
- The balance of any harm against public benefits that may accrue directly from the proposed development including securing the optimum use of the listed building.

## **2. SITE AND SURROUNDINGS**

- 2.1.1 The site is located on the northern side of New Road in an area of the city that was historically part of the C11 castle bailey including the castle ditch. This area of the city falls within the Central Conservation Area and in the part of that conservation area that is defined as the Castle and its surroundings.
- 2.1.2 The site includes on its eastern side a polygonal shaped area of land that is presently occupied by a C19 former domestic dwelling, Castle Hill House at its northern edge, adjacent to Bulwarks Lane and a 1970's flat roofed, single storey building attached to the southern side of the older building extending down to the site's southern edge adjacent to and behind a tall, coursed rubble stone boundary wall that survives from the site's canal wharf days and fronts directly onto New Road, the C18 turnpike that was sliced through the castle bailey.
- 2.1.3 The western half of the site includes Canal House a grade II\*, mid C19, listed building designed and built by Richard Tawney in a classical style which extends contiguously with Castle Hill House alongside a tall, stone boundary wall that marks the southern edge of Bulwarks Lane an historic lane that marks the outer edge of the C11 castle bailey, at the top of the bank above the former castle ditch. The elevated building is set in a garden, which like the formerly open land of Castle Hill House references the gardens or rear plots to the earlier medieval tenements that dropped down the steep bank into the castle ditch now New Road. Two large stone pillars at the entrance to the Canal House/Castle Hill House car park are surviving structures from the site's canal wharf days.
- 2.1.4 Opposite the site, on the southern side of New Road are the surviving buildings and structures of the C11 Norman Castle precinct which is scheduled and includes the C11 castle motte which by virtue of its height and form dominates the public realm.
- 2.1.5 Also on this south side of New Road the C19 former County Assizes building later County Hall whose architectural style reflects the defensive environment in which it sits.
- 2.1.6 To the south-west of Canal House and its gardens lies Nuffield College, a mid-C20 construction in a domestic Cotswold vernacular style. The southern range of the main quad fronts directly onto New Road and provides a

continuous two storey plus attic building façade that frames and directs the views up the turnpike road from the west into the arena that was part of the castle bailey and in which the site forms a central element. The distinctive book stack tower of Nuffield with its copper spire is more evident in views to the west, down New Road where it provides a backdrop to and contributes to the context of the site.

- 2.1.7 To the west of the site sits the former Probate Registry now the Law Centre, a C19 building stone building in a Victorian gothic style designed by the architect Charles Buckeridge, a recognised Victorian Architect who worked extensively across Oxford during the latter part of the C19 and early C20 and particularly in a domestic context through the North Oxford Victorian Suburb.

### **3. PROPOSAL**

- 3.1 The application proposes the demolition of Castle Hill House, the surviving elements of the C19 domestic building together with later extensions including the extensive, 1970's single storey extensions carried out under the Conservative Club ownership. Followed by construction of a new building, comprising a ground floor (ground level at level of southern edge of the site) single storey podium with a footprint covering much of the site presently occupied by the buildings to be demolished and two pavilion buildings to be built on top of the podium at the northern and southern edges of the site extending to four and three storeys plus attic storeys respectively. It proposed that the space between the two pavilions be designed as a garden connecting through a flight of steps into the courtyard of the Law Centre and back across an opened up boundary on the southern edge of Bulwarks Lane to the existing collegiate buildings and spaces of St Peters College that lie on the northern side of the lane. The application also proposes to open up a viewing slot in the southern boundary wall of Bulwarks Lane to the west of Canal House in order to replace a lost visual connection with the Castle precinct and in particular the Motte which presently exists as a restricted but clear view from the eastern end of the lane.

### **4. RELEVANT PLANNING HISTORY**

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

Application Reference	Description of Development	Decision
19/02306/FUL	Redevelopment of former conservative club building at Castle Hill House comprising the demolition of the existing building and erection of a new building providing 54 student study rooms along with internal and external amenity space, landscaping improvements including the reconfiguration of the Fellows' Car park. (Amended plans).	To be considered by planning committee.

## 5. RELEVANT PLANNING POLICY

5.1 The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF) 2019	Local Plan	Other Planning Documents
Conservation/ Heritage	16	DH3, DH4, DH5	

## 6. CONSULTATION RESPONSES

6.1 Site notices were displayed around the application site on 24.09.2020 and an advertisement was published in the Oxford Times newspaper on 26.09.2020.

### **Statutory and Non-Statutory Consultees**

#### Historic England

6.2 Letter dated 02.10.2020 –  
Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 130, 190 and 194 of the NPPF.

Letter dated 06.10.2020 –

The revised proposals have addressed concerns raised previously by Historic England. As a result we do not object to the proposals. While there would be an element of harm occasioned by the loss of a 19th century building and current kinetic view of the Castle this needs to be weighed by the Council against the public benefits that it may bring.

6.3 Letter dated – 18.09.2020

Thank you for your letter of 10 September 2020 consulting OAHS on this case. We have previously commented in two letters, dated 6 October 2019 and 10 March 2020. We ask that those letters are both fully considered by any decision makers in this case. We appreciate that there has been work carried out in the past months, and some alterations to design in response to various comments made by other consultees. However, nearly all of our points set out previously in those two letters remain. We are still concerned about this application and opposed to its main proposals.

The Council, in the exercise of its planning functions, under ss. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has to have special regard to the desirability of preserving the setting of the numerous listed buildings surrounding the site (and the scheduled monument) and to preserving or enhancing the character and appearance of the Central Conservation Area in which this site sits. This is a strong presumption - more than just a material consideration - and not easily displaced (*Barnwell Manor Wind Energy Ltd. v East Northamptonshire District Council & Others* [2014] EWCA Civ 137).

In particular:

Castle Hill House

It is agreed by all that Castle Hill House is at least as old as 1840-1850. Ordinarily, this would make it a strong candidate for listing: Domestic 2: Town Houses. Listing Selection Guide, Historic England 2017. Whilst we are not suggesting that it should be listed, the fact that the building is of the same age as other buildings strongly considered for listing is significant. We accept that the later 20th-century additions detract from the historic building; however, this is not justification for demolishing the historic building. In such cases, it is normal to take the opportunity to preserve and enhance historic fabric, reversing damaging modern additions, but not demolishing the whole. Indeed, Castle Hill House is physically joined to the Grade II\* listed Canal House, and has been since they were both built, which is significant.

The application appears to want to demolish the building because it is a constraint and does not permit easy development of the site on the scale that the application wishes to develop it - not because the historic building is without use or possibility of being preserved and enhanced. Acland House in the new Keble College site is precedent for a college being required to preserve, enhance and work with an existing historic building on a site that it owns. It can lead to greater creativity and unique solutions when architects and designers are required to do so.

Oxford Archaeology stated that Castle Hill House made some positive contribution to the conservation area and was of some positive significance. They described it as one of the earliest features in the current streetscape and noted that it was a constraint on development. They drew attention to the deep Tuscan eaves on its external façade, vaulted cellars, its internal staircase (unusual U-shape and apse recess opposite, typical of regency transitional architecture) and upper rooms which retain historic fabric. They described its loss as harm to the conservation area. Even though it is not formally listed, Oxford Archaeology classified it as a heritage asset of local

interest (see OA's Archaeological Desk Based Assessment 2018: 22-3, 27, 29, 34-8). As a non-designated heritage asset, Castle Hill House requires special consideration under the NPPF, para. 197. The scale of harm and loss to the significance of this heritage asset will be total: it will be demolished and not enhanced or preserved in any way.

We note that Oxford Archaeology did not rule out the possibility of Castle Hill House being older than 1840. No firm date is known for the building. At the rear, viewing from Bulwarks Lane, OAHS has observed that the house appears to be built on to the rubble wall of Bulwarks Lane itself; the plaster render of the upper storey slightly overhangs the rubble stone wall. This seems quite characteristic of how properties were historically built up to, and on to, the city defences in other areas of Oxford, and, as a piece of historic evidence, it should not be demolished. Although the windows on this rear elevation are presently uPVC, they appear to be flush with the plaster render, often an indication that they have been inserted into a historic timber frame. Indeed, there is a section of timber post visible at the base of the plaster where parts of it have broken away. There is a building in this location on the city wall on Taylor's map of 1750. It is not uncommon for buildings which appear to be of one date from one façade to have retained earlier fabric elsewhere, or within their core.

In relation to the possible association with Daniel Harris, we agreed in October 2019 that there is no firm evidence either way. Harris did live in a property on Bulwarks Lane in 1835, when the City Council records refer to a "Kitchen, small Yard, and Out-offices, on the East side of Bullock's Alley, with a Subterraneous Passage leading from Mr Harris's House". The importance of this is not only to confirm that Harris did live in a house on the west side of the lane, but also that there is (or was) a passage under the lane. We believe that some investigation needs to be done to locate this passage, as it could be reinstated to link the two parts of the College without the need to destroy the walls and ambience of the lane. The link between the St Mary Quad and the Harris Lecture Theatre at Oriel College is precedent in Oxford for such a subterranean link.

Whether the house is associated with Daniel Harris, or with the builder William Bartlett the point remains that it is likely to have been designed to evidence either builder/architect's abilities. It is a one-off, associated with a known historic individual, and not a mass-produced repeated design. Oxford Archaeology described it as an 'advertisement for the trade of its builder' (p.34). This gives it further significance as historic evidence within Oxford, concerning the evolution of building in the city, and historically known local builders and architects operating here.

#### 6.4 Internal Archaeology Officer comments

Comments were not sent specifically for the LBC application but the relevant extracts from the response to 19/02306/FUL are included here.

The application will entail a range of harm to various heritage assets (summarised below) including a degree of harm to the Castle Bailey ditch (not scheduled but of equivalent significance) and to the setting of nationally significant asset (Oxford Castle). The NPPF requires 'great weight' to be given to

the conservation of designated assets (or equivalents), and any harm or loss requires 'clear and convincing justification' by the applicant and will need to be weighed against the public benefits of the scheme.

The loss of fabric from the likely early 19th century stonework wall along Bulwarks Lane for the proposed new viewing point can be assessed as a low level of less than substantial harm to a locally significant asset (I would refer you to the Conservation Officer regarding an assessment of this wall's potential curtilage listed status).

□ To this list must be added the harm caused by the loss of Castle Mill House and the loss of NE-SW boundary walls within the Castle House plot of 18th-19th century date- I would refer you to the Conservation Officer and Historic England for detailed comments on these issues and for an assessment of the wider impact to the Conservation Area.

□ The cumulative level of harm from this development must be weighed against the public benefits of improving the public realm along Bulkwarks Lane which attracts anti-social behaviour.

□ Should the council be minded to approve the scheme I would request that, in line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to conditions to secure 1) Careful demolition of Castle Hill House to avoid damage to the historic northern wall, the likely underground passage here and to avoid unnecessary harm to any post-medieval building fabric that may survive at Castle Mill House 2) A programme of historic building recording 3) The submission of a foundation design method statement 4) A time limited condition to allow for a designed temporary privacy screen in the Warden's Garden and its later removal 5) A public information board condition 6) Archaeological recording.

#### Castle Hill House

I note the very helpful comments of Mark Davies and OAHS on the residence of Daniel Harris in the lane. Taking the evidence as a whole it would seem reasonable to suggest that the current Castle Hill House occupies the site of a former house that may be linked to Harris (based on the architectural characteristics of the current house and the map evidence) and that this may have been linked by subterranean steps to a property on the northern-western side of the lane. The line of the subterranean passage appears to be marked by a wide lintel under the north wall of the lane and a semi-circle of moss on the south side. I would defer to the Conservation Officer on the significance of the current 1840s building. The northern stone wall of Castle Hill House may be of some antiquity (i.e. 17th or 18th century) and is to be retained. If development proceeds then archaeological investigation of the building during demolition and any related remains would be warranted.

#### **Officer Response**

6.5 Historic England are now comfortable that the applicant has addressed their previous concerns and they are no longer holding an objection to the proposed development.

Oxford Architectural and Historical Society have commented in detail at various stages of the previous iterations of the development, prior to amendment of the application as well as in a final letter dated 18<sup>th</sup> September 2020 submitted following the amended application which has been summarised in this report. Whilst the final letter makes reference to the earlier letters the issues related to the works that fall to be considered under this listed building consent application, namely the demolition of Castle Hill House are repeated in full in the letter sent in response to the amended (this) application and therefore the earlier comments have not been reproduced here. They have, as requested been taken into consideration fully in writing this report and making a recommendation to the planning committee for their decision and are set out clearly for the committee's consideration of the issues raised.

The archaeology response was given in response to the associated planning application 19/02306/FUL not this listed building consent application. However the elements of that response that are relevant to this application have been included in this report and have been considered carefully in the officer's drawing together of this report and recommendation to the planning committee including the suggested conditions that might be attached to any grant of listed building consent.

## **7. LISTED BUILDING MATERIAL CONSIDERATIONS**

7.1 Officers consider the determining issues to be:

- i. The loss of the undesignated heritage asset, Castle Hill House;
- ii. The impact of the removal of Castle Hill House on the architectural and historical significance of Canal House, grade II\* listed;
- iii. The impact of the proposed new development on the significance of Castle Hill House, including the setting of the designated heritage asset.

### **i. The loss of the undesignated heritage asset, Castle Hill House**

7.2 Castle Hill House can be defined as a local heritage asset in that it is identified as being of some local historical significance. It is not included on the Historic Environment Record. The building is of some architectural significance having been built probably between 1840 and 1850. Whilst this might have made a possible candidate for listing it does not survive in anything like an original condition and therefore would not reasonably be considered for such protection. The building may have association with Daniel Harris whose connections with Oxford Gaol and Castle provide some historical significance however the date of building would cast some doubt on this and it may be that he occupied or built the building that preceded the present Castle Hill House. It would seem that the present building was built before 1850 by a William Bartlett, who occupied it in 1851 and who was a master carpenter, hence the quality of surviving features such as the staircase.

The building has been substantially altered, some original interior features survive but insufficiently exceptional to warrant inclusion in the statutory list. The alterations include the large single storey extension to the south which was



originally built in 1939 following purchase by the Conservative Club in 1923 and then added to and finally rebuilt in 1972.

The total removal of the building would classify as being substantial harm. Any harm to heritage assets must be accorded huge weight as determined by the judges in the Court of Appeal in the case of Barnwell Manor. However the low level of architectural and historic significance that can be attributed to the building tempers that harm- para 197 NPPF and a condition requiring recording of those features that do survive will offer some mitigation for that loss. It is therefore considered that there would be a very low level of less than substantial harm caused as a result of the loss of the undesignated heritage asset.

**ii The impact of the removal of Castle Hill House on the architectural and historical significance of Canal House, grade II\* listed**

7.3 The two buildings, Castle Hill House and Canal House were built at a similar period and are physically conjoined although apparently architecturally quite different. The application proposes the retention of a smaller building element that sits on the eastern side of Canal House and which provides an important visual transition from the grander, formal neo-classical architecture of the principal building and the more ordinary, C19 domestic architecture of Castle Hill House. Provided that the fabric of the two is carefully separated and the fabric to be retained carefully protected then the physical harm to the listed building's architectural significance will not be harmed. Conditions have been suggested that would ensure the careful preservation of the fabric of the listed building and the appropriate repair of any fabric that is damaged in the process of separation of the two buildings. The historical significance of the listed building would not be harmed in that it has no documented relationship or associative connection with Castle Hill House.

**iii The impact of the proposed new development on the significance of Canal House, including the setting of the designated heritage asset.**

7.4 The form and massing of the proposed development is bold, placing one large building directly over the boundary wall that fronts onto New Road and therefore unflinchingly in the centre of the collective view of extremely important listed buildings and scheduled monuments. The design now presented is the culmination of a period of consultation and development and the architecture of the building, the relatively simple, elemental proportions of the facades and features within them have been designed to reflect the monumentality of the surrounding buildings not to challenge it or distract from those buildings but to add buildings that will appear beautifully crafted from carefully considered materials that will sit quietly amongst the material quality of the surroundings. The close proximity to Canal House has been carefully considered with elements of the new buildings reinforcing the proportions of the listed building and the siting of the two pavilion buildings and the cutting back of their western facades exposing views into the raised garden quad between them helping to preserve the setting of the listed building. Relevant local plan policies and national planning policy guidance seek that new buildings in an historic context should make a positive contribution to both the character and appearance of that

context but the local planning authority is required to ensure that the significance of heritage assets that would be impacted upon by the development will not be harmed or that any harm that would occur is balanced against the benefits (public benefits) that the development would bring. It is considered that there would be a low level of less than substantial harm – NPPF para 196 that would be incurred to the setting of Canal House as a result of the proposed development. The design of the buildings has been carefully considered to mitigate any harm that results from the proximity of the siting of the buildings and their scale and this design mitigation will have the effect of reducing the level of harm to low. The careful articulation of the pavilions' facades, with angled windows sets up a strong rhythm that responds to the architectural rhythm of the south façade of Canal House but which does not dominate and therefore pays deference to the listed building. The dominant sections of masonry wall in the pavilion buildings have the potential to allow the ambition of well-crafted structures to come to fruition echoing the delightful C19 craftsmanship of the listed building itself. The setting back of the largely glazed west façade behind a colonnade that reflects the classical rhythms and portico of the listed building as well as echoing the plinth at its base. An architectural approach that is bold but not dominating whilst recognising the architectural significance of the listed building combines to reduce the resultant harm to architectural significance of the listed building to a very low level.

## **8. CONCLUSION**

8.1 In conclusion, it is considered that the undesignated heritage asset, Castle Hill House has some architectural significance resulting from the surviving elements of C19 craftsmanship and plan form, principally a staircase and surviving vestiges of rooms which may possibly be attributed to the owner of the building but that these elements certainly do not raise the building into consideration for inclusion on the statutory list and are therefore very much of local interest. Therefore, in balancing the harm that would result from the total loss of the undesignated heritage asset against the relatively low level of significance that the building has as required by paragraph 197 of the NPPF and set out in policy DH5 of the Oxford Local Plan 2036, the resultant level of less than substantial harm must be considered to be low. In addition it is considered that there would be a low level of less than substantial harm to the architectural significance of the listed building, Canal House, caused by the proposed new development. It is considered that the level of harm has been mitigated and reduced to a very low level by the careful architectural response. The two elements of harm combined would result in an overall low level of substantial harm to be balanced as set out in NPPF paragraphs 196 and 197 and in local plan policies DH3 and DH5 by any public benefits that would accrue from the development. The public benefits are set out in the planning statement that accompanies the application and include enhancement of the character and appearance of the conservation area as well as the setting of listed buildings through the removal of poor quality or harmful features such as the present Castle Hill House buildings, more particularly the later additions to the C19 building and replacement with buildings whose architecture including their roofscape will make a positive contribution to those heritage assets. To create a new improved view of the castle motte and potentially more of the castle precinct than is possible to gain at present thus

reinforcing and strengthening the connection between the castle and its bailey with additional explanation for the public to expand the understanding of the historical connection and significance to a wider audience than may at present appreciate the glimpsed view. Other benefits are promulgated however their actual public benefit is not clear. Arguably there may well be a public benefit that would accrue from the construction of highly sustainable and extremely energy efficient new buildings with the associated reduction in the use of fossil fuels which would ultimately contribute to a healthier environment. This it may be counter posited should be an absolute requirement of any development and not therefore a benefit however it is understood that the sustainability credentials of the proposed development go beyond the basic requirement and that therefore there may be a small public benefit to be accounted. In adding up the genuine public benefits and weighing those that offer particular benefit to the historic environment it is considered that these would outweigh the low level of less than substantial harm that has been identified.

8.2 It is therefore recommended that the Committee resolve to grant listed building consent for the development proposed subject to the suggested conditions set out below.

## **9. CONDITIONS**

### **Justification**

The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

### **1. Time Limit**

The works permitted shall be begun not later than the expiration of three years from the date of this consent.

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy DH3 of the Adopted Oxford Local Plan 2036

### **2. Demolition**

No demolition shall take place until the applicant or agent has submitted a demolition methodology statement that has been approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The demolition statement shall include the following:-

Part I: The demolition statement shall set out a methodology for demolition that ensures the protection and preservation of the eastern flank wall of Canal House and the northern stone wall of Castle Hill House and sets out how demolition process will facilitate archaeological recording of any earlier

building fabric that may be sealed by the 1840s structure.

Part II: The demolition statement shall set out provision to cover the eventuality that should demolition works expose the anticipated historic tunnel below Bulwarks Lane at Castle Hill House then an addendum to the demolition method statement setting out a programme for sensitive consolidation and repair will be submitted to the local planning authority for written approval prior to works continuing on this part of the site.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

**3. Historic building recording**

No development shall take place until the applicant, or their agents, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post-medieval remains (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

**4. Works of making good**

After works are completed any damage caused by such works shall be made good to a standard approved in writing by the Local Planning Authority and completed before the formal completion of the works hereby approved is agreed.

Reason: To preserve the character of the building in accordance with policy DH3 of the Adopted Oxford Local Plan 2036

**5. Details**

Large scale details showing the abutment of all new building fabric with existing building fabric including boundary walls ; to a minimum scale of 1:5; shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction of those abutments and the works shall be carried out in accordance with those approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies DH3 and DH4 of the Oxford Local Plan 2036.

**10. APPENDICES**

## **Appendix 1 – Site Location Plan**

### **11. HUMAN RIGHTS ACT 1998**

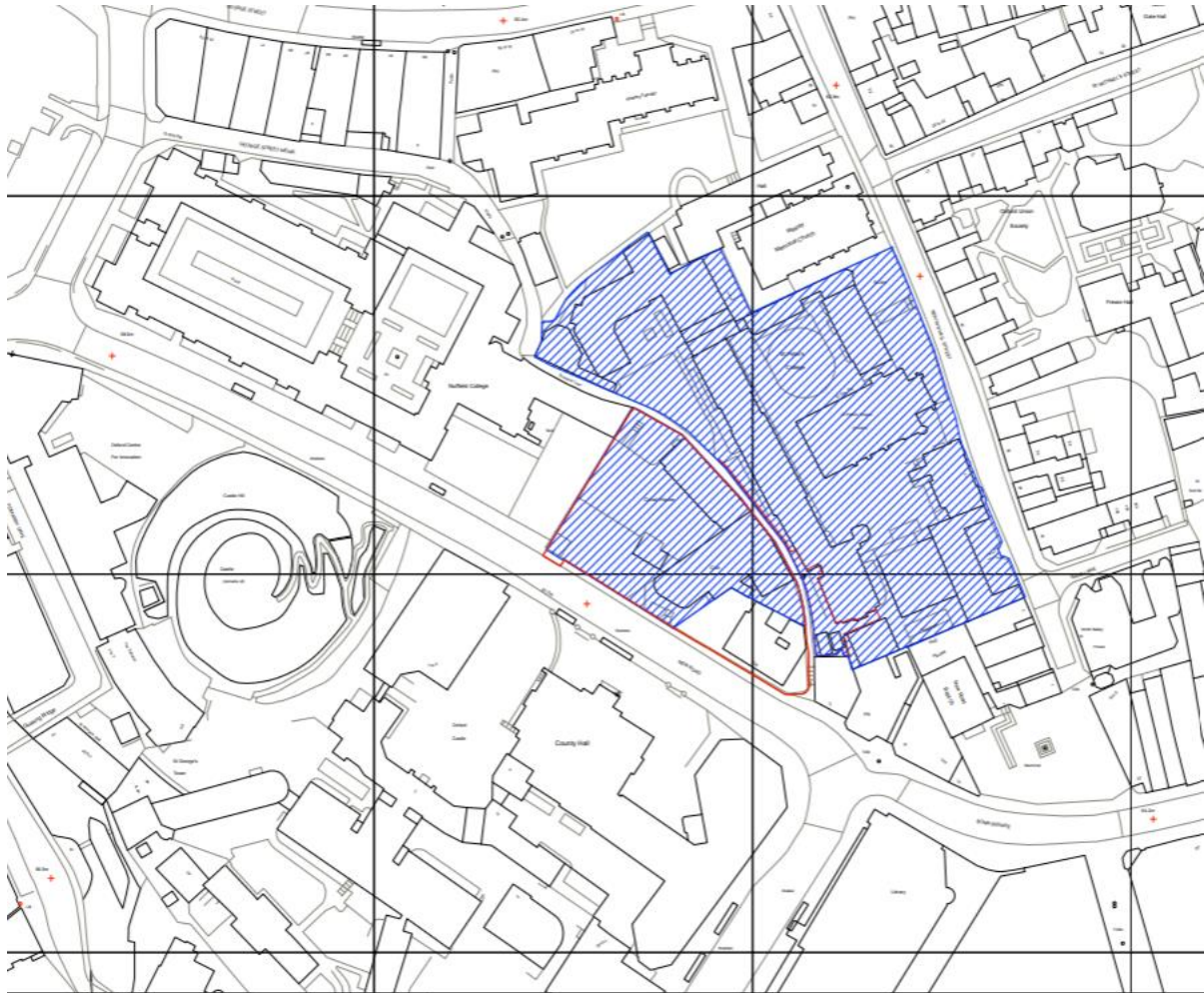
- 11.1 Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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

- 12.1 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 approve listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community

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## Appendix 1 – Location Plan (19/02307/LBC) Castle Hill House



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## West Area Planning Committee

8 December 2020

<b>Application number:</b>	19/02723/FUL		
<b>Decision due by</b>	19 December 2019		
<b>Extension of time</b>	18 December 2020		
<b>Proposal</b>	Demolition of existing dwellinghouse. Erection of 2 x 5-bed dwellinghouses and 3 x 3-bed dwellinghouses (Use Class C3). Provision of car parking, shared access drive with infrared-controlled on-site traffic signals, bin and cycle stores. Associated landscaping. (Amended plans and description; additional information)		
<b>Site address</b>	20 Blenheim Drive, Oxford OX2 8DG – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Wolvercote Ward		
<b>Case officer</b>	Nadia Robinson		
<b>Agent:</b>	Mr Stephen Broadley	<b>Applicant:</b>	Mr Glen De Unger
<b>Reason at Committee</b>	Residential developments on a site with a site area of over 0.25 hectares		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. approve the application for the reasons given in the report, subject to the findings of the archaeological field evaluation and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and

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

- consider and deal with the submitted archaeological report following the field evaluation including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add conditions required in connection with the archaeological field evaluation;
- 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
- issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a proposal for the redevelopment of a site within a perimeter residential block between Blenheim Drive and Woodstock Road. The existing unoccupied large house is proposed to be demolished and five detached homes erected in a linear arrangement. The access driveway from Blenheim Drive would be retained as access to the five new dwellings.
- 2.2. Officers consider that the development strikes the right balance between making efficient use of the land and reflecting the grain of development of the immediate area, taking into account the site constraints including the means of access and neighbouring amenity. The proposal would comply with national and local planning policies, subject to conditions, and therefore officers consider it to be sustainable development and recommend that the Committee approves the application.

## **3. LEGAL AGREEMENT**

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

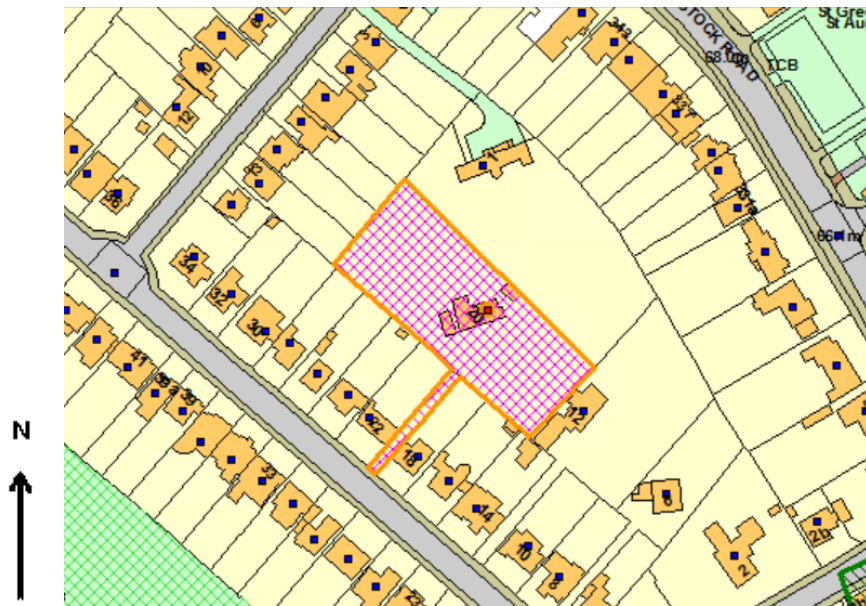
## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for CIL on the whole gross internal area of the proposed development. This is estimated to be £119,677.70 at current rates, subject to indexation.

## **5. SITE AND SURROUNDINGS**

- 5.1. The site, lying to the west of Woodstock Road in north Oxford, is a large plot of land on which sits a single detached property. The house is understood to have been unoccupied for at least three years and officers note that the garden is being used to store building materials. It is one of four plots that lie within a perimeter block, to the rear of residential properties on Blenheim Drive, Wyndham Way and Woodstock Road. It is accessed via a long driveway that runs between the boundaries of numbers 18 and 22 Blenheim Drive and is surrounded by trees and vegetation and the boundary fences or hedges of neighbouring properties.

5.2. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. The application proposes the demolition of the existing buildings on site and the erection of five detached homes in a linear arrangement facing south-west. A block plan shown below (see also **Appendix 1**) identifies the proposed units from left (north-west) to right (south-east) as follows:

- House 1, Type A, 5 bedroom – closest to Wyndham Way properties
- House 2, Type B, 3 bedroom
- House 3, Type C, 3 bedroom
- House 4, Type C, 3 bedroom
- House 5, Type D, 5 bedroom – closest to 12 Blenheim Drive



- 6.2. The access location and dimensions would be unchanged but the driveway is proposed to be resurfaced and a simple traffic light system installed to control traffic movements.
- 6.3. Amended plans were submitted and accepted in October 2020 in order to deal with officer concerns and to amend the proposal so that it would accord with the Oxford Local Plan 2036. Additional information was also provided. The main changes and additional information are:
- Energy statement submitted to demonstrate compliance with higher carbon emissions reduction target
  - Addition of photovoltaic panels to the roof of each dwelling, and an air source heat pump for each unit
  - Updated bat survey, Phase 1 habitat survey and plan of proposed biodiversity enhancements
  - Revisions to the block plan drawings showing a reduction in car parking and revised bike storage
  - Tracking diagrams for car movements
  - Archaeological evaluation and written scheme of investigation

## 7. RELEVANT PLANNING HISTORY

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

52/02623/A\_H - House and garage. **Approved** 11 November 1952.

14/01806/FUL - Demolition of existing dwellinghouse. Erection of 3 x dwellinghouses to create 1 x 6 bed dwelling (Use Class C3), 2 x 5 bed dwelling (Use Class C3). Provision of private amenity space, bin and cycle stores. **Withdrawn** 5 September 2014.

15/00991/FUL - Erection of 2 x 6 bed dwellinghouses (Use Class C3). Erection of a garage. Provision of private amenity space, bin and cycle stores. Refused 28 May 2015. **Appeal dismissed** 23 June 2016.

15/01826/FUL - Demolition of existing house. Erection of 2 x 6-bed dwellinghouses (Use Class C3) and 1 x 5-bed dwellinghouse (Use Class C3). Erection of a garage. Provision of private amenity space, bin and cycle stores.. Refused 11 August 2015. **Appeal dismissed** 23 June 2016.

- 7.2. The appeal decision in respect of 15/00991/FUL (two new dwellings and existing house retained) and 15/01826/FUL (three new dwellings and existing house demolished) is included at **Appendix 2** of this report. The key points made by the Inspector are quoted below:

- Site constraints clearly have to be taken into account in any consideration of the most efficient use of land; in this case the fairly narrow access and the mature trees and their root protection zones on the site, as well as issues of the living conditions of neighbouring residents, and the retained dwelling in Appeal A are all relevant and point to the site not being suitable for its nominal maximum capacity.
- The proposals, by constructing 2 or 3 houses within one such plot would not be compatible with the surrounding grain of development of either the inner rectangle, or the immediate surrounding streets.
- [T]here is no indication that the access could not serve a greater number of dwellings. The size of the plot and the footprint of the proposed houses all point to there being a potential for the site to accommodate a greater number of units than proposed in these schemes.
- Whilst the bin storage area would require a longer walk for future residents than the recommended advice of 30m, I do not consider that this would cause significant difficulties for the number of additional residents that the proposals would create. The bin storage would be safe, discrete and relatively conveniently accessible.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

	National Planning Policy Framework	Oxford Local Plan 2036	Other planning documents	Wolvercote Neighbourhood Plan
Design	117-123, 124-132	RE2 RE5 DH1 DH7 H14 H15 H16		
Conservation/ Heritage	184-202	DH4		
Housing	59-76	H1 H4 H5 H10		
Natural environment	91-101	G2 G7		GBS5
Transport	117-123	M1 M3 M4 M5	Manual for Streets 2007	CHS2

Environmental	117-121, 148-165, 170-183	RE1 RE3 RE4 RE6 RE8 RE9		BES2 BES3 BES4 BES7
Miscellaneous	7-12	S1 RE7 V8		

8.2. The Wolvercote Neighbourhood Plan is not yet made; it was due to have its referendum in May 2020. This is now postponed as regulations linked to the Coronavirus Act 2020 postpone all neighbourhood planning referendums. However, this plan can be given significant weight in decision-making, so far as the plan is material to the application. This is due to the fact that the Council has issued a decision statement detailing its intention to send the neighbourhood plan to referendum.

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7 November 2019 and the application was re-advertised on 3 November 2020 following receipt of amended plans and additional information.

### Statutory consultees

*Oxfordshire County Council (Highways)*

9.2. The proposal seeks to demolish existing property and erect 5 new dwellings (2 x 5-bed and 3 x 3-bed). The site is in a sustainable location close to many local amenities and with good access to public transport. The site sits within the North Summertown CPZ and is accessed via a private access road measuring approximately 42 metres from Blenheim Drive.

9.3. The access road measures 3.5 metres wide and is therefore considered too narrow for 2 cars to pass safely (or park) and therefore the applicant proposes a traffic light system which will give priority to cars entering from Blenheim Drive. This is accepted although the apparatus should not be on public highway, as the traffic generation is not expected to be high. A give way sign for cars exiting the site may have the same effect. No surfacing details have been provided, this should be a smooth material which is easy to cycle and wheel bins over, as the road will not be adopted this can be more flexible. 3.5m is considered below Manual for Streets 2 specifications for a fire tender access, however it is noted that the fire and rescue service have in this instance stated that they are happy with a 3.5m wide access. It would be beneficial to have some form of lighting along the access road for pedestrians and cyclists travelling at night so this should be considered.

9.4. With regards to the visibility of the vehicular access, there are several factors to consider. The access is existing which sets a precedent for vehicles using this access for a period of time. In the previous appeal the

inspector remarked that the access was considered acceptable. Oxford City planning have indicated that they could limit the development to 1 off-street parking space per dwelling which would equate to 5 spaces. It is therefore considered that the development represents a relatively mild intensification of an access which is existing and has been considered acceptable by a planning inspector. It is acknowledged that parked cars could inhibit visibility somewhat however these circumstances are not unusual in this type of environment and do not make the development unacceptable. The applicant should demonstrate that 2m x 2m pedestrian visibility splays are achievable on both sides of the access as this will ensure pedestrian safety is not compromised in the event permission is given.

- 9.5. The dwellings should be excluded from obtaining residents parking permits. This will protect the limited on street parking in the area and mitigate the impact of the development on available on-street parking. If the developments are not excluded from obtaining parking permits there would be significant increase in overspill parking in the surrounding streets.
- 9.6. Car parking is within maximum standards and is accepted, the proposed site plan shows that vehicles can manoeuvre within the site. The design and access statement states that 4 cycle spaces will be provided per unit which is over the standard required and is welcomed, however, the application form states a lower number and the plans are not clear, a condition has therefore been included to ensure the adequate number is provided.
- 9.7. Oxfordshire County Council therefore do not object to the application on highway grounds providing conditions are included in any permission to cover exclusion from parking permits, cycle parking details, construction traffic management plan and visibility splays.

*Oxfordshire County Council (Fire and rescue service)*

- 9.8. No objection. Based upon the assumption that the roadway is of suitable construction to withstand our fire appliances weight (~12.5 tonnes) and the parking opposite does not prohibit the fire appliance turning into the access road; an access road width of 3.8m would be acceptable. However with the bins on the road this narrows to 2806mm as shown on the Access management and Bin store plan. Approved Document B recommends a road width of 3.7m, with gateways of 3.1m. Even with wing mirrors folded in we would struggle to be able to pass these bins whilst in situ. However it is realistic that fire crews attending an emergency would be able to move the wheeled bins, this would delay their attendance as the appliance would have to reverse to move the bins out of the way or push all of the bins up the lane. It is noted that the proposal is to allow bins in this position for bin day only which will limit the likelihood of an issue, although I was unable to identify where these bins would be stored the rest of the week (storage near properties appears to be for smaller bins).
- 9.9. In order to comply with Building Regulations and Approved Document B 2019, there should be sufficient access to allow a fire appliance to get

within 45 metres of the further point in each dwelling ADB13.1; dead end access routes longer than 20 metres should have turning facilities. It is taken that the turning facility provided complies with Table 13.1. House One appears to be on the limit of this guidance.

- 9.10. *[Additional comment received when officers subsequently clarified with the Fire and Rescue Service that the access lane is less than 3.8m in places.]* On this occasion we are satisfied that a roadway width of 3.4m would be acceptable, on the assumption we can turn our fire appliances at the top of the roadway. We would normally expect the minimum width of road of 3.7m as defined within Approved Document B Table 13.1, with gateways of 3.1m. However it should be noted that this would mean a slow approach to the house on fire; as there would be little room between the fence / wall line either side of the fire appliance's wing mirrors. Along with the possibility that arrival is further delayed by moving the bins prior to approaching the lane.
- 9.11. Were these dwellings to have domestic automatic water suppression systems installed we would have no adverse comments; as this would restrict fire development until the fire crews attended; also there is an allowance in BS9991 for extension of the 45m rule where dwellings are fully sprinklered where crews need to deploy more hose.

### **Public representations**

- 9.12. When the application was originally advertised, 42 representations were received from addresses in 1, 2a, 2b, 4, 8, 10, 12, 16, 18, 20, 22, 22, 22, 24, 26, 27, 29, 30, 30, 30, 32, 32, 35, 47, 54, 56, 58, 63 and 75 Blenheim Drive, 28 Polstead Road, 333, 335 and 337 Woodstock Road, and 1, 5, 7, 11 and 13 Wyndham Way. Two representations were also received from the Blenheim Drive Immediate Neighbours Group (representing 12, 16, 18, 22, 23a, 24, 26, 30, 35 and 54 Blenheim Drive and 13 Wyndham Way).
- 9.13. Following submission of additional information and amended plans, a further 20 representations were received from address in 2a, 8, 12, 16, 18, 22, 24, 26, 27, 29, 30, 31, 32, 56 Blenheim Drive, the Blenheim Drive Immediate Neighbours Group, 141 Godstow Road and 11 and 13 Wyndham Way.
- 9.14. In summary, the main points of objection prior to receipt of additional information were:
- Overdevelopment of site, cramped arrangement, out of character with the area, backland development
  - No space for visitor parking
  - Increase in on-street parking
  - Increase in traffic, including construction phase
  - Intensification of use of driveway and consequent impact on neighbours
  - Query over actual width of access lane; plans not accurate in this regard



- Narrow access – problem for bins, pedestrians, safety, visibility and service/emergency vehicles
- Temporary bin storage in access lane not acceptable
- Loss of green space and biodiversity
- Impact on trees, including removal of street trees
- Landscape boundaries inadequate
- Impact on neighbouring amenity including overlooking from window in garage to no 16, loss of trees causing overlooking into 26 and 24 Blenheim Drive
- No sustainability proposals
- Air quality impacts
- Security issues for rear boundaries of Blenheim Drive properties
- Tree assessment and bat survey not up to date
- Covenants on properties in Blenheim Drive only permit one house per plot
- Existing property not used as a residence continuously for six months in the last 36 months

9.15. After re-advertising the amended plans and additional information, the following further main points of objection arose from the public consultation:

- Space for garden waste recycling bins would be needed in addition to waste and recycling bins and food caddies
- Noise from air source heat pump would harm neighbouring amenity
- Insufficient visitor parking
- Controlling level of car ownership
- Small gardens could lead to cut back and harm to trees and tree roots
- Potential for harm to third party trees as a result of resurfacing driveway
- Discrepancy between the proposed site landscape plan and the site plan in terms of tree planting, retention and removal
- Homes not orientated to maximise solar gain
- Light pollution impacting neighbouring amenity

#### **Officer response**

9.16. Whilst the majority of the comments raised will be dealt with in the following section of the report, and others are dealt with in the submission of additional information, officers would clarify a number of issues raised at this point:

- No removal of street trees is proposed with this application.

- Covenants on properties are not a material planning consideration.
- The lack of use of the existing property is noted and has been confirmed by the agent.
- The question of how future residents maintain their garden is not considered a material planning consideration in this case. It would be a civil matter.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Design
- c) Neighbouring amenity
- d) Trees and landscape
- e) Car parking and access
- f) Cycle and bin storage
- g) Energy sustainability
- h) Biodiversity and ecology
- i) Flooding and drainage
- j) Archaeology
- k) Land quality
- l) Air quality

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

10.2. Policy H1 of the Oxford Local Plan 2036 seeks to deliver new homes in Oxford by promoting the efficient use and development of land/sites, including higher densities in appropriate locations. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land and that development proposals must make best use of site capacity, in a manner compatible with the site itself and the surrounding area, and must address specified criteria including that the density must be appropriate for the use proposed; the scale of development should conform to other policies in the plan; and built form and site layout must be appropriate for the capacity of the site.

- 10.3. Policy H5 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes.
- 10.4. The site is previously developed land as per the NPPF definition. Paragraphs 84 and 117 of the NPPF encourages the use of previously developed land. The proposal would not result in a net loss of homes and, for the reasons discussed later in this report, makes the best use of the site's capacity. The principle of development is therefore acceptable.

**b. Design**

- 10.5. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.6. As detailed above, Policy RE2 requires that development responds in a manner compatible with the site itself and the surrounding area, and must address specified criteria including that the density must be appropriate for the use proposed; the scale of development should conform to other policies in the plan; and built form and site layout must be appropriate for the capacity of the site.
- 10.7. The proposal for generously proportioned detached family dwellings with plot boundaries close to each house follows the pattern of development in Wyndham Way and Blenheim Drive. The roof heights of the proposed dwellings are lower or on a par with those of the surrounding homes which helps them to sit more comfortably within the block. This is considered an appropriate response to the site which strikes the right balance between making efficient use of the land and respecting the grain of development in the immediate surroundings.
- 10.8. The design of the individual homes is acceptable; they are set over two storeys with the second lying partially in the roof, they are not overly bulky in mass, the roof form is appropriate with no flat roof elements, and the mix of brick and render would be in-keeping with the materials used in existing homes in the surrounding area. Arrays of photovoltaic panels are proposed on each house, which would allow the development to meet the sustainable energy targets required by policy RE1. The panels cover a small area of roof on each property and do not overly dominate the roofscape and as such are considered appropriate.
- 10.9. The internal dimension of each house comply with the Nationally Described Space Standard Policy and therefore with policy H15 of the Oxford Local Plan 2036.
- 10.10. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Houses should provide a private garden, of

adequate size and proportions for the size of the house proposed, which will be considered to be at least equivalent in size to the original building footprint.

- 10.11. The application sets out the area of each garden and each building footprint and demonstrates that garden area comfortably exceeds footprint in all cases. While officers note that the usable area of garden may be lower than presented, the gardens would comply with policy H16 and are considered to provide high quality outdoor amenity space. While the house to garden ratio does not match that of surrounding properties, officers are mindful of the requirement to make the best and most efficient use of the land and feel that the balance of the number of dwellings on the plot and quality of outdoor space in this proposal is appropriate.
- 10.12. Officers recommend that a condition be applied to remove permitted development rights for extensions to the properties, should planning permission be granted. This is in order to safeguard the outdoor amenity space for future residents and to safeguard the residential amenity of neighbouring properties.

### **c. Neighbouring amenity**

- 10.13. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected. The impact on surrounding residents is therefore considered below.
- 10.14. Numbers 14 to 18 (even) and 22 to 28 (even) Blenheim Drive all have rear boundaries onto the site, and numbers 22 and 18 also each share a side boundary with the access road. These properties have long back gardens and the minimum distance between the homes and the proposed dwellings is approximately 30 metres. The closest point between the front of House 1 and the rear boundary of number 28, and between the front of House 5 and the rear boundary of number 16 is approximately 9 metres; this is a comfortable distance, given the existing long gardens and the intervening mature trees and there would be no harmful overlooking caused. For numbers 18, 22, 24 and 26, the minimum distance from the proposed homes to these properties' rear boundaries is approximately 11.3 metres. Tree retentions and new tree planting is proposed on site to strengthen this boundary, although there are tree removals proposed and a turning area to the rear of number 26. Considering this distance between existing and proposed properties, the large existing gardens, and that number 26 has outbuildings at the foot of the garden across most of the width, officers consider that there would be no harmful impact from overlooking or loss of privacy, nor any harmful disturbance from the occasional vehicle movement in the proposed access leading to House 1.

- 10.15. While the site arrangement would result in the rear of numbers 14 to 18 (even) and 22 to 28 (even) Blenheim Drive losing their enclosure by the garden of 20 Blenheim Drive, this is not considered to be a harmful arrangement because of the presence of buffer landscaping. The arrangement is not uncommon in short stretches of cul-de-sac and would not result in a level of harm that might result if back gardens gave onto main thoroughfares.
- 10.16. Number 22 Blenheim Drive has four windows at ground floor level which face onto the access road. The boundary fence has been removed at this point. The windows are secondary windows serving rooms that have another primary source of natural light. Both parties have permitted development rights to erect a fence up to 2 metres in height at this point. For these two reasons, it is considered that there would be no harm to the neighbouring amenity (loss of light, loss of privacy or increased disturbance) for occupiers of number 20 as a result of the potential increase in use of the access road.
- 10.17. The boundary treatment along the boundary with 12 Blenheim Drive will be unchanged. Although the footprint of number 12 lies very close to its rear boundary, there are very few windows in the rear elevation and only one serving a habitable room. There are two ground floor rear facing windows: one serving the open plan kitchen/dining room, one serving a toilet. On the first floor, there are two windows serving two bathrooms, and there is a window serving the staircase to the second floor. The position of House 5 is such that it would not be directly opposite the kitchen window; a line drawn upwards at 45-degrees from the cill of the kitchen window would not be breached by the development. The distance between number 12 and the proposed House 5 is seven metres at the closest point. No side-facing windows are proposed at first floor in the south-east elevation of House 5, only rooflights which would not give rise to overlooking. Considering the positioning on the plot of number 12 and its dominant outlook being to the east, the relationship with proposed House 5 would not give rise to any harmful loss of privacy, loss of light or overbearing impact.
- 10.18. The distances between 1 Wyndham Way and the proposed dwellings, and the screening provided by the intervening tree belt, would ensure no harmful overlooking or loss of privacy or light for this property.
- 10.19. There are approximately 3.5 metres between the side elevation of proposed House 1 and the boundaries with 7 to 13 (odd) Wyndham Way, and a minimum distance of approximately 30 metres between House 1 and the nearest of these houses. No side-facing windows are proposed at first floor in the north-west elevation of House 1, only rooflights which would not give rise to overlooking. These distances are comfortable and the interrelationship between the proposed development and existing would not give rise to harm to existing residential amenity.
- 10.20. The proposed and retained boundary treatments are typical for residential properties and officers have no concerns in this regard. The distances

between properties, the design of the properties and the boundary treatments would ensure no harmful light spill.

- 10.21. As noted later in this report, the principle of the access for a development providing five car parking spaces is accepted. The potential noise, light and traffic fume disturbance from the access driveway is mitigated through the boundary planting (both retained and proposed), through the resurfacing of the driveway with a material that will make less noise when in use by vehicles, and through adequate turning arrangements for vehicles.
- 10.22. With regard to noise, officers consider that the residential use proposed in a wholly residential area would not give rise to any harmful noise impacts for existing or future residents. Therefore the proposal would accord with policy RE8 of the Oxford Local Plan 2036 and policy BES3 of the Wolvercote Neighbourhood Plan.
- 10.23. With regard to the impact on residential amenity during the construction phase, officers would recommend a condition to secure a Construction Management Plan in accordance with policy RE7 of the Oxford Local Plan 2036.
- 10.24. In summary, officers are satisfied that the proposal would safeguard residential amenity and would comply with relevant local plan policies in this regard.

#### **d. Trees and landscape**

- 10.25. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted for development that results in the net loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. Policy G7 also states that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances: where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls.
- 10.26. There are mature trees situated in the adjacent property to the northeast; these represent the principal arboricultural design constraints. The proposed scheme includes a tree constraints plan and the design of the layout appears to have been influenced by this.
- 10.27. The development will require the removal of 12 trees inside the site. Four of these trees would be recommended for removal irrespective of this development due to poor structural and physiological condition. The loss of these trees, due to their low quality and location internally to the site, will

not have any detrimental effect on the wider visual amenity of the area or to landscape screening functions.

- 10.28. The Proposed Landscape Plan does not give more than indicative information, but officers are confident that replacement planting will be able to deliver at least no net loss in tree present canopy cover over 25 years. A condition is recommended to provide the required level of detail including tree species via a revised and more detailed landscape plan.
- 10.29. Officers have no concerns with regard to harm to third party trees as a result of resurfacing the driveway, as was raised through public consultation.
- 10.30. The scheme has minimal direct implications for trees and indirect potential implications can be controlled through appropriate conditions. Subject to the various recommended conditions in relation to trees and landscape, the proposal would conform with policy G7 of the Oxford Local Plan 2036.

#### **e. Car parking and access**

- 10.31. Policy M3 of the Oxford Local Plan 2036 requires dwellings that are located within a controlled parking zone, within 400m walk to a frequent bus service and within 800m walk to a local supermarket to be car free. In all other locations compliance with the maximum standards in appendix 7.3 are required, which is 1 parking space per dwelling.
- 10.32. The site is in the North Summertown controlled parking zone and within 400m of a regular bus service; it is not within 800m of a supermarket. The application proposes the maximum standard of one car parking space per dwelling and the landscape for the site has been designed to prevent additional parking (see plan P101 revision C). Plan P101A revision C has also been submitted demonstrating that the cars can safely manoeuvre within the site and exit the site in a forward gear. It is noted that this plan is out of date in showing seven car parking spaces. However, the plan only serves to demonstrate how cars will turn on site and does not need to be an approved document, should planning permission be granted.
- 10.33. In order for the landscape to effectively prevent on-site parking above one car per unit, further detail is needed. The areas of planting in front gardens should have a kerb or be raised beds, and should specify the type of planting they will contain. This will ensure these areas cannot be parked on. A condition is therefore recommended for a more detailed landscape plan to be supplied and approved, and for the maintenance and retention of the approved landscape scheme in order to manage parking levels on site. Officers note that further detail of the landscape is required to comply with biodiversity and tree policies, and these points are discussed in the relevant sections below.
- 10.34. The proposed five car parking spaces, one per dwelling, is an acceptable quantum and accords with policy M3. Subject to a condition removing the new properties from residents parking permits and the submission of a

robust landscape plan which minimises opportunities for informal parking while allowing for safe manoeuvring, officers consider that this level of car parking can be maintained on site and not exceeded. It is considered that residents of new properties should be able to apply for visitor parking permits since no visitor parking is provided on site to avoid such spaces being used for permanent parking.

- 10.35. Policy M4 requires electric charging points for all allocated parking spaces for residential developments, and policy CHS2 of the Wolvercote Neighbourhood Plan states that new homes should include charging points for electric vehicles. A condition is therefore recommended to ensure electric charging points are provided for each of the five parking spaces.
- 10.36. Access to the site is proposed along the existing driveway to 20 Blenheim Drive which runs between the side boundaries of 18 and 22 Blenheim Drive. The access drive would be continued, perpendicular to the existing driveway, to allow access to the proposed homes. The principle of this existing access being used to service more than three properties was accepted by the Inspector. Only five parking spaces are now proposed, while for the two appeal proposals, one proposed six spaces, the other nine.
- 10.37. The width of the access has been verified by officers. The distance between the existing pillars at the entrance to the access is 3.4 metres; the narrowest point of the access road once past the pillars is 3.5 metres.
- 10.38. The access driveway to backland properties behind the frontage properties is a feature of the block, albeit that the driveways currently serve one property each. Officers would note that the restricted number of car parking places gives a level of control and certainty to the traffic movements along the driveway. The access is proposed to be resurfaced with resin bonded gravel (with no kerb), lit with low-level lighting on timer and controlled using a simple traffic light system at each end. These measures will minimise the noise disturbance caused by vehicle movements and ensure the safe operation of the drive. These measures and their maintenance are recommended to be secured via a condition for a site management plan.
- 10.39. Concerns have been raised during the public consultation regarding the width of the access in general, and in particular whether it is sufficient to allow access for emergency vehicles and when bins are in situ in the bin collection point. The Local Highway Authority and the County Fire Safety Inspector were consulted on proposals. Officers would note that the Highways Authority and County Fire Safety Inspector are aware that the minimum width of the driveway is 3.5m, with a 3.4m wide entrance and have made their comments on this basis.
- 10.40. The width of the access is sufficient for a single vehicle to pass. Officers note that this is a relatively short, straight lane with clear visibility at each end, to be navigated at slow speeds with traffic light controls and low-level lighting in the dark. This is considered by officers, as well as by the Highway Authority, to be manageable and practicable, sufficient to handle



the low volumes of car movements as well as with situations where cars need to give way when cyclists or pedestrians are also using the access.

- 10.41. The Inspector considered the bin collection area presented in the appeal cases to be an acceptable arrangement; the now-proposed bin collection arrangement follows the same principle: residents would drag bins to the bin storage area on collection day (or the evening before) and then take them back to their individual bin stores once emptied.
- 10.42. On bin collection day, with bins in situ, there would remain sufficient width (a minimum of 2.8 metres) for a single vehicle to pass the bins. Manual for Streets states that widths of 2.75 metres may be used for short stretches of single carriageway in “lightly-trafficked streets”. The proposed driveway for five vehicles plus occasional visitors would be much lower in a highway hierarchy than a lightly-trafficked street and therefore it is considered a wholly appropriate width for the access to the development proposed.
- 10.43. The Planning Inspector and the County Fire Safety Inspector are satisfied that the bins can be quickly moved out of the way in an emergency to allow access for fire trucks. The County Fire Safety Inspector notes that, even with wing mirrors folded in fire crews would struggle to be able to pass these bins whilst in situ (fire appliance vehicles widths are 3.1m, and 2.5m with wing mirrors folded in). However it is realistic that fire crews attending an emergency would be able to move the wheeled bins albeit that this would delay their attendance. It is noted that the proposal is to allow bins in this position for bin day only which will limit the likelihood of there being an issue. The fire service would strongly recommend that the dwellings have a domestic automatic water suppressions system or water mist system installed in order to restrict fire development until the fire crews attend. Officers would therefore recommend that these be installed prior to first occupation of the dwellings, should planning permission be granted. The supplied traffic site and access plan demonstrates that fire tenders would be able to access and navigate in the site.
- 10.44. Concerns have been raised that future occupants may subscribe to the Council’s garden waste bin collection scheme, which could lead to up to ten bins being present in the driveway each fortnight. Officers consider that the potential for this increase in bin numbers does not change the principle that fire appliances would access the site after moving the bins from the drive, and on the basis that the properties have automatic water suppressions systems in place to restrict fire development.
- 10.45. Officers must give due weight to the lack of objection from the Highways Authority and the County Fire Safety Inspector, the appeal statement of the Planning Inspector. Officers are satisfied that the access arrangements are safe and practical and therefore see no grounds to refuse the development on the basis of the access.
- 10.46. A condition is recommended that, prior to first occupation, the access driveway is resurfaced as proposed with resin-bonded gravel to withstand vehicle weights of 12.5 tonnes and the traffic lights and lighting installed in

accordance with approved details in the interests of safety of users and to minimise noise and light disturbance for immediate neighbours. A condition is recommended to prevent any structure being erected that would narrow the width of the access, such as a new fence, in the interests of the safe operation of the access. In addition, officers recommend a condition requiring a site maintenance plan to include contact details, maintenance of the access, lighting and traffic lights system, as well as to cover matters considered in other sections of this report such as landscape maintenance.

**f. Cycle and bin storage**

- 10.47. Policy M5 of the Oxford Local Plan 2036 requires provision of at least 3 cycle parking spaces per dwelling. It states that all residential cycle storage must be secure, covered, preferably enclosed and provide level, unobstructed access to the street.
- 10.48. Policy DH7 of the Oxford Local Plan 2036 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area, whilst meeting practical needs; external servicing features have been designed as an integrated part of the overall design, or are positioned to minimise their impact; and materials used for detailed elements such as for stores are of high quality so they enhance the overall design.
- 10.49. Each proposed unit has a covered, secure bike store for four bikes located conveniently close to the front of the house. Details of the stores are recommended to be sought by condition prior to their construction to ensure they are appropriately designed and functional, and thereafter their retention.
- 10.50. Bin storage is provided conveniently for each property. As noted previously in this report, residents would need to wheel bins between 50 and 80 metres to the collection point ready for collection day. This exceeds the distance contained in the Council's technical advice note on waste storage. However, officers must have regard to the conclusions of the Inspector on this point: "Whilst the bin storage area would require a longer walk for future residents than the recommended advice of 30m, I do not consider that this would cause significant difficulties for the number of additional residents that the proposals would create."
- 10.51. The proposal is considered acceptable with regard to bin and cycle storage and other external servicing including the small air source heat pump for each property.

### **g. Energy sustainability**

- 10.52. Policy RE1 requires that new build residential dwellinghouses achieve at least a 40 per cent reduction in carbon emissions from a 2013 Building Regulations compliant base case. New dwellings area also required to meet the higher water efficiency standards within the 2013 Building Regulations Part G2 water consumption target of 110 litres per person per day.
- 10.53. An energy statement has been supplied with the application which demonstrates that a 41.51 per cent reduction in carbon emissions from a 2013 Building Regulations baseline will be achieved via the following methods:
- High performance building fabric
  - Air source heat pump for each dwelling for heating and hot water
  - Photovoltaic panels on each dwelling
- 10.54. Policy RE1 also states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:
- a) Maximising energy efficiency and the use of low carbon energy;
  - b) Conserving water and maximising water efficiency;
  - c) Using recycled and recyclable materials and sourcing them responsibly;
  - d) Minimising waste and maximising recycling during construction and operation;
  - e) Minimising flood risk including flood resilient construction;
  - f) Being flexible and adaptable to future occupier needs; and
  - g) Incorporating measures to enhance biodiversity value.
- 10.55. Many of these matters are addressed where relevant elsewhere in this report. Overall, it is considered that the proposed development has taken an appropriate and proportionate approach to sustainable design and construction.
- 10.56. A condition is recommended to secure the measures in the energy statement along with a monitoring scheme to measure energy performance once the homes are built. The question of the noise from air source heat pumps was raised in the public consultation. There are permitted development rights for the installation of air source heat pumps on domestic premises and therefore it is not considered reasonable to apply restrictions above or beyond those that restrict permitted development. Accordingly, the condition will require that the air source heat pumps comply with Microgeneration Certification Scheme Planning Standards (MCS 020) or equivalent standards.

- 10.57. A further condition is recommended to ensure the development complies with the requirements of policy RE1 in relation to water efficiency.

#### **h. Biodiversity and ecology**

- 10.58. Policy G2 of the Oxford Local Plan 2036 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity. Policy GBS5 of the Wolvercote Neighbourhood Plan states that proposals which would result in significant harm to sites and/or species of ecological value will not be supported, unless the developer can demonstrate that the benefits of the development clearly outweigh the loss of habitat and species.
- 10.59. An Extended Phase I & Preliminary Bat Survey Update 2020, along with a dusk bat emergence survey, have been submitted as part of the application. This is in addition to the originally submitted ecology survey work. Officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys have confirmed the likely absence of roosting bats and shall be considered valid for 12 months. Bats have not been found to be roosting on site, but moderate bat activity was recorded in the garden. Conditions are therefore recommended to avoid impact on this species. The local planning authority in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017. Officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.
- 10.60. The survey includes a biodiversity calculator which has identified a very minor net loss. To mitigate for this loss and to ensure overall enhancement on the site, various habitat and faunal enhancements are proposed and are set out on the proposed landscape plan reference 1197-P101 C. Officers consider that further detail is required and recommend this be secured by condition.
- 10.61. Subject to this condition, the scheme would comply with policy G2 of the Oxford Local Plan 2036.

#### **i. Flooding and drainage**

- 10.62. Policy RE4 of the Oxford Local Plan 2036 states that all development is required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off. Policy BES4 of the Wolvercote Local Plan requires that developments demonstrate that they do not decrease rain water infiltration. Developments that demonstrate that they increase infiltration (where it is geologically possible), or reduce run-off to watercourses, will be supported. All run off water should be infiltrated into the ground using permeable surfaces (SUDS), or attenuation storage, so that the speed and quantity of run off is decreased. Proposals for new development should ensure that there is no increased risk of flooding to existing property as a result of the development.

- 10.63. The site is in Environment Agency Flood Zone 1. An initial preliminary drainage strategy was submitted, based on the use of shared permeable paving, and outfall at the end of the access track. Queries were raised as to whether separate attenuation could be provided for each dwelling, in order to simplify the maintenance responsibilities and liabilities. An alternate strategy was provided to address this, and it was deemed that on balance, the initial strategy was preferable – the concerns being allayed on the basis that with the private road there are already shared maintenance liabilities. Therefore, it is recommended that a condition is included to secure a full drainage strategy and maintenance plan, based on the (original) preliminary drainage strategy submitted.
- 10.64. Subject to the recommended condition, the development would accord with policies RE4 of the Oxford Local Plan 2036 and BES4 of the Wolvercote Local Plan.

#### **j. Archaeology**

- 10.65. Policy DH4 of the Oxford Local Plan 2036 requires that, where archaeological deposits and features are suspected to be present, applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. This site is of interest because of its scale and location on the Summertown-Radley gravel terrace which has been shown by previous investigations to preserve the remains of a dispersed Late Neolithic-Early Bronze ritual and funerary landscape along with areas of dispersed Iron Age and Roman settlement. An Archaeological Evaluation and Written Scheme of Investigation has been submitted.
- 10.66. There is insufficient information to establish the significance of the heritage assets at this site and officers therefore request that, in line with the advice in the NPPF, the applicant be required to undertake a field evaluation prior to the determination of this application. The methodology is set out in the submitted Written Scheme of Investigation. Once a satisfactory and complete archaeological report has been received the City Council Archaeologist will advise of the archaeological implications and recommend appropriate action. If important archaeological assets would be affected then the preferred option is for the applicant to develop a mitigation strategy to sustain the significance of the heritage asset/s affected. Officers request that this decision be delegated to officers as set out in paragraph 1.1.1 of this report.

#### **k. Land quality**

- 10.67. With regard to land quality assessment and in accordance with policy RE9 of the Oxford Local Plan 2036, officers consider that that risk of significant contamination being present on the site is likely to be low. However the development involves the creation of new residential dwellings which is considered to be sensitive development and it is the developer's responsibility to ensure that the site is suitable for the proposed use. It is therefore recommended that an appropriate informative is placed on any

planning permission in case any unexpected contamination is encountered during development.

## **I. Air quality**

- 10.68. Policy RE6 only requires an Air Quality Assessment for major proposals (10 or more residential units) which would carry a risk of exposing individuals to unacceptable levels of air pollution. This development of five units with five car parking spaces would not trigger this requirement and no significant effects on air quality are anticipated as a result of this development.

## **11. CONCLUSION**

- 11.1. It is acknowledged that the development of this site would result in a perceptible change for the immediate neighbours to the site, particularly because the site has been unoccupied for some time. However, planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In the context of the urgent need for more homes and the constrained supply in Oxford, development proposals must make best use of site capacity and efficient use of brownfield land. Officers, mindful of the Inspector's appeal decision (see **Appendix 2**), consider that the proposed development achieves an appropriate balance between efficient use of the site and contextual design. The proposal accords with the development plan and therefore, in accordance with paragraph 11 of the NPPF, should be approved without delay.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the findings of the archaeological field evaluation and the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **1. 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. Approved plans**

Subject to conditions 7 and 12, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

### **3. Materials as approved**

The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy DH1 of the Oxford Local Plan 2036.

### **4. Permitted development rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) (or any Order revoking and re-enacting that Order with or without modification) no structure including additions to the dwellinghouses hereby approved as defined in Classes A, B, C, D, E of Part 1 of Schedule 2, of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be the subject of further consideration to safeguard the appearance of the area and the amount of external amenity space in accordance with policies DH1 and H16 of the Oxford Local Plan 2036.

### **5. Construction Management Plan**

Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall identify:

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

The development shall be carried out in full accordance with the approved Construction Management Plan at all times unless otherwise agreed beforehand 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 policy RE7 of the Oxford Local Plan 2036.

## **6. Tree removals and retentions**

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars (Proposed Site Plan (Dwg.1197\_P101)). No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with approved plans and particulars, without the written approval of the local planning authority. Any lopping or topping approved shall be carried out in accordance with British Standard 3998;1989 (Tree Work) where applicable.

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

## **7. Landscape plan required**

A revised landscape plan shall be submitted to, and approved in writing by, the local planning authority prior to commencement of development excluding demolition. The plan shall:

- a) show details of treatment of paved or otherwise hard surfaced areas including access driveway, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting;
- b) correspond to a schedule detailing plant numbers, sizes and nursery stock types; and
- c) provide detail of kerbs or raised beds for the frontage landscaping designed to prevent car parking.

Reason: In the interests of visual amenity, to prevent unauthorised parking and to ensure a biodiversity net gain in accordance with policies G2, G7, G8, M3 and DH1 of the Oxford Local Plan 2036.

## **8. Landscape proposals: implementation**

The landscaping proposals as approved in writing by the local planning authority shall be carried out prior to the 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 G2, G7, G8, M3 and DH1 of the Oxford Local Plan 2036.

### **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 during the first available planting season with others of a species, size and number as originally approved unless otherwise agreed in writing by the Local Planning Authority.

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

### **10. Tree Protection Plan**

No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated CEZs unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

### **10. Bin and bike storage**

Detailed drawings of the cycle storage for each unit demonstrating compliance with policy M5 of the Oxford Local Plan 2036 shall be submitted

to and approved in writing by the local planning authority. Cycle and bin storage in accordance with the approved plans shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle parking and bin storage.

Reason: in the interests of sustainable travel and visual amenity in accordance with policy M5 and DH7 of the Oxford Local Plan 2036.

### **11. Electric charging points**

Each residential unit hereby permitted shall be provided with an electric vehicle charging point to serve its respective car parking space. The charging points shall be operational on first occupation of the dwellings hereby permitted and thereafter retained.

Reason: in the interests of sustainable travel and air quality in accordance with policy M4 of the Oxford Local Plan 2036.

### **12. Drainage**

Prior to commencement of development excluding demolition, a final sustainable drainage strategy shall be submitted to and approved in writing by the local planning authority.

The detailed design of the drainage strategy shall be based on the preliminary drainage strategy in the submitted Infrastructure Drawing reference 3843-BLDR-ICS-01-XX-DR-C-0200-P01-S2\_Drainage Design. The drainage strategy shall accord with Oxford City Council SuDS Design and Evaluation Guide (available at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)), Non-statutory technical standards for SuDS, and CIRIA C753 – the SuDS Manual.

The drainage strategy shall be built in complete accordance with the approved design.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2036

### **13. Access driveway safety measures**

Details of the lighting of the access driveway and traffic light system shall be submitted to and approved in writing by the local planning authority. The approved lighting and traffic light system shall be installed and operational prior to first occupation. No structure shall be erected or other works undertaken that would narrow the width of the access road as hereby approved.

Reason: In the interests of safety and the appearance of the area in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

#### **14. Visibility Splays**

Prior to occupation of the development hereby approved, visibility splays measuring 2m by 2m shall be provided to each side of the access and thereafter retained. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy RE7 of the Oxford Local Plan 2036.

#### **15. Site management plan**

Prior to first occupation of the development hereby permitted, a site management plan shall be submitted and approved in writing by the local planning authority. The plan shall cover the following matters:

- a) Landscape management, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens,
- b) Access management, including maintenance of hard surfacing, lighting and traffic lights or other vehicle priority system
- c) Drainage (SuDS) maintenance details including the frequency and types of maintenance for each individual sustainable drainage structure proposed to ensure the sustainable drainage system will continue to function safely and effectively in perpetuity
- d) Named contact for site management

The development shall be managed in accordance with the approved site management plan in full at all times for the lifetime of the development. Changes to the site management plan may be made subject to the prior written approval of the local planning authority.

Reason: In the interests of amenity, safety and the appearance of the area in accordance with policies M3, DH1, G7, RE4 and RE7 of the Oxford Local Plan 2036.

#### **16. Sprinkler system**

Prior to first occupation of the development hereby approved, each residential unit hereby approval shall have a domestic automatic water suppressions system installed and operational.

Reason: In the interests of fire safety in accordance with policy RE7 of the Oxford Local Plan 2036.

## **17. Energy measures**

The development shall be carried out in full accordance with submitted Energy Statement PR8132 dated 02/09/2020. Air source heat pumps installed shall conform to Microgeneration Certification Scheme Planning Standards (MCS 020) or equivalent standards.

Reason: In the interests of sustainable energy, carbon reduction and residential amenity in accordance with policies RE1 and RE7 of the Oxford Local Plan 2036.

## **18. Water efficiency**

The development shall accord with the 2013 Building Regulations (or equivalent future legislation) Part G2 water consumption target of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with policy RE1 of the Oxford Local Plan.

## **19. 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 a net gain in biodiversity will be achieved. This should follow recommendations set out in the Extended Phase I & Preliminary Bat Survey Update 2020 (March 2020) and Dusk Bat Emergence Survey produced by 4 Acre Ecology Limited. The scheme will include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. Any new fencing will include holes suitable for the safe passage of hedgehogs.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

## **20. Bats**

There shall be no night working and no lighting left on at night during the construction phase.

Reason: In order to protect foraging and commuting bats within the site in accordance with Policy G2 of the Oxford Local Plan 2036.

## **21. Lighting**

Prior to first occupation, details of external lighting for the buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed to prevent disturbance to light sensitive wildlife such as bats.

Reason: For the prevention of disturbance to species within the site during operation in accordance with Policy G2 of the Oxford Local Plan 2036.

**13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Appeal decision

**14. HUMAN RIGHTS ACT 1998**

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

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

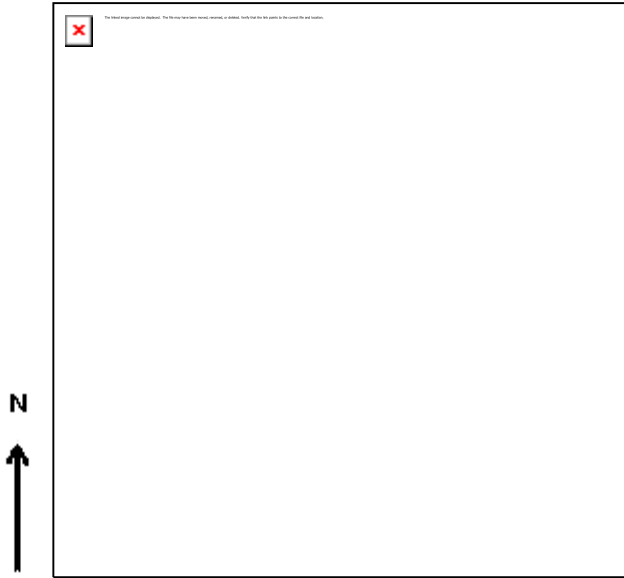
- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission,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

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# Appendix 1

## 19/02723/FUL - 20 Blenheim Drive

Existing block plan:



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Ordnance Survey 100019348

Proposed block plan:



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## Appeal Decisions

Hearing held on 12 April 2016

Site visit made on 12 April 2016

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 June 2016**

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### **Appeal A: APP/G3110/W/15/3139468**

#### **20 Blenheim Drive, Oxford OX2 8DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bouvard Group against the decision of Oxford City Council.
  - The application Ref 15/00991/FUL, dated 27 March 2015, was refused by notice dated 28 May 2015.
  - The development proposed is the construction of 2 new detached houses at Blenheim Drive, Oxford.
- 

### **Appeal B: APP/G3110/W/15/3139945**

#### **20 Blenheim Drive, Oxford OX2 8DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bouvard Group against the decision of Oxford City Council.
  - The application Ref 15/01826/FUL, dated 21 May 2015, was refused by notice dated 11 August 2015.
  - The development proposed is the demolition of existing house and construction of 3 new detached houses at Blenheim Drive, Oxford.
- 

### **Decision**

1. The appeals are dismissed.

### **Application for costs**

2. At the Hearing an application for costs was made by Oxford City Council against the Bouvard Group. This application is the subject of a separate Decision.

### **Preliminary Matters**

3. Appeals A & B relate to the same site. Appeal A proposes the construction of 2 new houses within the garden of No 20 Blenheim Drive, whilst Appeal B proposes the demolition of No 20 and the construction of 3 new properties. Except where otherwise indicated I have dealt with the appeals together.
4. A substantial amount of information was submitted by the appellant on 6 April 2016. At the Hearing it transpired that this contained additional information concerning bin storage, visibility splays, effect on daylight and sunlight for Appeal A and two draft unilateral undertakings. On Monday 11 April, the day before the Hearing, further information was submitted by the appellant in the form of viability appraisals.

5. Following discussions at the Hearing, I accepted the majority of the 6 April information, as I considered it to be helpful to discussions. The viability appraisals and unilateral undertakings containing figures deriving from these appraisals were dealt with in writing following the closure of the Hearing. Further consultation subsequently took place with the parties following the decision in the Court of Appeal concerning the case of Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council<sup>1</sup>, 13 May 2016.

### **Main Issues**

6. Based on all that I have read, seen and the discussions at the Hearing, the main issues in these cases are as follows:
- The effect of the proposals on the character and appearance of the surrounding area including whether the proposals represent an efficient use of the site.
  - Whether provision for affordable housing would be necessary to make the developments acceptable in planning terms, and if so, the effect on viability.
  - Whether the proposals would provide acceptable living conditions for future residents, with particular regard to bin storage and, in relation to Appeal A only, with regard to outlook and daylight.

### **Reasons**

#### *Character and appearance*

7. Blenheim Drive lies on the northern side of Oxford and is a cul-de-sac accessed off Woodstock Road. Wyndham Way also connects the street to this latter road. The majority of development along both Blenheim Drive and Wyndham Way is frontage residential development; that is it consists of houses facing onto the street. Front gardens and parking areas are defined fairly tightly, with the properties having longer back gardens. The southern section of Blenheim Drive, Woodstock Road and Wyndham Way together form a rectangular shape. Within the inner part of this rectangle lies a small number of houses set in larger plots, accessed by long drives from the surrounding streets. The appeal site is one such plot and consists of a single detached dwelling set within its large garden. Mature landscaping effectively surrounds the plot and helps to screen the land from the housing on all sides.
8. Whilst many of the houses have been extended, in some cases substantially, Blenheim Drive and Wyndham Way still retain the character of a residential area comprised of generously proportioned family detached dwellings. This is in direct contrast to Woodstock Way which is characterised by very large houses fronting this arterial route. The houses on Blenheim Drive and Wyndham Way are also characterised by plot boundaries reasonably close to the footprints of the houses.
9. It was confirmed at the hearing that Plots 1 & 3 – that is the proposed houses on either side of the existing house, or the new proposed central house, are exactly the same in both appeals in terms of their design, footprint and siting.

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<sup>1</sup> Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

- Plot 1 lies at the south east end of the site. This would be a large 6 bedroom property, with a very generous kitchen area/living space downstairs. Plot 3, at the opposite end of the site would be of similar proportions. Plot 2 in Appeal B would be an amply sized 5 bedroom dwelling. Site sections show that the heights of the proposed dwellings would be similar to adjoining development.
10. Despite the reduction in overall size from previous proposals, the plans indicate that to achieve such roof heights with such large footprints, the natural apex of the roofs of Plots 1 & 3 would be effectively lopped off, leaving a flat roof central area on both properties. Whilst the site is well screened from public areas, from views within the site, from the upper rear windows of adjoining properties, and from the retained house in Appeal A, this roof form would appear awkward and contrived. I note that the appellant states that the houses have been designed to Lifetime Home Standards (LHS) and that this in part has helped contribute to the size of the ground floor accommodation. However, the houses proposed are very spacious and more so than purely necessary simply to meet the LHS. The design of the proposed dwellings in Appeal A would also I consider jar with the design and form of the retained house. No 20 is set at an angle which would face towards the front access area of Plot 1 and the roof styles of the proposed new properties would not sit comfortably with the hipped roof form of the retained house
  11. A calculations document shows that the plot ratio of the proposed units in both appeals would be similar to selected comparators. However, this does not include comparisons with other properties within Blenheim Drive and Wyndham Way (other than those in the inner rectangle). Whilst I note that it is reasonable to compare the proposals with existing houses in the rectangle, the other areas selected for comparison have different characters. The plots in the inner rectangle at present are anomalies in the street scene but appear roughly similar; large properties within very large plots. The proposals, by constructing 2 or 3 houses within one such plot would not be compatible with the surrounding grain of development of either the inner rectangle, or the immediate surrounding streets. An Area Study Plan shows that some of the properties on these streets have similar plot ratios but these have primarily arisen from substantial extensions to such properties, and the houses maintain their frontage style with long back gardens. The proposals would not follow such character and would appear overly large and out of place within the character and appearance of the surrounding area.
  12. Policy HP10 of the Sites and Housing Plan, 2013 (the SHP)<sup>2</sup> states that permission will be granted for new dwellings on residential gardens provided that the proposal responds to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and public environment, the size of the plot is of an appropriate size and shape to accommodate the proposal and any loss of biodiversity is mitigated. This is supported by policy CS18 of the Core Strategy<sup>3</sup> and Local Plan<sup>4</sup> policies CP1 and CP8 which, together, encourage high quality urban design which responds appropriately to the site and its surroundings. The proposal would not respond to the character and appearance of the local area and would thus be contrary to such Policy HP10. In failing to respond appropriately to the site and its

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<sup>2</sup> Oxford City Council Sites and Housing Plan 2011-2026, February 2013

<sup>3</sup> Oxford Core Strategy 2026, Adopted March 2011

<sup>4</sup> Adopted Oxford Local Plan 2001-2016, November 2005

surroundings, it would also conflict with Core Strategy policy CS18 and Local Plan policies CP1 and CP8.

13. The Council contend that the proposals do not represent an efficient use of land. In the Hearing they considered that the overall site *could* accommodate 7 units if desirable. The appellant considers that the site constraints, including access, prevent a scheme of more than 3 dwellings being built. Site constraints clearly have to be taken into account in any consideration of the most efficient use of land; in this case the fairly narrow access and the mature trees and their root protection zones on the site, as well as issues of the living conditions of neighbouring residents, and the retained dwelling in Appeal A are all relevant and point to the site not being suitable for its nominal maximum capacity. However, there is no indication that the access could not serve a greater number of dwellings. The size of the plot and the footprint of the proposed houses all point to there being a potential for the site to accommodate a greater number of units than proposed in these schemes.
14. Policy HP9 of the SHP states that the form, layout and density of residential development should make efficient use of land whilst respecting the site context. Local Plan Policy CP6 has similar aims. These policies accord with paragraph 58 of the National Planning Policy Framework (the Framework), which states that developments should optimise the potential of a site and respond to local character, reflecting the identity of local surroundings. I consider that it has not been demonstrated that either of these schemes make efficient use of land, so that the proposals also fail to satisfy SHP policies HP9 and CP6.
15. For the reasons given above I therefore conclude that the proposals would have an adverse effect on the character and appearance of the surrounding area and would not represent an efficient use of the site.

#### *Affordable Housing*

16. Policies HP3 of the SHP and CS24 of the Core Strategy concern affordable housing. Policy HP3 notes that developers may not circumvent this policy by artificially subdividing sites. At the time of the Hearing, there was significant dispute between the parties over whether Appeal A would fall to be considered under policy HP3, as well as a further dispute as to viability.
17. However, further to the Court of Appeal judgement, Planning Practice Guidance (PPG) has been revised. It now states that there are specific circumstances where contributions for affordable housing should not be sought from small scale development, including from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000m<sup>2</sup>. The appellant has demonstrated that both proposals lie underneath the stated thresholds.
18. The Council considers that Policy HP3 relates to large housing sites to provide on-site affordable housing contributions; only with the working through of the cascade system can an off site payment be made if robustly justified. They note that the PPG refers to affordable housing *contributions* in this respect. I am not convinced by this line of argument; it seems to me that affordable housing contributions could refer to financial payments or to the provision of bricks and mortar. In any event, the PPG is clear that contributions should not

- be sought from proposals such as these. Whether such sites may be termed as small or large depending on differing definitions is immaterial in this respect.
19. Extensive evidence is also submitted by the Council concerning the affordability or otherwise of housing in the City. This details various reports and sources over the levels of affordability in Oxford, with average house prices being more than 16 times the annual average wage. This clearly presents a problem for the City, its residents and its businesses. Notwithstanding this however, national planning policy, which postdates the publication of the Core Strategy and the SHP, defines the specific circumstances where contributions for affordable housing should not be sought.
  20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The changed advice in PPG is a material consideration and I accord it significant weight; such that in this specific case I find that it outweighs the requirements of policies HP3 and CS24.
  21. I therefore conclude that a contribution towards the provision of affordable housing would not be necessary to make the developments acceptable in planning terms. Due to this conclusion there is no need to consider whether any such contribution would affect viability.

#### *Living Conditions*

22. Policy HP13 of the SHP states that planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling. The Technical Advice Note<sup>5</sup>, states that residents should not be required to carry waste more than 30m to the storage point, and that refuse vehicles should be able to get to within 25m of the storage point. Plans considered at the application stage showed a bin collection and storage point in excess of the 30m guideline and concerns were also raised over fire engine access to the proposed houses when the bins were out.
23. The information submitted prior to the Hearing indicated a new storage point located close to the site entrance, and included confirmation from the Fire Service that bins at such a location, provided that they are in place for a short period of time (i.e. on the bin collection day) could be moved out of the way fairly quickly to allow fire engine access should the need arise. Whilst the bin storage area would require a longer walk for future residents than the recommended advice of 30m, I do not consider that this would cause significant difficulties for the number of additional residents that the proposals would create. The confirmation of bin storage and design requirements could reasonably be refined by the use of a condition.
24. Due to the angles of the footprints involved, the distances between the closest edge of No 20 in Appeal A and Plot 1 is in the order of 3.5m. The plans show a 1.8m close boarded fence to be constructed between the properties to delineate boundaries. There are existing ground floor windows in the façade of No 20 in the closest corner to Plot 1 which plans show is used as a utility room. The room is thus not a 'habitable' room; however, the Council are of the view

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<sup>5</sup> The Oxford City Council Planning Technical Advice Note: Waste bin storage and access requirements for new and change of use developments, 2014

that earlier plans showed the room being used as a study. I have some sympathy with this view as the room appears large to be considered as a utility room. Nevertheless, on the evidence provided to me and my viewing on site it appears that the room was being used for such purposes.

25. Such a room would only be inhabited for short periods of time, and whilst I note that the distances from these windows to Plot 1, and particularly the fence line between the two properties would not be ideal, I do not consider that given the use of the room that the proposal would cause undue harm to the outlook from this property.
26. The dining room of No 20 also has 2 windows. Plans indicate that when applying standards for sunlight and daylight contained in Appendix 7 of the SHP, the '45 degree' line would be breached by the construction of Plot 1, when also considering the '25 degree' upwards line from the eastern most window cill level. However, the second window would not breach such a standard. Given that both windows supply light to the room I do not consider that this would significantly affect light to this room and that unacceptable harm would not be caused to living conditions in this respect.
27. I therefore conclude that the proposals would provide acceptable living conditions for future residents, with particular regard to bin storage and, in relation to Appeal A only, with regard to outlook and daylight. The bin storage would be safe, discrete and relatively conveniently accessible and as such would comply with Policy HP13 of the SHP. The proposal for Appeal A would comply with Policy CP10 of the Local Plan and with Policy HP14 of the SHP which together state that windows in existing development will be regarded when considering new development. The proposal in this respect would also comply with the Framework which states that planning should always seek a good standard of amenity for all existing occupants of buildings.

### **Conclusion**

28. I have concluded that the proposals would have an adverse effect on the character and appearance of the surrounding area and would not constitute the most efficient use of land. My views on the matters of affordable housing and living conditions do not outweigh my conclusions on this matter.
29. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should fail.

*Jon Hockley*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

Glen D'Ungar	Appellant
Neil Cameron QC	Landmark Chambers
Corin Rae RIBA	Riach Architects

**FOR THE LOCAL PLANNING AUTHORITY**

Andrew Murdoch BA(Hons) DipTp MRTPI	Oxford City Council
Matt Bates	Oxford City Council
Michael Morgan	Oxford City Council
Chris Wilmshurst	Kemp and Kemp LLP

**INTERESTED PARTIES:**

Bernard White	Local resident
Mrs Margaret Jagger	Local resident

**DOCUMENTS SUBMITTED AT THE HEARING**

1. Opening Statement on behalf of the Appellants

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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/00994/CT3		
<b>Decision due by</b>	20th August 2020		
<b>Extension of time</b>	18 <sup>th</sup> December 2020		
<b>Proposal</b>	Partial demolition, refurbishment and extension to the community centre and erection of 12 residential dwellings formed of 7 one-bedroom and 5 two-bedroom apartments, with associated access and landscaping. (Amended Plans)		
<b>Site address</b>	East Oxford Community Centre , Princes Street,– see <b>Appendix 1</b> for site plan		
<b>Ward</b>	St Clement's Ward		
<b>Case officer</b>	Natalie Dobraszcyk		
<b>Agent:</b>	Ms Ellen O'Grady	<b>Applicant:</b>	Oxford City Council
<b>Reason at Committee</b>	Major Application		

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### 1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

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

- the completion of a 21 day consultation period (closing on 10<sup>th</sup> December 2020) required due to the submission of amended plans.
- confirmation from the Lead Local Flood Authority that they remove their objection following the review of amended documents.

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

- consider and deal with any further representations received during the remainder of the consultation period including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add any conditions required in connection with those representations;
- 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

- issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the partial demolition, refurbishment and extension to the East Oxford Community Centre and the erection of 12 residential dwellings formed of 7 one-bedroom and 5 two-bedroom apartments, with associated access and landscaping.

2.2. This report considers the following material considerations:

- Principle of development;
- Impact on non-designated heritage assets;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;
- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

2.3. The proposal is considered to comply with the development plan as a whole. The proposal would not have an unacceptable impact on heritage assets, the neighbouring amenity, public highways and sustainability. It has been concluded that the development would improve an existing community facility. Conditions have been included to ensure this remains the case in the future.

## **3. LEGAL AGREEMENT**

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

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

4.1. The proposal is liable for a CIL contribution of £36,439.69.

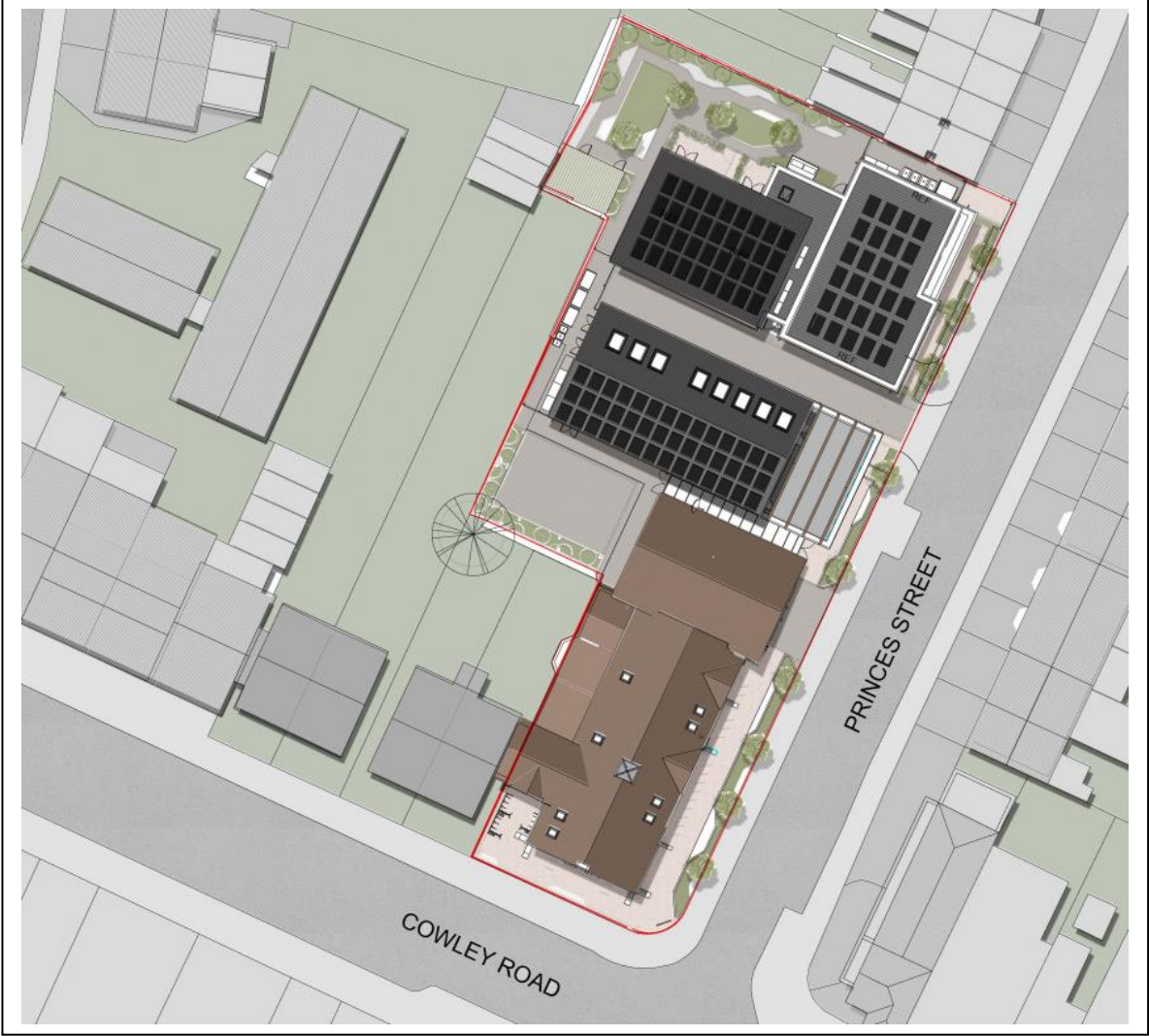
## **5. SITE AND SURROUNDINGS**

5.1. The site is located within east Oxford and is a corner plot which is bounded by Cowley Road to the south and Princes Street to the east. The application site includes three buildings namely East Oxford Community Centre (EOCC) sited to

the south, Fusion Arts sited to the west, and the Chinese Advice Centre (CAC) sited to the east. Historically there was another building which was sited along the northern boundary however this has been demolished due to its poor state of repair.

- 5.2. The most prominent building is EOCC, an attractive two storey red brick building with a pitched roof, gable ends and a roof top lantern vent cupola. Internally the building provides two event halls, a community kitchen, a social club and bar, a pottery room, male and female toilets, and office/community spaces. It is currently in a reasonable state of repair with a lesser-quality lean-to extension on the front facade along Princes Street. The building is a non-designated heritage asset and is included on the Oxford Heritage Asset Register (OHAR). The building was built as St Johns Boys School in 1866 and it remained a school until the reorganisation of the education system in Oxford from a three to two school system in the 1970s. The school buildings were then reused as a centre for the arts and other community uses. The building has historical, aesthetic and cultural/ community importance.
- 5.3. The Fusion Arts building, is a single storey pitched roof building used by a community art organisation. The exterior is painted white brick with step and ramp access into the building. Surrounding the building is a yard space used by the various community groups as exterior spill out space.
- 5.4. The CAC building is a two storey building however due to the generous floor to ceiling heights it is more akin to a 2.5 storey building in height. The building is constructed from red brick with generous windows facing Princes Street and the yard to the rear. The building is used by the Chinese Community for a variety of purposes, however it is currently in poor repair and provides little insulation. A significant portion of the ground floor is unusable and has become derelict.
- 5.5. The site is surrounded predominantly by residential properties. To the north and east of the application site are rows of two storey Victorian terraces. To the west of the site are residential blocks of flats. To the south west, immediately bounding the site, there are two storey semi-detached properties which front Cowley Road. To the south east and south along Cowley Road there are a number of retail shops including a small Sainsbury's and the Brewdog public house which is also a non-designated heritage asset on the OHAR list. A bus stop is located to the south of the EOCC building on Cowley Road.
- 5.6. The site is located within Flood Zone 1 and within the Cowley Road District Centre.

5.7. See block plan below:



**6. PROPOSAL**

6.1. This application forms one part of project to consolidate Council owned community facilities and provide improvements to the quality of community facilities within East Oxford. Although not part of this application it is worth noting that the works within this application relate to those proposed at Collins Street under application reference 20/01298/CT3. Currently, the Collins Street site comprises the East Oxford Games Hall. Likewise, Film Oxford, an arts and creative media charity, are currently located within a Council owned building on Catherine Street. The proposed works to the EOCC building would provide new premises for the Film Oxford group to relocate.

6.2. The application proposal would involve three areas of work, the first being the demolition of the following buildings and structures:

- Single storey kitchen extension to EOCC;
- Fusion Arts building;

- CAC building;

6.3. Following demolition the application proposes the extensive refurbishment of the retained EOCC building, including changes to the internal layout to improve accessibility of the building, and the erection of a three storey extension. The proposed extension to the EOCC building, in combination with refurbishment works, would provide a range of facilities including hall space, meeting rooms, office space, a digital suite, TV studio, technical rooms, toilet facilities, kitchen/ bar space, a lounge, reception/ exhibition space, plant rooms and stores.

6.4. The proposed extension would be sited on the northern end of the existing EOCC building with a built GEA of approximately 866.7m<sup>2</sup>. The extension would be 13.2m in height, 11.7m in width and 25.3m in length. It would mimic the existing gable end of the building and include a timber frame to create the impression of a pitched roof when viewed from Princes Street. The proposed materials would be buff brick at ground floor and dark grey metal cladding above.

6.5. Finally, the application proposes the erection of a 3 storey building to provide 12 residential dwellings formed of 7 one-bedroom and 5 two-bedroom apartments, with associated access and landscaping. The residential block would be sited to the north of the application site. It would be approximately 9.6m in height, 16.6m in width and 26.7m in length. The building would be constructed from grey brick with dark grey fenestration and metal sheeting on the roof. PV panels are proposed on the roof of the building. The proposed residential units would all provide affordable housing in the form of socially rented properties.

## 7. RELEVANT PLANNING HISTORY

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

01/01816/CT4 - Erection of two public notice boards. Deemed Consent 31st January 2002.

02/01337/FUL - Single and two storey extension fronting Princes Street (Amended plans). Refused 23rd August 2002.

02/01881/FUL - Single and two storey extension fronting Princes Street. Approved 29th November 2002.

03/01880/FUL - Proposed ground floor kitchen and store. Approved 6th November 2003.

74/00464/A\_H - Change of use from school to community centre with alterations. Approved 16th June 1974.

06/02224/FUL - Change of use of community centre to include use for cafe and hot food takeaway (class A3 and A5). (Retrospective). Refused 1st February 2007.

10/03384/CT3 - Erection of community notice board. Approved 16th June 2011.

13/00242/CT3 - Replace existing crittal windows with double glazed powder coated aluminium windows. Approved 27th March 2013.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	H14, H15, H16, DH1, DH2, DH7
Conservation/ Heritage	184-202	DH4, DH5
Housing	59-76	H1, H2, H4, H10,
Social and community	102-111	G5, V6, V7
Transport	117-123	M1, M2, M3, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9
Miscellaneous	7-12	S1, S2

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th June 2020, 8<sup>th</sup> October 2020 and 19<sup>th</sup> November 2020 and an advertisement was published in The Oxford Times newspaper on 4th June 2020, 10th September 2020 and 19<sup>th</sup> November 2020.

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

Environment Agency

9.2. No comments.

Historic England

9.3. No comments.

Natural England

9.4. Commented that the proposal is unlikely to have significant impact on the natural environment.

Oxford Civic Society

9.5. Initially, the following comments were received:

*This is an excellent proposal which has the benefit of solving two major issues. The first is the long awaited refurbishment of a tired community centre. The retention of the original school building is essential. We note the concerns of the Oxford Architectural and Historical Society in connection with any period features that may exist in this building and we agree they should be salvaged and retained to be installed in the new building [i.e. the extension] as part of its heritage.*

*The second is the provision of residential dwellings in a new building at the northern end of the site. Our only observation is that while BM3 claim the design of the apartment block draws on the repetitive rhythm of the terraced housing in the form of simple geometric lines and patterns, it is not the right fit. The block appearance with its flat roof does not blend into the streetscape and should, in our view, be pitched to match the roof line of the other two buildings and the adjacent Victorian terrace houses in Princes Street.*

9.6. Subsequent comments have been received which reiterated the view that the proposed accommodation block should have a pitched roof.

Oxford Preservation Trust

9.7. The following comments were received:

*The community centre is very much in need of rejuvenation. OPT therefore welcomes the proposals to improve and enhance this community facility and is pleased to see that the applicant has sought to achieve this alongside the retention of the former St. John's Boys School building. We are delighted that the applicant has carefully considered how to improve and enhance this site whilst seeking to create a sustainable future for the existing building, all the while balancing the aspirations of the community.*

*Alongside the retention of the school, OPT support the proposed demolition of the lean-to fronting onto Price Street. OPT also supports the suggestion made by the Oxford Architectural and Historic Society that a historic building recording survey should be undertaken prior to the demolition of the Oxford Chinese Community Advice Centre Building, given historic connections with the Boys school.*

*OPT is also supportive of the principle of new housing in the location but has reservations with the design of the residential part of the development proposals.*

*The proposed yellow brick flat roofed design contrasts with the red brick and pitched roof of existing terraced housing to Princes Street and does not blend with the existing vernacular.*

#### Oxfordshire Architectural and Historical Society

9.8. The following comments were received:

*The building (Building B labelled in the heritage statement) is not without historical or architectural merit as recognised by the applicant. It has strong community and associative historic value as part of the St. John's Boys School founded by Father Benson in 1867. There may be some extant features relating to its historic use, such as old laboratory or classroom fixtures and fittings. There may also be historic window and door furniture, floor, wall or ceiling details.*

*The building should therefore not be demolished without any of the historic evidence it still holds being recorded. We would ask that this building be the subject of a proper historic building recording surveyor prior to its demolition.*

#### Oxfordshire County Council - Highways

9.9. No objections subject to conditions.

#### Oxfordshire County Council - Drainage

9.10. Objected to the proposals on the basis of an error with the submitted drainage plans.

9.11. NB: The drainage scheme has been amended and, at the time of writing, further comments are expected from the Lead Local Flood Authority.

#### Thames Valley Police

9.12. No objections but suggested a condition to require Secure by Design accreditation and a number of suggested amendments to the design and layout to make the proposals more secure.

### **Public representations**

9.13. 14 local people commented on this application from addresses in Cave Street, Cumberland Road, Jeune Street, Kendal Crescent and Princes Street.

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

- No objection to the development but parking issue needs to be resolved; lots of young children in the area.
- Princes Street is already a highly dangerous street for residents, motorists and especially cyclists.
- The scale of the building demands a building height that has serious impact on the amenities of some of the neighbouring properties.



- The best we can hope for. Suggest to have a roof garden and vertical gardens.
- Increase of visitors, residents and cars to the proposed development.
- Not enough parking bays for the current residents living in the street (especially during university term; events; prayer groups) to the community centre.
- The overall size of the new building will dwarf the houses opposite.
- The gardens next to the Community Centre is a tranquil space for families and children. The new apartment blocks will have windows looking into the gardens
- The proposed development will impact all the properties along the street, with increase of traffic and footfall.
- The Oxford Chinese Community Advice Centre is the part of the fabric of the community and is of a good quality building.
- Proposed development is over bearing and not in keeping with the area.
- The need to build flats on a community development is disproportionate to the needs of the existing community.
- Concerns over the height of the building, overshadowing and cutting out light to neighbouring properties.
- The drawings of the south east elevation along Princes Street suggest that the outline of the new building will be the same height as the existing Chinese Community Advice Centre but this is incorrect; while the plans show the existing building as being taller than neighbouring houses, it is in fact the same height, meaning the new building will be substantially higher than the existing one.
- Supportive of redevelopment of the site but is an over-development of a constrained, city centre location, in a street that already has a high housing density.
- Street is already problematic with parking on both sides of the narrow street, creating an unsafe environment (especially during rush hour).
- The GeoDyne report identifies a risk that parts of the building contain asbestos. A detailed risk assessment by a qualified asbestos surveyor should be included. Any demolition poses critical hazard to the health and welfare of neighbours, site workers and the public.
- Demolition, refurbishment and extension work will generate noise and disturbance and compromise air quality adding to air and noise pollution.
- Proposed development is a loss of valuable community facilities.
- Housing proposal would be advantageous in a more suitable residential location (such as the Cave Street Enterprise Centre).
- Concerns that the proposed housing will be “affordable”.
- Concerns whether the outdoor area is appropriate given weather that limits

its use. The new plans are going to reduce the outdoor area so much that it will no longer be a practical space for exercise.

Oxfordshire Chinese Community & Advice

- 9.15. Objected to the proposals due to: the effect on adjoining properties; effect on existing community facilities; effect on pollution; effect on traffic; general dislike for proposal and; effect on daylight/sunlight.

East Oxford Community Association

- 9.16. Objected to the proposals. Felt that the consultation process undertaken by the applicant was inadequate, unrepresentative and incomplete. Concerned that the development would marginalise community and campaigning groups thereby undermining Oxford Council's claim that the City is anti-racist, environmentally and socially sustainable and committed to community wealth building, solidarity and inclusion.

- 9.17. Also objected to the plan to build housing on the site stating that it would result in valuable public space in the heart of East Oxford being lost to the community.

Fusion Arts

Fusion Arts submitted an objection to the proposal. They stated that the applicant team had not engaged with them on changes to the plans which were made following the submission of the planning application. Specifically, changes which could possibly affect usability and function of the space/building and appropriateness for the communities.

Councillor Craig Simmons

- 9.18. Objections were raised to the proposal due to the loss of community facilities and loss of outdoor space. He stated that he would accept the loss of Film Oxford and EOGH to housing were the space to be re-provided in an improved EOCC. Likewise, he would accept a small loss of indoor space were it to be proved that the space was more usable than the current layout. That might allow for some additional (non-community use) on the site; for example small business units or social housing.

**Officer response**

- 9.19. For clarity, the objections raised which refer to the consultation process apply to the consultation undertaken by Oxford City Council prior to the submission of a planning application rather than the consultation undertaken by the Local Planning Authority.

**10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- Principle of development;

- Impact on non-designated heritage assets;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;
- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

#### **a. Principle of Development**

10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11) and encourages the efficient use of previously developed (brownfield) land (paragraph 117), as well as the importance of high quality design (section 12).

10.3. The NPPF also places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).

10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is not allocated within the Local Plan for residential development; however the delivery of 12 dwellings on the site would provide a small, yet valued windfall contribution towards Oxford's housing need.

10.5. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Local Plan Policy V7 states that existing cultural and community facilities will be protected and retained unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. Local Plan Policy V6 supports proposals which add to the cultural and social scene of the city within city and district centres provided the use is appropriate to the scale and function of the centre. Local Plan Policy G5 states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

10.6. The proposed development would retain and extend the existing EOCC building, increasing the overall floorspace of the building and modernising the community facilities on offer. While the proposal would result in the loss of the CAC building and the Fusion Arts building the proposed works to the EOCC building would ensure that the users of these buildings would remain on site within the refurbished EOCC.

10.7. The proposed demolition of the existing CAC building and Fusion Arts building would facilitate the proposed residential building to be constructed on the previously developed land to the north of the site. While the proposal would reduce the amount of floor space in community use from that on the existing three sites, it would rationalise the space for the community users and make efficient use of the site while facilitating the delivery of affordable housing. Officers consider that any loss of recreation provision in terms of quantum of floorspace would be outweighed by the better quality facilities provided through the development and the provision of affordable housing.

10.8. A condition has been included to require that a phasing plan be submitted which details the demolition, construction and occupation of both the development proposed within this application, and that proposed at EOGH (under application 20/01298/CT3) to ensure that there would not be an unacceptable loss of community facilities without adequate re-provision.

10.9. Therefore, the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Policies H1, V6, V7, G5 and RE2.

#### **b. Impact on Non-Designated 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). 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. Local Plan Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Local Plan Policy DH5 requires that due regard be given to the impact of development affecting a local heritage asset on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development

proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

- 10.12. The EOCC building is a non-designated heritage asset and is included on the Oxford Heritage Asset Register (OHAR). The building was built as St Johns Boys School in 1866 and it remained a school until the reorganisation of the education system in Oxford from a three to two school system in the 1970s. The school buildings were then reused as a centre for the arts and other community uses. The building has historical, aesthetic and cultural/ community importance.
- 10.13. The CAC building and the Fusion Arts building were constructed in 1939 as school blocks. The CAC building also derives some significance from its setting, principally from its group value with the EOCC and Fusion Arts buildings as group of educational buildings which formed the boys' school. As part of this group it has low illustrative historical value as a former school building. The terraced houses to the west, north and south also make a minor contribution to its illustrative historical value as a school for the local working-class community. Given the low architectural interest, and low historical and evidential value, the building's significance is mostly derived from its group value and communal value. As such the CAC building is considered to be a non-designated heritage asset but is not included on the OHAR. The significance of the CAC building is considered to be lower than that of a locally listed building. The proposals include the complete demolition of the CAC building, which would entirely remove its significance.
- 10.14. The Fusion Arts building is also proposed to be demolished. The building does not possess architectural or aesthetic value and while it forms part of the setting of the EOCC and CAC buildings that contributes to their significance, unlike the other buildings mentioned above it not considered to possess sufficient significance to be considered a heritage asset.
- 10.15. The proposed demolition of the CAC building and the Fusion Arts building has been considered by officers. The demolition of the Fusion Arts building, is considered to be acceptable due to its lack of architectural and aesthetic value and its relatively limited contribution to the setting of the EOCC and CAC buildings.
- 10.16. As set out above the CAC building has a low level of significance as a non-designated heritage asset. The demolition of this building would result in a low level of less than substantial harm. The proposal would also require the partial demolition of the EOCC building and associated works to form the proposed extension. An assessment of the proposed design and subsequent impact on these heritage assets is set out in the relevant sections below.

### **c. Design, Layout 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. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land which includes demonstrating appropriate density, massing and building heights.
- 10.21. Local Plan Policy DH1 requires that developments demonstrate high quality design that creates or enhances local distinctiveness.
- 10.22. Local Plan Policy DH2 sets out the importance of retaining significant views including that of the historic skyline. Developments should demonstrate a clear design rationale for their height and massing and where the overall height would exceed 18.2 metres within a 1,200 metre radius of Carfax Tower additional justification is required.

#### *Siting and Layout*

- 10.23. The EOCC building is a landmark corner building located on the junction of Cowley Road and Princes Street. While the prominent gable end fronts Cowley Road the main entrance into the centre is located on Princes Street, behind the existing single storey kitchen extension. Subsequently, the existing arrangement suffers from a lack of legibility for those visiting the centre, as well as a sub-optimum layout resulting in the potential for anti-social behaviour and a fear of crime. The existing kitchen extension also represents an unsympathetic addition which obscures attractive features of the façade of the original building, such as 3 windows within the south east elevation.
- 10.24. Likewise, internally the existing layout is difficult to navigate in terms of legibility and accessibility with a number of level changes and under-utilised space.
- 10.25. The footprint of the existing building would remain unchanged with the exception of the removal of the existing single storey kitchen extension. Officers consider that the removal of this later addition would offer significant benefits and enhancements in restoring the original building façade and removing an unsympathetic structure which detracts from the otherwise strong building line and architectural design.

- 10.26. The proposed extension would be connected to the existing building by a glazed structure. The link would create a visual break between the old and new whilst also providing a physical connection between the EOCC building and the extension. The extension would continue the building line of the EOCC building along Princes Street.
- 10.27. To the rear of the EOCC building, bounded by the proposed extension would be an external courtyard space to provide breakout space for the numerous groups which would utilise the building. Shrub planting is proposed along the boundary edges of the courtyard which would otherwise comprise entirely of hard landscaping. The siting of the courtyard to the rear would ensure privacy for the users as well as easy direct access from the main building. The courtyard would be sited to the rear of the neighbouring residential properties on Cowley Road therefore to ensure that there would be adequate mitigation to protect against disturbance officers recommend conditions to secure further details of boundary treatments and a restriction on the hours of use of the external area.
- 10.28. An emergency access road is proposed between the new extension to the EOCC building and the new residential building, once again to create a visual break between the two buildings and uses, as well as to provide access for emergency vehicles and for refuse collection and cycle parking.
- 10.29. The proposed residential block would be sited to the northern end of the site, adjacent to the existing residential terraced properties on Princes Street. The building would transition between the two storey residential properties to the north and the EOCC building to the south. The building line of the proposed residential building would continue that of the proposed EOCC building extension before stepping back to match that of the residential properties. Once again this would help to transition between the two ends of the application site.
- 10.30. Communal amenity space for the use of occupiers of the proposed residential building would be located towards the north west of the site. It would include raised planters, seating, shrub and tree planting and raised bed specified as 'grow your own' for residential occupiers.
- 10.31. Hard landscaping is proposed along the areas of public realm on Cowley Road and Princes Street as well as additional planting. The removal of the low level wall at the corner section of Cowley Road and Princes Street is proposed to allow direct pedestrian access into the site from Cowley Road and to create a more inviting frontage. Likewise benches are proposed on the Cowley Road frontage both facing externally, to provide seating for those waiting for buses etc. and internally, to activate the frontage of the site.
- 10.32. The application calls for the removal of 2 low/moderate quality trees, one of them, a Wild cherry is quite large and prominent from views in Princess Street and at the junction area with Cowley Road. The application proposes to mitigate this impact, and to enhance the landscape setting generally, with new landscape planting including a line of 9no. Himalayan birch along the Princess street frontage, which is considered provide significant benefits and which would be acceptable subject to conditions relating to tree pit design, landscape management details and an arboricultural method statement.

- 10.33. Comments were received from Thames Valley Police which included a number of recommendations to improve the internal layouts to comply with Secured by Design principles. Following discussions with the applicant amended plans have been supplied which seek to incorporate these recommendations. Notwithstanding this, a condition has been included to require that prior to commencement the development achieve a Secure by Design accreditation.
- 10.34. Officers consider the siting and layout of the proposed development to be acceptable as it would make efficient use of the existing brownfield site and respond well to the constraints and opportunities of the site. The siting of the buildings and amenity areas are logical and would respond to the private and public areas and uses contained on the site.

*Scale, Massing and Impact on Views*

- 10.35. The built form surrounding the application site is predominantly two storey with three storey buildings being located predominantly on corner plots fronting Cowley Road. Notably, these would be the public house immediately adjacent to the application site to the east and the retail properties to the south and west of the site. Within the application site the EOCC building is two storeys, the Fusion Arts building is single storey and the CAC building is two storey albeit with generous floor to ceiling heights giving it the appearance of a 2.5 storey building.
- 10.36. The proposed extension to the EOCC building would be 2.5 storeys in height. The design was informed by the pitch roof and gable end of the existing building. Although the proposed extension would be larger than the adjacent gable it would not exceed the overall height of the existing building. While officers acknowledge that the extension would be substantial in terms of its height and massing when compared to the existing building, it is not considered to be so incongruous or harmful that the design would warrant the refusal of the application. Likewise, considering the varied massing in the surrounding area and the prevalence of larger massing on corner plots officers conclude that a building of this scale would be acceptable considering the site context.
- 10.37. The proposed residential block would be smaller in scale than the EOCC building but larger than the neighbouring residential terraces resulting in a transition in scale between the two. Officers consider that while the proposed residential block would be a larger scale than the existing CAC building this would only represent an increase of 2.6 metres compared to the existing arrangement. During the design development officers worked with the applicant team to reduce the mass of this block and design a building which would mitigate any harm arising from the increased massing. Subsequently, the proposed building would feature a flat roof with a set back of the northern second floor apartment from the principle elevation. Officers acknowledge the requirement to make the most efficient use of land on the site while retaining suitable gaps between the buildings which has influenced some aspects of the design and consider that the proposal would be successful in achieving this. As such, officers consider that the proposed residential block would be acceptable in terms of its scale and massing.



10.38. Local Plan Policy DH2 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.

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

- Hinksey Hill
- Raleigh Park
- Boars Hill
- Port Meadow
- Elsfield
- Doris Field
- John Garne Way
- South Park
- Headington Hill
- Crescent Road
- Rose Hill
- Carfax Tower
- St. George's Tower
- St. Mary's Church
- Merton College

10.40. The application site is located outside of the historic core of the city and 1,200 metres radius of Carfax Tower. The proposed extension to the EOCC building would be approximately 13.6 metres in height. The proposed residential building would be 9.8 metres in height. The proposed buildings would not be located within any of the identified view cones with the exception of Crescent Road.

10.41. When viewed from Crescent Road, due to the location of existing buildings and the topographical features of the landscape, the proposed buildings would have limited visibility during winter and would be obscured by the tree line during the summer months.

10.42. The proposed buildings would not have a significant impact on the majority of identified viewpoints/high points. In many cases, these views are obstructed by a tall tree line or the existing cityscape of Oxford City. Where the developments do

feature within these viewcones, they are from the taller Western Hills (Hinksey Hill, Boars Hill), with viewpoint distances at a minimum of 4km away (Hinksey Hill). Although there is some impact from these points, the proposed development is located within an urbanised location, and therefore officers accept that there would not be a significant impact on the overall urban character.

### E OCC Building

#### *Building Layout*

- 10.43. At ground floor the proposed building layout would retain some of the existing uses including the Main Hall and Oxpots (a pottery group) as well as stair cores and some storage. The existing kitchen would be demolished and relocated to the rear of the building. The existing hall at the northern end of the building would be repurposed as a lounge and main entrance area. The new extension would accommodate two additional staircores, toilet facilities, meeting rooms and space for the Oxfordshire Chinese Community Advice Centre (OCCAC).
- 10.44. At first floor the main uses would be a secondary hall, plant, toilet facilities and space for the African & African Caribbean Kultural Heritage Initiative (ACKHI), BK LUWO and Oxford Action Resource Centre (OARC). The proposed extension at first floor would provide accommodation for Film Oxford.
- 10.45. The second floor of the proposed extension would provide space for Fusion Arts and a roof terrace.
- 10.46. The proposed building layout has been led by users of the building and the applicant has undergone extensive consultation with the end users of the building to identify their space requirements. Officers understand that budgetary constraints have meant that the submitted scheme demonstrates a reduced footprint from that proposed in pre-application discussions however the submitted details demonstrate that all users retain usable space within the proposals. Additionally the proposed layout has been impacted to a large extent by the heritage of the building and the available opportunities for re-design within predominantly the existing building fabric.
- 10.47. Officers consider that the proposed building layout would be appropriate and find this element of the proposed design to be acceptable.

#### *Materials and Appearance*

- 10.48. The proposed new extension draws on the Victorian architecture of the existing building but rather than attempting to mimic the ornate style instead takes a contemporary approach. The proposal echoes the distinctive gable end features of the E OCC building but demonstrates a strong architectural identity which would create a clear division between old and new elements of the building.
- 10.49. In a similar way the proposal takes inspiration from the existing materials and the surrounding neighbourhood context but proposes to utilise these in a contemporary way. The extension would consist of a mix of two materials; a light

buff brick, at ground floor, and a dark grey metal cladding on the floors above. The same metal profile sheeting is proposed to be used on the roof material. A glazed element would create the physical link between the existing building and the extension.

- 10.50. The first floor has been designed to slightly overhang the ground floor. Together with a lighter material at the bottom and a darker material above, the new extension gives the illusion of being suspended off the ground. The second floor roof terrace which forms part of the second floor space, is set at the front of the floor plate while the rest of Fusion Arts space is set back. This set back creates the illusion of stepping down towards the scale of the street scape elevation.
- 10.51. The parapet wall surrounding the roof terrace space would also be cladded in the same metal profile sheeting and would be at a height of 1500mm for safeguarding of vulnerable residents who visit that space. Additionally, the parapet serves to strengthen the visual link between the existing community centre and the new extension as it would align with the first floor stone lintels above the large cottage pane windows. The lower part of the cladding also lines up with the ground floor stone lintels above the large cottage pane windows.
- 10.52. The window frames are proposed to have dark grey mullions and transoms, intended to blend in with the profile cladding as well as oppose the existing white frames of the existing building.
- 10.53. The EOCC building as a public building on a corner plot does needs to have visual prominence within the street scene and officers consider that the proposed design and materials would achieve a distinctive addition to the existing building. Officers have recommended conditions to secure material samples and further details about the glazed link element of the proposals to ensure that the panel detailing would be appropriate.
- 10.54. Officers consider that the proposed timber canopy would create a striking and interesting addition to the extension, however, it is possible that the frame could become overbearing within the street scene. This can be avoided by ensuring that the frame is as lightweight as possible and considering options for a recessive staining of the wood. As such a condition requiring further details has been suggested. Furthermore, officers have included a condition to secure a maintenance strategy which would ensure that the roof terrace area is maintained in a good condition which is important due to its prominence within the street scene.

#### *Heritage Impacts and Public Benefits*

- 10.55. After considering both the impacts of the demolition and design of the proposed buildings officers consider the following:
- With regard to the demolition of the CAC building there would be a low level of less than substantial harm arising from the complete loss of this non-designated heritage asset.

- With regard to the proposed extension there would a moderate level of less than substantial harm to the setting of the non-designated heritage asset arising from the visual dominance of the proposed extension against the former school building.

10.56. In terms of public benefits the following have been identified:

- The contribution of 12 socially rented affordable residential units towards meeting Oxford's housing need.
- The refurbishment of the EOCC building and the retention of community uses on the site with modernised facilities.
- The development of the site to a higher density and capacity in a part of the City that has comparatively less constraints than more other sensitive locations, making most efficient use of the land.
- Significantly improved sustainability credentials arising from the use of modern, high quality materials.
- The employment benefits during construction of the dwellings.

10.57. 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).

10.58. The significance of the CAC building is that of a non-designated heritage asset but is considered to be lower than that of a locally listed building. The significance of the EOCC building is that of a locally listed building and non-designated heritage asset. The demolition of the CAC building and the proposed EOCC building extensions would facilitate the proposed development which would have significant public benefits.

10.59. In this instance officers consider that the public benefits would outweigh the harm to both the EOCC building and the CAC building. The demolition of the CAC building is considered to be acceptable subject to a Historic Building Recording Survey which would be secured by way of a condition.

10.60. Officers have given great weight to the conservation of the non-designated heritage assets and consider that the public benefits arising from the development would outweigh the low level of less than substantial harm arising from the demolition of the CAC building and the moderate level of less than substantial harm arising from the proposed extension to the EOCC building. As such the proposal is found to comply with paragraph 197 of the NPPF and Local Plan Policy DH3.

Proposed Residential Building

*Residential Internal Amenity*

- 10.61. Local Plan Policy H15 requires that new dwellings provide good quality accommodation which is compliant with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1 (NDSS).
- 10.62. All of the proposed new units would either meet or exceed the NDSS in terms of overall floor area and room size. Policy H10 requires that all affordable dwellings are constructed to Category 2 standard as set out in the Building regulations Approved Document M4. The proposal would comply with Policy H10 and is considered to be acceptable in this regard.
- 10.63. Policy H14 states that developments should provide reasonable daylight and sunlight for residential occupiers. In terms of internal lighting the applicant has submitted a daylight and sunlight assessment in support of the application. The report shows that all bedrooms and living areas would meet or exceed the minimum Average Daylight Factor and percentage Sky View set out in BS EN 17037:2018. A total of 5 kitchen/ lounges, 9 bedrooms and 1 bathroom would fail to meet the minimum Annual Probable Sunlight Hours (APSH). This is largely due to their orientation (north facing) or proximity to other buildings (e.g. the adjacent EOCC building) or trees.
- 10.64. Officers conclude that the proposed residential units would experience adequate daylighting. While a number of the rooms would not meet the minimum APSH. Officers acknowledge that the site is relatively constrained in terms of the potential locations for development considering the existing non-designated heritage asset (EOCC building), surrounding built form and neighbouring occupiers. Through the assessment of this application officers sought amendments which have resulted in improvements in the daylight/sunlight performance of the proposals. On balance, officers consider that the proposals would provide reasonable access to daylight and sunlight and that the failings of the identified rooms would not, in this instance, be so harmful as to warrant the refusal of the application.

#### *Residential External Amenity*

- 10.65. Local Plan Policy H16 states that planning permission will only be granted where dwellings have direct and convenient access to an area of private open space. For 1 and 2 bedroom flats this can be either a private balcony or terrace or direct access to a private or shared garden.
- 10.66. The application proposes a shared garden space to the rear of the residential units which would be accessible for all occupiers. Additionally flats located on the ground floor would have areas of defensible outdoor amenity space which they could directly access.
- 10.67. The proposed amenity space would include hard and soft landscaping with shrubs, tree planting and planters for communal planting areas. The submitted daylight and sunlight assessment demonstrates that the amenity space would meet the minimum sunlight hours on 21<sup>st</sup> March. An area on the north side of the garden would be overshadowed and as such the applicant has been advised to consider appropriate planting for these areas. The submitted soft landscape

plan shows that planting beds have been positioned in areas which would receive most sunlight.

10.68. Officers consider that that proposals would comply with the requirements of Policy H16.

#### *Materials and Appearance*

10.69. The design of the proposed residential block draws on the repetitive rhythm of the terraced housing in the form of simple geometric lines and patterns and takes these principles through into the building aesthetic, despite the massing being larger than the residential properties which surround it.

10.70. During discussions with officers at pre-application stage the design of the proposed building was refined and the submitted proposal includes a flat roof to eliminate the extra height given by a pitched roof which is considered reduce the potential impact on residential occupiers and the overall street scene. Likewise, the northern second floor apartment has been set back from the front building line in order to establish a visual link to match the scale and height of the existing street elevation.

10.71. The application proposes a mix of brick colours which have been informed by the contemporary proposed EOCC building extension, while the protruding brick frames and recessed brick patterns were informed by some of the existing brick details in the surrounding context. The application proposes to swop out the dark metal profile cladding proposed on the EOCC building extension with a dark brick to soften the transition from community uses to housing.

10.72. A dark grey stack bond brick is proposed within contrasting light buff brick and stone coping and window surrounds. The intension is that the dark brick would define certain features of the building such as the ground floor street facing apartment entrances and the second floor northern apartment as it steps back from the front. A stack bond brick pattern is being suggested within the defined square facade details. The window frames are proposed to have dark grey mullions and transoms, intended to link back to the new contemporary extension of the community centre.

10.73. Officers find the design approach justified and consider the materials and appearance to be acceptable subject to conditions requiring material samples to be submitted prior to commencement of the development.

#### **d. Affordable Housing**

10.74. Policy H2 of the Oxford Local Plan states that for residential developments of 10 or more homes, a minimum of 50% should be affordable homes and at least 40% of all of the proposed residential units on the site should be socially rented.

10.75. The application proposes 12 residential dwellings which would all be made available as affordable accommodation, and all of which would be socially rented. As such, the proposals would exceed the requirements of Policy H2.

#### **e. Housing Mix**

10.76. Policy H4 seeks to ensure that residential developments deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. For proposals of 25 homes or more the policy sets out the specific mix required. For sites below the threshold or within the city centre or a district centre the proposal will need to demonstrate how local housing demand has been considered.

10.77. The application proposes 6 one bed flats and 6 two bed flats. In determining the mix the applicant has used the housing register to ensure the scheme meets the best need. As of January 2019 the housing register indicated 71.6% of households have either a studio, 1 bedroom or 2 bedroom need. Officers consider that the proposals would represent an appropriate mix by providing smaller homes for singles/couples or small families. Likewise, smaller units are considered to be more suited to this location given their proximity to the Cowley Road commercial area.

10.78. The proposed residential dwellings would also address the needs of those with physical impairments by providing wheelchair accessible housing on the ground floor. The housing register reports there are 166 households requiring level access, 2 households requiring a wheelchair adapted property and 83 requiring some adaptations, such as level access shower, stair lift or walk-in bath.

10.79. Officers conclude that the proposals would deliver an appropriate mix of dwellings considering the local housing demand identified on the housing register. As such, the proposals would comply with Policy H4 of the Local Plan.

#### **f. Impact on Neighbouring Amenity**

10.80. The Oxford Local Plan seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. Local Plan Policy H14 (Privacy, Daylight and Sunlight) and Policy RE7 (Managing the Impact of Development) require new residential developments to provide reasonable privacy and daylight for the occupants of both existing and new homes.

10.81. The application site is bounded to the north by no. 45 Princes Street and to the west is the residential development of Pembroke Court with nos. 7-18 immediately adjacent to the site boundary. Along the south western boundary of the site are nos. 111, 113, 115 and 117 Cowley Road which have residential gardens which abut the application site. To the east of the site are nos. 35-44 Princes Street and no. 119 Cowley Road. Finally across Cowley Road to the south is 4-5 Tyndale House, 134A Cowley Road and 134 Cowley Road.

##### *45 Princes Street*

10.82. 45 Princes Street is a two storey, residential end-of-terrace property. Officers have consulted historic plans in order to establish the layout of the dwelling. The property benefits from a box dormer extension with two rear facing windows, which provides additional bedroom space, and a large single storey rear extension with 6 rooflights and a rear facing window and door, which houses a kitchen and toilet. At first floor level is a rear window which serves a bathroom. The property has no side facing windows which would front the application site.

10.83. At its closest point the proposed residential block would be sited approximately 2 metres from the side elevation of no. 45 Princes Street however this widens towards the west of the site to approximately 6 metres at the rear wall of the original dwelling and 8.3 metres at the most westerly end of the proposed building. The way that the footprint of the proposed building steps away from the existing dwelling helps to mitigate the potential overbearing impacts for the residential occupiers and so while officers acknowledge that the proposed building would represent an increase in built form compared to the existing arrangement it is considered that this would not be an unduly significant change. The existing CAC building is a substantial 2.5 storey building and prior to its demolition a large outbuilding was sited along the shared boundary at a much closer proximity than the proposed building (albeit at a lower overall height).

10.84. Due to the orientation of the proposed building in relation to no. 45 Princes Street officers consider that there would not be any direct overlooking of living spaces with only oblique views towards the rear of no. 45 being possible. The proposed residential building would include north facing windows which would face towards the rear garden of no. 45 however considering the separation distance officers consider that this arrangement would not result in significant overlooking issues or loss of privacy. The proposed stair access to the flats at the western end of the building would be screened by perforated metal sheeting which would ensure that residents were not able to view the amenity space at no. 45.

10.85. In order to assess whether the proposed residential building would result in harm to the neighbouring occupiers of no. 45 Princes Street officers have undertaken the 45°/ 25° test. With regard to the kitchen door at ground floor level the 45° line would be unbroken. The bathroom window at first floor would not be considered as a habitable room and therefore has not been tested. The 45° line would be broken for the second floor dormer windows but the 25° uplift would not, as such officers consider this arrangement to be acceptable.

10.86. Therefore, officers consider that the proposals would not result in a harmful loss of light, overlooking or be overbearing for residential occupiers at no. 45 Princes Street.

#### *Pembroke Court*

10.87. The residential block of nos. 7-18 Pembroke Court is sited approximately 20 metres from the rear of the proposed EOCC extension and the proposed residential block. There would be 6 windows, serving bedrooms and kitchen/lounges within the proposed residential block which would face Pembroke Court, however all of these windows would be secondary windows and would be relatively narrow reducing the potential views from these rooms.

10.88. There would not be any windows in the proposed EOCC extension which would face Pembroke Court with the exception of the glazed link.



10.89. Officers consider that due to the separation distance between the proposed buildings and Pembroke Court the proposal would not result in any harmful impacts on residential occupiers.

*111 – 117 Cowley Road*

10.90. Nos. 111-117 Cowley Road have rear gardens which back onto the application site. No. 117 Cowley Road is the adjacent property to the west of the EOCC building. It is approximately 21 metres from the flank elevation of the EOCC building extension and the rear of nos. 115 and 117 Cowley Road and approximately 38 metres from the rear of 111 and 113 to the proposed residential block.

10.91. The proposed EOCC extension would include 6 window/ door openings which would face towards the rear gardens of nos. 11-117 however considering the separation distance officers consider that the extent to which there would be harmful overlooking impacts of these properties would be limited.

10.92. There are no changes proposed to the north west EOCC elevation facing 117 Cowley Road however the internal uses of these rooms would change. To ensure that the privacy of the neighbouring occupiers would be maintained officers have included a condition to require that the west facing windows of the kitchen/back bar would be glazed with obscure glazing.

*34-44 Princes Street and 119 Cowley Road*

10.93. The proposed development would be sited approximately 17 metres across Princes Street from the front elevation of the residential properties at nos. 34-44 Princes Street and approximately 19.8 metres from 119 Cowley Road. The separation distances are considered sufficient to ensure that there would not be significant overbearing or overlooking impacts.

10.94. If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. The submitted Daylight and Sunlight Assessment has identified that nos. 34 and 35 Princes Street would have windows within 90° of due south, however, the assessment shows that the 25° would not be broken. Therefore, officers consider that these properties would not be impacted by significant overshadowing or loss of light.

*Tyndale House and 134 Cowley Road*

10.95. The EOCC building is sited approximately 18.6 metres across Cowley Road from the front elevation of Tyndale House and 134 Cowley Road. Due to the separation distances and the location of the proposed development on the application site, officers consider that there would not be any harmful impacts to residential amenity for occupiers of these properties.

*Noise Impacts*

- 10.96. Given the location of the site which is close to other noise sensitive receptors, the demolition and construction works should be carried out in a controlled manner as significant noise, dust and vibration issues may be caused during construction. A condition has been included to require that these details be submitted prior to commencement of development.
- 10.97. The location, type and hours of operation of new building services plant associated with the new community centre have yet to be detailed in the submitted proposal. Conditions have been included to require further details of plant equipment and mitigation measures, as well as conditions requiring a management plan for the operation of the community centre and hours of use for both the EOCC building and the proposed roof terrace area.
- 10.98. Subject to the aforementioned conditions, officers consider that the submitted information and acoustic assessment are reasonable and practicable and therefore acceptable in environmental health terms.

### **g. Transport**

#### *Access*

- 10.99. The application site is considered to be in a highly accessible location which has good access to public transport and is within walking/cycling distance to the city centre and many local amenities.

#### *Car and Cycle parking*

- 10.100. The development is located within the existing East Oxford Controlled Parking Zone (CPZ) and is within 800m of a shop and 400m of a frequent bus service. As such, Local Plan Policy M3 stipulates that the residential development should be car-free, i.e. no car parking spaces provided. Residents would be ineligible for CPZ permits so the applicable Traffic Regulation Order would be adjusted at the applicant's expense.
- 10.101. It is recognised that Princes Street is often busy, with high demand for the time-limited parking spaces and the residents' permit bays. The new residents would not be entitled to permits so there is no reason for the level of parking demand to change as the local parking restrictions will make it impractical to keep a vehicle nearby. The access into the development (with dropdown bollard) would be where there are currently double yellow lines, meaning no loss of on-street parking.
- 10.102. As this is to be a car-free development there will be a minimal number of vehicle trips generated as a result. The redevelopment of the non-residential portion may increase its usage, and therefore the number of journeys, above the current levels but as there will be a nett reduction in floorspace the increase in journeys will be less than if the existing floorspace had been maintained and rejuvenated
- 10.103. The Local Plan Appendix 7.3 also gives standards for the parking of Powered Two Wheelers (motorcycles), at the rate of one space per five

dwellings. Two secure motorcycle parking spaces are to be incorporated for residential use, with gates suitable for manoeuvring the vehicles.

10.104. In terms of cycle parking 12 covered spaces for EOCC staff would be located to the front of the building along Cowley Road and 38 uncovered spaces would be available to the front and side of the building along Cowley Road and Princes Street. Additionally 24 covered bicycle spaces are proposed for the residents of the 12 flats located within a dedicated cycle store to the rear of the residential building. The proposed bicycle parking provision is considered to be acceptable and compliant with Local Plan Policy M5.

10.105. The community centre would have many visitors but few staff. A travel plan statement for the community centre as a whole, containing specific, succinct actions and relevant information on sustainable modes of transport to the centre has been submitted and is considered to be acceptable.

#### *Refuse Storage, Delivery and Servicing*

10.106. For the EOCC building and tenants a bin store is proposed to the west of the site. It would be located at street level and would be accessed via the emergency access road running between the proposed extension and apartment block.

10.107. The refuse point for the residential development would be sited within a bin store to the north of the site and to the side of the proposed residential block.

10.108. Other delivery and service vehicles could access the two sites via Princes Street and the emergency access road running between the proposed extension and apartment block.

#### *Construction Traffic*

10.109. Cowley Road suffers from heavy congestion at peak times and is considered an important route to and from the city centre. To ensure the development does not impact Cowley Road or the local highway network a Construction Traffic Management Plan would be secured by condition.

### **h. Sustainability**

10.110. Local Plan Policy RE1 requires that proposals demonstrate that sustainable design and construction principles have been incorporated. These include: maximising energy efficiency and the use of low carbon energy and using recycled and recyclable materials as well as water efficiency, waste reduction, minimising flood risk and maximising biodiversity.

10.111. Due to the size of the development an Energy Statement is required to demonstrate that the new-build residential element of the proposal, and new build non-residential developments of 1000m<sup>2</sup> or more, achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case.

10.112. In support of the application Energy Statements for both the EOCC extension and the proposed residential development have been submitted. The EOCC extension would measure approximately 865m<sup>2</sup> and would, through fabric and systems energy efficiency measures, low carbon heating, as well as PV systems, have the potential to make an improvement on Building Regulations L2A 2013 of 26.0%. It is noted that there are a number of constraints which limit the ability for higher carbon reductions to be achieved, namely, that the proposed re-development of the community centre includes the partial refurbishment of the existing locally listed centre as well as the new build extension. The extension is required to house 3 tenants that currently occupy poor quality accommodation (both on site and at Catherine Street, Oxford). After initial design work based upon a need's assessment costs were produced and, given budget constraints, it was decided that work to the existing building would be limited to essential repairs and alterations. The budget will not accommodate a full refurbishment and thus any improvement overall to Building Regulation standards is considered to be an improvement in this instance. Additionally, as this existing portion of the development contains historically listed elements this has indicated the following constraints:

- Limited fabric insulation.
- Limited air tightness improvements
- Limited roof area for additional PV panels.

However, notwithstanding the above, when the new build extension element is modelled in isolation it demonstrates a 45% improvement, indicating that this aspect of the development would meet the overall aims and aspirations of Policy RE1.

10.113. In terms of the proposed residential development, the submitted Energy Statement states that it would be mainly heated by ASHP and would be complemented by carbon reducing technologies, such as good quality insulation, triple glazing windows, MVHR, improved air tightness and high efficiency lighting. As such, this element of the development would demonstrate an improvement on Building Regulations of 84%.

10.114. Therefore, the proposals are found to comply with the requirements of Local Plan Policy RE1.

#### **i. Flooding and Drainage**

10.115. The site is located within Flood Zone 1 and is considered to be at a low risk of flooding. The proposals are however a major development and the application is accompanied by a Flood Risk Assessment, which concludes that the site is at a low risk of flooding. The proposals include the addition of sustainable urban drainage (SUDs) into the overall design of the scheme.

10.116. The County Council's drainage team have objected to the proposed development due to a technical error with the submitted drainage plan (the Drainage Statement states a 0.3 void ratio for permeable paving but the detail

shows a 85% void ration for the crate system. The technical drawing does not reflect construction detail to achieve the percentages given). Amended drainage plans have been submitted to the Lead Local Flood Authority (LLFA) for review however, at the time of writing, revised comments have not yet been received.

10.117. Officers expect to be able to provide an update to the Committee when these comments have been received. As such officers have recommended approval subject to the LLFA removing their objection and following the closure of the consultation period.

#### **j. Health Impacts**

10.118. Paragraphs 91-95 of the NPPF set out the requirement for planning decisions to aim to achieve healthy, inclusive and safe places which includes promoting social interaction, delivering safe and accessible places and supporting healthy lifestyles. Local Plan Policy RE5 outlines the aim to promote strong vibrant and healthy communities. Major development proposals must provide a Health Impact Assessment (HIA) which should include details of implementation and monitoring.

10.119. The applicant has submitted a HIA as well as the self-completing matrix template as recommended and referenced in Appendix 4 of the Local Plan. The submitted HIA has considered each of the 11 topics/broad assessment criteria as identified in the guidance and assessed the impact the proposal will have on the construction and operational period of each criterion, whilst the matrix has summarised these key issues.

10.120. The 11 topics broad criteria that are considered in the assessment are:

1. Housing quality and design
2. Access to healthcare services and other social infrastructure
3. Access to open space and nature
4. Air quality, noise and neighbourhood amenity
5. Accessibility and active travel
6. Crime reduction and community safety
7. Access to healthy food
8. Access to work and training
9. Social cohesion and lifetime neighbourhoods
10. Minimising the use of resources
11. Climate change.

- 10.121. Officers agree with the assessment of each of the criteria and given the relatively small size of the scheme, consider that some criteria are more relevant than others. For example the second criterion looks at the access to healthcare services and social infrastructure. The HIA acknowledges that there is likely to be loss of access to the community centre itself during construction, which potentially has an impact on existing users from the perspective of mental health and wellbeing. However, this is a temporary impact during the construction period only and as such the health impact is considered to be minor adverse. In addition, the matrix identifies a mitigation measure and recommends ongoing liaison with users of the community centre to ensure that disruption during the construction period can be reduced.
- 10.122. Furthermore, the consolidation of community facilities at the EOCC will help transform the site into a more modern, flexible and sustainable facility. This will help improve use and access and has been designed to accommodate all existing and potential new tenants. It is therefore agreed that the health impact arising from access to healthcare and other social infrastructure is considered to be moderate beneficial given the permanent nature of changes and the likely number of people affected in the local and wider area who may benefit from activities hosted within the community centre.
- 10.123. Other examples of where benefits have been identified include the incorporation of green infrastructure, landscaping and a variety of habitats to support biodiversity (access to open space and nature) as well as that all proposed units will be available for social rent, providing high-quality space for low income populations who may be more vulnerable (social cohesion and lifetime neighbourhoods). Another benefit is that the scheme proposed is car-free and that a significant amount of cycling bays are proposed for both the community centre and residential element in order to help address under provision of public cycle parking in the East Oxford Area. This will support criterion five of the assessment; accessibility and active travel.
- 10.124. For other criteria there will be short term minor adverse effects mainly related to the construction phase but best practice mitigation measures could be adopted during construction to ensure that impacts relating to dust emissions, noise levels and neighbourhood amenity are reduced.
- 10.125. The submitted HIA matrix has identified a few mitigation measures that can be carried out during the construction phase of the scheme but none which relate to its enhancement or that would require monitoring once the scheme is complete. However, given the relatively small-scale nature of the proposal and that the applicant has demonstrated that each of the 11 broad criteria have been considered, officers consider that Policy RE5 of the Oxford Local Plan 2036 has been complied with and additional details for the HIA would not be required.

## **k. Other Matters**

### *Land Contamination*

- 10.126. Although the contamination risks at the site are considered to be low, an intrusive site investigation will be required at the site to confirm potential

ground contamination risks at the site and identify what remedial actions may be necessary to protect future site users, construction workers and the wider environment. As such a condition has been added to secure these details.

#### *Archaeology*

10.127. Officers consider that, on present evidence the proposed development would be unlikely to have significant below ground archaeological implications. However the East Oxford Community Centre itself is of considerable communal interest and is a local heritage asset. The building is a former Boys School built in the 1860s and since 1970 the building has played a significant role in the cultural, educational and political life of the city. The submitted Heritage Statement recommends building recording, watching brief and oral history project to record the structure in the event that consent is granted and officers support these recommendations. As such a condition has been included.

#### *Air Quality*

10.128. As the application proposes the partial demolition of the existing building a condition relating to the control of construction dust has been included.

### **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 it 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 the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. Therefore, in conclusion, it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

11.5. The proposed development would comply with the development plan as a whole. The principle of development is acceptable as is the demolition of the Fusion Arts building.

11.6. The demolition of the CAC building would result in a low level of less than substantial harm but this would be outweighed by the public benefits arising from the proposal. The proposed extension to the EOCC building would result in a moderate level of less than substantial harm but this would also be outweighed by the public benefits of the proposal.

11.7. The proposal will not have an unacceptable impact on heritage assets, the neighbouring amenity, public highways, public health and sustainability.

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 and the other matters referred to in the recommendation.

## **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 conditions 3, 4, 5, 6, 7, 8, 9 and 30 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 DH1 of the Oxford Local Plan 2036.

### **3. Material Samples**

Notwithstanding the details submitted with the application, prior to the commencement of the development, samples of exterior materials shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection as agreed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

### **4. Timber Pergola Samples**

Prior to the commencement of the development, further details of the thickness, material and treatment of the timber posts for the pergola on the second floor of the



extension to the community centre shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

## **5. Glazed Link Details**

Prior to the commencement of the development, further details of the glazing of the link structure between the existing community centre and the new extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

## **6. Fenestration details**

Prior to the commencement of the development, details of all new windows and doors showing the proposed materials, colour, glazing bars and sections shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

## **7. Obscure Glazing**

The west facing windows in the kitchen/ back bar at ground floor level within the East Oxford Community Centre as shown on the approved plans shall be glazed in obscure glass, be non-opening and thereafter retained as such.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036.

## **8. Lighting Details**

Prior to the commencement of the development, details of all external lighting and levels of luminance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036.

## **9. Boundary Treatments**

Prior to commencement of the development hereby approved 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 of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036.

## **10. Heritage – History Reporting**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording and social/oral history project in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including a Victorian local heritage asset of notable communal value (Local Plan policy DH4).

## **11. Phasing Plan**

No development shall commence (including demolition works) until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the demolition, construction and occupation phases for the approved development as well as the development approved at the East Oxford Games Hall under consent 20/01298/CT3. The development hereby approved shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure that a suitable alternative community provision is available for local community groups, in accordance with policies V6 and V7 of the Oxford Local Plan 2036.

## **12. EOCC Management Strategy**

Prior to first use of the approved extension to the East Oxford Community Centre a Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out details relating to the operation and use of the community centre by those groups occupying the building, including details of

community events and how these will be managed so as to minimise disruption for neighbouring residential occupiers.

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 safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036.

### **13. Hours of Use – Roof Terrace and External Amenity**

The use of the external courtyard and roof terrace associated with the East Oxford Community Centre as shown on the approved plans shall be restricted to 08:30-21:30 Monday to Sunday.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036.

### **14. Secured by Design**

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

Reason: In the interests of the safety and security and in accordance with policy DH1 Oxford Local Plan 2016-2036.

### **15. Construction Environmental Management Plan**

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 on pages 25-27 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved 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 policy RE6 of the Oxford Local Plan 2016- 2036.

### **16. Hard and Soft Landscaping**

Prior to the commencement of development, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is

requested should be removed, and shall show in detail all proposed tree and shrub planting, tree pit design, treatment of paved areas, and areas to be grassed or finished in a similar manner. The plan shall also show the location of street furniture, boundaries, bins, cycle storage, bollards and benches. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and DH7 of the Adopted Oxford Local Plan 2016-2036.

**17. Landscape Management Plan**

Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

**18. Landscape Proposals: Implementation**

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

Reason: In the interests of visual amenity in accordance with Policy G7 of the Oxford Local Plan.

**19. 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 Policy G7 of the Oxford Local Plan.

**20. Energy Statement**

The development shall be carried out in accordance with the approved Energy Statements (East Oxford Community Centre March 2020 and Princes Street March 2020).

Reason: In accordance with policy RE1 of the Oxford Local Plan 2036.

## **21. Noise - Construction**

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

## **22. Noise - Plant**

Prior to commencement of the development, details shall be submitted to, and approved in writing by, the Local Planning Authority of the external noise level emitted from all plant/ machinery/ equipment and mitigation measures as appropriate. The mitigation measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

## **23. Anti-Vibration Measures**

Prior to commencement of the development, details of anti-vibration measures shall be submitted to, and approved in writing by, the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

## **24. Demolition Method Statement**

Prior to commencement of the development hereby approved, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- control measures for dust, noise, vibration and lighting;

- delivery locations;
- restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays;
- advance notification to neighbours and other interested parties of proposed works and;
- public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The specific dust mitigation measures to follow should be aligned with the recommendations IAQM [Guidance on the assessment of dust from demolition and construction](#) for medium risk sites. No building works shall commence until such approval in writing has been given by the Local Planning Authority. The approved measures shall be employed throughout the entire period of the construction of the development.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policies RE6 and RE7 of the Oxford Local Plan 2036.

## **25. Construction Traffic Management Plan**

Prior to commencement of works 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. 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,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

The development shall be carried out and completed in accordance with the approved CTMP 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.

## **26. Deliveries**

No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday and at no time on Saturdays, Sundays and Public/Bank Holidays.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policy RE7 of the Oxford Local Plan 2036.

## **27. Contamination – Risk Assessment**

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 to 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 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 RE9 of the Oxford Local Plan 2036.

## **28. 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 RE9 of the Oxford Local Plan 2036.

## **29. Unexpected Contamination**

Any contamination that is found during the course of construction of the approved development that was not previously identified 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 RE9 of the Oxford Local Plan 2036.

### **30. Cycle Parking**

Before the development hereby permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of highway safety and to promote sustainable modes of travel, in accordance with policies M5 of the Oxford Local Plan 2036.

### **31. Travel Plan**

The development shall be carried out in accordance with the approved Travel Plan (dated 2<sup>nd</sup> September 2020).

Reason: In order to encourage the use of sustainable modes of transport, in accordance with policy M1 of the Oxford Local Plan 2036.

### **32. Travel information Pack**

Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the first residents of each dwelling, and all subsequent occupiers, shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework. In order to encourage the use of sustainable modes of transport, in accordance with policy M1 of the Oxford Local Plan 2036.

### **33. Affordable Housing**

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 Oxford Local Plan 2036 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 which shall consist of not less than 50% of the housing units as detailed in the application.
- ii) Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Oxford Local Plan 2036 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 or any future guidance that amends or replaces it 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 Registered Social Landlord 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 H2 of the Oxford Local Plan 2016-2036.

## **14. INFORMATIVES**

### **1. Parking Permits**

The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation. A cost of £2200 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking.

### **2. APPENDICES**

- **Appendix 1 – Site location plan**

### **3. HUMAN RIGHTS ACT 1998**

3.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] 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.

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

4.1. 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/refuse] planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

20/00994/CT3 – East Oxford Community Centre

Appendix 1 – Location Plan



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## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/01298/CT3		
<b>Decision due by</b>	20th August 2020		
<b>Extension of time</b>	18 <sup>th</sup> December 2020		
<b>Proposal</b>	Demolition of games hall and erection of 14 residential dwellings formed of 8 one-bedroom and 6 two-bedroom apartments, with associated access and landscaping. (Amended plans)		
<b>Site address</b>	East Oxford Games Hall, 5 Collins Street, – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	St Clement's Ward		
<b>Case officer</b>	Natalie Dobraszczyk		
<b>Agent:</b>	Ms Ellen O'Grady	<b>Applicant:</b>	Oxford City Council
<b>Reason at Committee</b>	Major Application		

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## 1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

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

- the completion of a 21 day consultation period (closing on 10<sup>th</sup> December 2020) required due to the submission of amended plans.

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

- consider and deal with any further representations received during the remainder of the consultation period including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add any conditions required in connection with those representations;
- 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
- issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the demolition of the existing East Oxford Games Hall and the erection of a part 3 storey, part 4 storey building comprising eight 1 bed and six 2 bed apartments.

2.2. This report considers the following material considerations:

- Principle of development;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;
- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

2.3. The proposal is considered to comply with the development plan as a whole. The proposal would not have an unacceptable impact on neighbouring amenity, public highways and sustainability. Conditions have been included to ensure this remains the case in the future.

## **3. LEGAL AGREEMENT**

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

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

4.1. The proposal is liable for a CIL contribution of £62,324.75.

## **5. SITE AND SURROUNDINGS**

5.1. The site is located on Collins Street, a small residential road which runs parallel to Cowley Road. The site is broadly rectangular in shape and is currently almost entirely covered by the East Oxford Games Hall (EOGH) building. The EOGH is a one and a half storey sports hall which houses two badminton courts and is used by a number of local community groups for classes including capoeira, scouting and martial arts. The building itself is constructed predominantly from concrete with external brickwork and a tiled roof. Internally the building contains the sports hall, changing rooms and an office with storage on the first floor.

5.2. The site is surrounded predominantly by residential properties. To the north of the application site is no. 6 Collins Street, a former builders merchants which was granted permission in 2015 for redevelopment to include office use at ground floor with 24 residential dwellings above. The building has now been

constructed and is occupied. Further north to the rear of no. 6 Collins Street is a student development of 190 rooms known as “Wavy Line”.

5.3. To the west of the application site is Hooper House, an office building with potential for residential accommodation. To the east are nos. 1, 3, 5 and 7 East Avenue. These are 2 storey residential dwellings. A private access road, Avenue Lane, bounds the site to the south and connects East Avenue and Chapel Street. Directly opposite the site to the south is a small car park. To the south west are the residential properties nos. 1-4 Chapel Street. Between the car park and nos. 1-4 Chapel Street is a small plot of land which has extant permission for two 1 bed flats (17/01280/FUL) and to the south east are the residential flats at South Park Court.

5.4. The site is located within Flood Zone 1 and within the Cowley Road District Centre.

5.5. See block plan below:



## 6. PROPOSAL

6.1. This application forms one part of a project to consolidate Council owned community facilities and provide improvements to the quality of community facilities within East Oxford. Although not part of this application it is worth noting that the works within this application relate to those proposed at the East

Oxford Community Centre (EOCC), Princes Street under application reference 20/00994/CT3. Currently, the EOCC site comprises the EOCC building, the Fusion Arts building and the Chinese Advice Centre. Likewise, Film Oxford, an arts and creative media charity, are currently located within a Council owned building on Catherine Street. The proposed works to the EOCC building would provide new premises for the Film Oxford group to relocate.

6.2. This application proposes the demolition of the existing EOGH and the erection of a part 3 storey, part 4 storey building comprising eight 1 bed and six 2 bed apartments. The proposed residential building would be approximately 10.7 - 13.5m in height, 24m in length and 15.7m in width. The building would be constructed from a light buff brick with decorative “hit and miss” brickwork patterning, dark grey fenestration and grey roof tiles. PV panels are proposed on the roof of the building. The proposed residential units would be shared ownership dwellings.

6.3. Hard and soft landscaping is proposed to the front and rear of the building. The proposal would be car free with parking for 2 motorcycles located at the rear of the site.

## 7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history for this site.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	H14, H15, H16, DH1, DH2, DH7
Housing	59-76	H1, H2, H4, H10,
Social and community	102-111	G5, V6, V7
Transport	117-123	M1, M2, M3, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9
Miscellaneous	7-12	S1, S2

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th June 2020, 10<sup>th</sup> September 2020 and 19<sup>th</sup> November 2020 and an advertisement was published



in The Oxford Times newspaper on 6<sup>th</sup> June 2020, 10th September 2020 and 19<sup>th</sup> November 2020.

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

#### Oxfordshire County Council - Highways

9.2. No objections subject to conditions.

#### Oxfordshire County Council - Drainage

9.3. No objection subject to a condition requiring full drainage details be provided prior to commencement.

#### Thames Valley Police

9.4. No objections but suggested a condition to require Secure by Design accreditation and a number of suggested amendments to the design and layout to make the proposals more secure.

#### Environment Agency

9.5. No comments.

#### Historic England

9.6. No comments.

#### Natural England

9.7. No comments.

#### Oxford Civic Society

9.8. Supports the proposal. Commented that the development is welcomed on this somewhat run down brownfield site. There is a significant need for increased social housing in the area for key workers.

#### Thames Water

9.9. No objections subject to conditions.

### **Public representations**

9.10. 12 local people commented on this application from addresses in Ablett Close, Bodley Road, Burra Close, East Avenue, Kames Close, South Park Court, Thames View, Old Farmhouse Drive and from Convent Management.

9.11. In summary, the main points of objection (12 residents) were:

- The proposed four storey building will be almost double the height of the current games hall structure. Neighbouring flats will be overlooked and overshadowed by the proposed development.

- Area is already congested with traffic, building 14 additional units will only increase the traffic in the area. Parking is already difficult.
- The proposal will have many negative consequences for nearby residents. It will occupy small space between two residential streets, both with limited access. The development raises concerns of noise and compromise of light.
- No parking facilities on the plan, not even for emergency vehicles.
- The proposed bike storage is inadequate for the potential number of residents.
- Inadequate provision for rubbish storage for the number of units proposed.
- The towering height of the proposed four storey building and its pitched roof is out of keeping with the surrounding properties.
- The proposal will see the removal of another community facility and an increase in the density of population in the immediate area.
- The development has a significant amount of detrimental consequences for South Park Court. The building will be almost twice the height of the current games hall structure, which will massively hinder the privacy of the flats at South Park Court (overlooked by the new proposed building into both the windows and balconies).
- Adjoining streets already experiencing parking problems and anti-social behaviour issues. Building more residential flats will only increase these issues.
- Proposed development will have a major effect on the adjoining properties, existing community facilities and will hinder the character of the area; noise; disturbance and lighting.
- East Oxford Games hall is a vital facility to the area due to the space it offers and clubs and organisations that it has been housing over the years.
- Proposed new development is not right for this part of Oxford, the area needs decent community facilities, not unaffordable housing.

### **Officer response**

9.12. The comments are addressed in the sections which follow.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;

- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

**a. Principle of development**

10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11) and encourages the efficient use of previously developed (brownfield) land (paragraph 117), as well as the importance of high quality design (section 12).

10.3. The NPPF also places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).

10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is not allocated within the Local Plan for residential development; however the delivery of 12 dwellings on the site would provide a small, yet valued windfall contribution towards Oxford's housing need.

10.5. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Local Plan Policy V7 states that existing cultural and community facilities will be protected and retained unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. Local Plan Policy G5 states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

10.6. The proposed development would result in the complete loss of the existing EOGH building. In support of the application the applicant has submitted a statement regarding the loss of the existing community space. The existing building, which was built in 1974, is no longer fit for purpose and does not meet modern building regulations or sports facilities guidance. It is important to note

that the EOCC building is located 300 metres to the west of the application site. If the current application on the EOCC site is approved then the building will be able to provide enhanced community facilities to serve the local area, including facilities for a number of activities and clubs, which officers consider would represent improved facilities in an equally accessible location to the EOGH site.

10.7. Additionally, the following venues within the vicinity of the site have been identified as having community access:

- Asian Cultural Centre
- Cheney Secondary School
- Christian Life Centre
- Cowley Social club
- Donnington Community Centre
- East Oxford Primary School
- Florence Park Community Centre
- Magdalen Road Church
- Oxford Spires Academy
- Richard Benson Hall
- Silver band hall
- St Gregory the Great Secondary Primary School
- St Clements Family centre
- The Ark T Centre
- The Venue
- Iffley Road Sports Complex
- Magdalen College
- Regal Community Centre

10.8. Notwithstanding this, it is acknowledged that the demolition of the EOGH would result in the loss of the existing badminton courts for which there would not be an equivalent facility at the EOCC site. Within the submitted report the applicant has confirmed that the EOGH has a very low number of regular bookings namely 9 bookings equating to 19 hours a week.

10.9. In October 2019, Oxford City Council Active Communities Team wrote to all hirers to offer a meeting to discuss working closely with them to relocate their sessions. Five of the nine hirers took up this offer and during the meeting they were offered lists of suitable venues and contacts. Three of those have already found alternative venues, with the scouts group being relocated from July 2020 at the Community Centre, one of the badminton groups will return to use Oxford University sports facilities and one of the Capoeira groups is in discussions with a local primary school to use their premises.

10.10. While the proposal would result in the loss of the badminton courts four alternative venues have been identified within a mile radius:

- Cheney School
- Iffley University Sports Ground
- Oxford Brookes University Centre for Sport
- Magdalen College

10.11. Officers accept that the existing EOGH does not meet current building regulations or sports facility guidance. Alternative badminton provision has been found for one of the existing hirers and there are 4 alternative badminton locations within a mile radius of the site. The other club and community uses which take place at EOGH could be accommodated within the EOCC which, if approved, would constitute a new facility and if not approved would still constitute an equivalent facility for community uses.

10.12. A condition has been included to require that a phasing plan be submitted which details the demolition, construction and occupation of both the development proposed within this application, and that proposed at EOCC (under application 20/00994/CT3) to ensure that there would not be an unacceptable loss of community facilities without adequate re-provision.

10.13. Therefore, on balance, officers conclude the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Policies H1, G5, V7 and RE2.

#### **b. Design, Layout and Visual Impact**

10.14. 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.

10.15. 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”.

10.16. 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).

10.17. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land which includes demonstrating appropriate density, massing and building heights.

10.18. Local Plan Policy DH1 requires that developments demonstrate high quality design that creates or enhances local distinctiveness.

10.19. Local Plan Policy DH2 sets out the importance of retaining significant views including that of the historic skyline. Developments should demonstrate a clear design rationale for their height and massing and where the overall height would exceed 18.2 metres within a 1,200 metre radius of Carfax Tower additional justification is required.

#### *Siting and Layout*

10.20. The proposed development seeks to replace the existing EOGH building and make the most efficient use of the land by developing a residential building which would create active frontages onto both Collins Street and Avenue Lane which bound the site to the north east and south west.

10.21. At ground floor level the proposed building would provide a primary entrance from Collins Street and a secondary entrance on the north western (side) elevation which allows access to the bicycle store. A bin store is located on the north eastern (side) of the building. Lift access and a stair core is located in the centre of the building footprint. In terms of residential units there would be three 1 bed flats and one 2 bed flat at ground floor level.

10.22. The first and second floors of the building would be identical and would comprise two 1 bed flats and two 2 bed flats. Each floor would also have a central core which would include a bicycle store. The third floor would, once again, include a central core with bicycle storage, one 1 bed flat and one 2 bed flat.

10.23. Comments were received from Thames Valley Police which included a number of recommendations to improve the internal layouts to comply with Secured by Design principles. Following discussions with the applicant amended plans have been supplied which seek to incorporate these recommendations. Notwithstanding this, a condition has been included to require that prior to commencement the development achieve a Secure by Design accreditation.

10.24. Hard and soft landscaping is proposed to the front and rear of the site although officers acknowledge that due to site constraints the opportunities for planting are limited. Conditions have been included to require additional

landscaping details and to specify the implementation and reinstatement of the landscaping.

10.25. Officers consider the siting and layout of the proposed development to be acceptable as it would make efficient use of the existing brownfield site and respond well to the constraints and opportunities of the site.

*Scale, Massing and Impact on Views*

10.26. The built form surrounding the application site is predominantly 2 - 3 storey residential buildings to the south, east and west. To the north the Wavy Line student development is 4 storeys in height. The proposed building would comprise a 4 storey block to front Collins Street and a three storey block to front Avenue Lane.

10.27. The proposed building would represent an increase in height of 7.5 metres when compared to the existing EOGH building. While officers acknowledge that the proposed development would be substantial in terms of its height and massing when compared to the existing building, it is acknowledged that buildings in the surrounding area demonstrate a varied massing. The proposed development, by siting the 4 storey element towards the north of the plot and the 3 storey element towards the south, would respond to the existing context and successfully transition between the two. As such, officers conclude that a building of this scale would be acceptable subject to the impact on neighbouring amenity which is discussed in the later sections of this report.

10.28. Local Plan Policy DH2 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.

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

- Hinksey Hill
- Raleigh Park
- Boars Hill
- Port Meadow
- Elsfield
- Doris Field
- John Garne Way
- South Park
- Headington Hill

- Crescent Road
- Rose Hill
- Carfax Tower
- St. George's Tower
- St. Mary's Church
- Merton College

10.30. The application site is located outside of the historic core of the city and 1,200 metres radius of Carfax Tower. The proposed building would be approximately 13.5 metres in height. The proposed buildings would not be located within any of the identified view cones with the exception of Crescent Road.

10.31. When viewed from Crescent Road, due to the location of existing buildings and the topographical features of the landscape, the proposed building would have limited visibility during winter and would be obscured by the tree line during the summer months.

10.32. The proposed buildings would not have a significant impact on the majority of identified viewpoints/high points. In many cases, these views are obstructed by a tall tree line or the existing cityscape of Oxford City. Where the developments do feature within these viewcones, they are from the taller Western Hills (Hinksey Hill, Boars Hill), with viewpoint distances at a minimum of 4km away (Hinksey Hill). Although there is some impact from these points, the proposed development is located within an urbanised location, and therefore officers accept that there would not be a significant impact on the overall urban character.

#### *Residential Internal Amenity*

10.33. Local Plan Policy H15 requires that new dwellings provide good quality accommodation which is compliant with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1 (NDSS).

10.34. All of the proposed new units would either meet or exceed the NDSS in terms of overall floor area and room size. Policy H10 requires that all affordable dwellings are constructed to Category 2 standard as set out in the Building regulations Approved Document M4. The proposal would comply with Policy H10 and is considered to be acceptable in this regard.

10.35. Policy H14 states that developments should provide reasonable daylight and sunlight for residential occupiers. In terms of internal lighting the applicant has submitted a daylight and sunlight assessment in support of the application. The report shows that all bedrooms and living areas would meet or exceed the minimum Average Daylight Factor and percentage Sky View as set out in BS EN 17037:2018. A total of 13 kitchen/ lounges and 7 bedrooms would fail to meet



the minimum Annual Probable Sunlight Hours (APSH). This is largely due to their orientation (north facing) or proximity to other buildings or trees.

10.36. Officers conclude that the proposed residential units would experience adequate daylighting. A number of rooms would not meet the minimum APSH. Officers acknowledge that the site is relatively constrained in terms of the potential locations for development and the orientation of residential units considering the plot shape, surrounding built form and neighbouring occupiers. Through the assessment of this application officers sought amendments which have resulted in improvements in the daylight/ sunlight performance of the proposals. On balance, officers consider that the proposals would provide reasonable access to daylight and sunlight and that the failings of the identified rooms would not, in this instance, be so harmful as to warrant the refusal of the application.

#### *Residential External Amenity*

10.37. Local Plan Policy H16 states that planning permission will only be granted where dwellings have direct and convenient access to an area of private open space. For 1 and 2 bedroom flats this can be either a private balcony or terrace or direct access to a private or shared garden.

10.38. The application proposes private garden space for all ground floor residential units and private balconies for all units above ground level. The proposed external amenity spaces are considered to be an appropriate size to ensure they would provide useable space for residential occupiers.

10.39. The submitted daylight and sunlight assessment demonstrates that the amenity space on the south western side of the building would meet the minimum sunlight hours on 21<sup>st</sup> March. The amenity space on the north eastern side of the building would not meet the minimum sunlight hours on 21<sup>st</sup> March due to its orientation.

10.40. Officers consider that that proposal would provide sufficiently sized amenity space which, notwithstanding the limitations of the north facing units, would be adequate for future residential occupiers in accordance with Policy H16.

#### *Materials and Appearance*

10.41. The design rationale for the proposed residential building seeks to create continuity with the surrounding residential context of 2 storey Victorian terrace houses while also developing a distinct character of its own. The building would demonstrate a verticality with regular repeating openings and a dual pitched roof form which would echo the surrounding Victorian terraces.

10.42. As the form and mass of the building takes up a large extent of the site, the applicant has endeavoured to create an interesting facade along the street elevation by stepping the footprint of each unit to create the protruding and recessing of habitable spaces. Each unit would have a private amenity space such an external balcony or a small private ground floor garden. The private

ground floor amenity space would create an active frontage on both Collins street to the north and Avenue Lane to the south.

- 10.43. The building form is also stepped, moving from 4 storeys to 3 storeys which helps to reduce the overall mass while retaining consistent, 'sibling' elevations to the north and south.
- 10.44. The material palette draws inspiration from the surrounding streets and seeks to utilise simple, durable brick in a light buff colour with a contrasting dark grey roof tile. To add additional detail and interest hit and miss brick patterning is proposed on the balconies. The fenestration would be dark grey in colour and would include a mix of fixed and openable panes. The window openings have been increased in size following discussions with officers to ensure that the maximum amount of sunlight into the dwellings is achieved. Likewise, long smaller windows are proposed to puncture the eastern and western façade to allow additional natural light into the space.
- 10.45. Officers consider that the proposed design successfully draws on the surrounding context and would sit comfortably within the street scene. A condition has been included to secure material samples and details of hard and soft landscaping to ensure a high quality finish.

### **c. Affordable Housing**

- 10.46. Policy H2 of the Oxford Local Plan states that for residential developments of 10 or more homes, a minimum of 50% should be affordable homes and at least 40% of all of the proposed residential units on the site should be socially rented.
- 10.47. The application proposes 14 residential dwellings which would be made available as affordable accommodation, all of which would be shared ownership. Shared ownership housing constitutes affordable housing as defined within the Local Plan and appendix 2 of the NPPF. Policy H2 requires that 40% of the proposed dwellings be socially rented which would be a total of 6 dwellings on this site. Notwithstanding this, officers have considered the approach taken across both this site and the EOCC site which, while outside of the red line for this application, is linked insofar as the residential development on this site contributes towards the funding of the proposed redevelopment and refurbishment of the EOCC site. Across the two sites there would be a total of 26 new dwellings delivered if both applications are approved. Of these 26 dwellings 12 would be socially rented and 13 would be shared ownership which would equate to 46.1% dwellings being socially rented.
- 10.48. As such, when taken in combination with the EOCC site, the proposals would comply with the requirements of Policy H2.

### **d. Housing Mix**

- 10.49. Policy H4 seeks to ensure that residential developments deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. For proposals of 25 homes or more the policy sets out the specific mix required. For sites below the threshold or within the city centre

or a district centre the proposal will need to demonstrate how local housing demand has been considered.

10.50. The application proposes 8 one bed flats and 6 two bed flats. In determining the mix the applicant has considered the housing register. As of January 2019 the housing register indicated 71.6% of households have either a studio, 1 bedroom or 2 bedroom need. Officers consider that the proposals would represent an appropriate mix by providing smaller homes for singles/couples or small families.

10.51. The proposed residential dwellings would also address the needs of those with physical impairments by providing wheelchair accessible housing on the ground floor. The housing register reports there are 166 households requiring level access, 2 households requiring a wheelchair adapted property and 83 requiring some adaptations, such as level access shower, stair lift or walk-in bath.

10.52. Officers conclude that the proposals would deliver an appropriate mix of dwellings considering the local housing demand identified on the housing register. As such, the proposals would comply with Policy H4 of the Local Plan.

**e. Impact on Neighbouring Amenity**

10.53. The Oxford Local Plan seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. Local Plan Policy H14 (Privacy, Daylight and Sunlight) and Policy RE7 (Managing the Impact of Development) require new residential developments to provide reasonable privacy and daylight for the occupants of both existing and new homes.

10.54. The application site is bounded by a number of properties which is summarised as follows. To the north west of the application site is no. 6 Collins Street, a former builders merchants which was granted permission in 2015 for redevelopment to include office use at ground floor with 24 residential dwellings above. The building has now been constructed and is occupied. Further north to the rear of no. 6 Collins Street is a student development of 190 rooms known as "Wavy Line". Also sited to the north are nos. 4 and 2 Collins Street.

10.55. To the west of the application site is Hooper House. To the east are nos. 1, 3, 5 and 7 East Avenue. These are 2 storey residential dwellings. A private access road, Avenue Lane, bounds the site of the south and connects East Avenue and Chapel Street. Directly opposite the site to the south is a small car park. To the south west are the residential properties nos. 1-4 Chapel Street. Between the car park and nos. 1-4 Chapel Street is a small plot of land which has extant permission for two 1 bed flats (17/01280/FUL) and to the south east are the residential flats at South Park Court.

*Nos. 2, 4 and 6 Collins Street*

10.56. No. 4 Collins Street houses a photography workshop. Officers could not find any records to establish whether there is any residential accommodation, at first floor level however, notwithstanding this, the separation distance of

approximately 13.4 metres between the buildings is considered sufficient to ensure that the impact on this property would not be unduly harmful.

10.57. The proposed building would be located approximately 9.5 metres to the south east of the closest student accommodation building at no. 6 Collins Street. Officers consider that considering the separation and offset orientation of the buildings the proposed development would not result in harmful overlooking, overshadowing or overbearing impacts on the neighbouring building at no. 6 Collins.

*1, 3, 5 and 7 East Avenue*

10.58. The proposed development would be sited approximately 12.5 -12.7 metres from the rear of nos. 1- 7 East Avenue. The separation distance is considered to be adequate to ensure that there would not be significant overbearing impacts as a result of the proposed development.

10.59. The proposal includes a number of small secondary windows which would face nos. 1, 3, 5 and 7 East Avenue. To ensure that these would not result in harmful overlooking impacts officers have included a condition requiring that these be obscure glazed and non-opening. The proposed design includes hit and miss brick patterning or mesh on the side elevations to screen the condenser units on each floor. While these will need to be accessed for maintenance these areas would not be widely accessible to residents and therefore would not result in increased opportunities for overlooking on a day-to-day basis.

10.60. As nos. 5 and 7 East Avenue have rear windows which face within 90° of due south an assessment has been made to establish what impact the proposed development would have on these windows. The assessment tests whether if it subtends more than 25° to the horizontal, measured in section from the centre of the 3 windows of the two potentially affected existing houses opposite the proposed flats. The assessment concludes that the proposed development would not subtend more than 25° to the horizontal therefore the existing windows in question would not be adversely affected by the proposed development.

*South Park Court*

10.61. The site is a minimum of 14.8 metres from the rear of nos. 1-12 South Park Court. The buildings which form South Park Court are located to the south east of the application site. Views from the proposed windows, terraces and balconies would only result in oblique views towards these properties. As such officers consider that the proposal would not result in any significant overlooking, overshadowing or overbearing issues for existing occupiers at South Park Court.

*1-4 Chapel Street*

10.62. The proposed development would be approximately 14.6 metres from the rear of no. 4 Chapel Street which is the closest of these properties to the application site. Views from the proposed windows, terraces and balconies would only result in minimal oblique views towards these properties. As such officers consider

that the proposal would not result in any significant overlooking, overshadowing or overbearing issues for existing occupiers at nos. 1-4 Chapel Street.

*Land to The Rear Of 1 To 4 Chapel Street*

- 10.63. On 28<sup>th</sup> July 2017 planning permission was granted for the erection of two 1 bed flats on a small plot of land to the rear of 1-4 Chapel Street. By virtue of the Business and Planning Act 2020 this consent remains extant until 1<sup>st</sup> May 2021 subject to Additional Environmental Approval being granted by the Local Planning Authority. To date an application for Additional Environmental Approval has not been received however officers will consider the potential impact of the proposed development on the extant scheme.
- 10.64. The rear elevation of the proposed building would be sited approximately 5.6 metres from the rear elevation of the consented development. The protruding aspects of the rear elevation of the proposed building would be bedrooms and balcony areas. The layout of the consented scheme is such that the windows facing the proposed development would serve bedrooms and the terraced areas.
- 10.65. Officers consider that while this arrangement would lead to a degree of overlooking of the consented and proposed terraces and balconies this arrangement would not be unduly harmful considering the urban setting of the site, within the district centre and in close proximity to the city centre. Additionally, the positioning of the fenestration would not result in direct overlooking from views into rooms.
- 10.66. The proposed building would represent an increased building mass adjacent to the consented development however, once again, considering the urban environment the extent to which the proposal would result in overbearing impacts is not considered to be harmful enough to warrant the refusal of the application.
- 10.67. Due to the positioning of the application building to the north of the consented development officers consider that the proposal would not result in a harmful loss of light to future occupiers.

*Hooper House*

- 10.68. Prior approval was granted on 7<sup>th</sup> November 2013 for the conversion of the first and second floors of the former office building to 14 residential dwellings (13/02480/B56). The first and second floors of the building are understood to be empty. Council Tax records confirm that there are no current occupiers and the Valuation Office has not banded any residential units for Council Tax. As such, Officers consider that the approved use has not commenced and therefore the consent is no longer extant.
- 10.69. Subsequent to the prior approval for the upper floors, prior approval was granted on 3<sup>rd</sup> November 2017 for the conversion of the ground floor to 6 residential dwellings (17/02557/B56). At the time of writing the conversion of the ground floor had not commenced and was still being used as an office.
- 10.70. Section 17 of the Business and Planning Act 2020 inserted new provisions into the Town and Country Planning Act 1990. One of the new provisions was

section 93A which concerns the extension of duration of certain planning permissions. The section provides for the automatic extension of “relevant planning permissions” which have a condition requiring the development to commence between the date the 2020 Act came into force (19 August 2020) and 31 December 2020. The section provides for those planning permissions to be extended to 1 May 2021.

10.71. The term “relevant planning permission” is defined in section 93C. This section provides that “relevant planning permission” does not include (amongst other things) a planning permission granted by a development order.

10.72. “Development order” is defined in section 336 of the Town and Country Planning Act 1990 as “having the meaning given to it by section 59”.

10.73. Section 59(1) states:- “The Secretary of State shall by order (in this Act referred to as a “development order”) provide for the granting of planning permission”.

10.74. As the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GDPO”) does grant planning permission for certain types of development (permitted development), that order is a development order for the purposes of section 93C of the 1990 Act.

10.75. Officers have sought a legal opinion on whether the prior approval of the LPA required in relation to certain impacts of the proposed development, means that the GDPO does not in itself grant the permission. The view of Officers is that permission given pursuant to Class O is granted by the order even though the prior approval process applies. On this basis, the prior approval (17/02557/B56) given pursuant to Class O of Part 3 of Schedule 2 to the GDPO would not benefit from the extension of time provisions in section 93A of the 1990 Act.

10.76. Therefore, Officers conclude that the lawful use of Hooper House is as an office, not residential units, and as such the proposed development would not have a detrimental impact on the amenity of occupiers of this building.

#### *Noise Impacts*

10.77. Given the location of the site which is close to other noise sensitive receptors, the demolition and construction works should be carried out in a controlled manner as significant noise, dust and vibration issues may be caused during construction. A condition has been included to require that these details be submitted prior to commencement of development.

10.78. The occupants of the new proposed residential units should be protected against external noise sources such as traffic noise, so the fabric of the building should be constructed to minimise the effects of external noise intrusion. A condition has been included to ensure that internal noise levels would be acceptable for future residential occupiers.

10.79. Subject to the aforementioned conditions, officers consider that the submitted information and acoustic assessment are reasonable and practicable and therefore acceptable in environmental health terms.

## **f. Transport**

### *Accessibility*

10.80. The site is considered to be in a highly accessible location which has good access to public transport and is within walking/cycling distance to the city centre and many local amenities. As this is to be a car-free development there will be a minimal number of vehicle trips generated as a result. The previous use as a games hall, which was also used for other activities such as scouts, would have created more car journeys as many participants will have been dropped off and picked up. Therefore, there will be an overall reduction in the number of vehicle trips.

### *Car and Motorcycle Parking*

10.81. The development is located within the existing East Oxford Controlled Parking Zone (CPZ), within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities therefore, in accordance with Local Plan Policy M3, the development should be car-free, i.e. no car parking spaces provided. The proposed development would be car free. Residents will be ineligible for CPZ permits so the applicable Traffic Regulation Order will be adjusted at the applicant's expense.

10.82. Following discussions between officers, the Highways Authority and the applicant it became apparent that Avenue Lane (serving the rear of the development) is not classified as public highway, so rights of access needed to be determined if motorcycle parking were to be provided on the site in accordance with Policy M3. It has now been confirmed that Avenue Lane may be used by the occupiers of an adjoining property to use a vehicle for the purpose of gaining access to, or egress from, that property. Thus, two motorcycle parking spaces are proposed to be incorporated into the development, with no restrictions on access. This is considered to be acceptable.

### *Cycle Parking*

10.83. Cycle parking is proposed within the building, with a dedicated room on each floor to serve the flats at that storey. This would ensure the facilities are secure and well distributed, although the two-tier rack systems and the need to use the lift with the cycle will make the storage less user-friendly. It is noted that on each floor there is a door between the lift and the lobby area in which the cycle store is located. As cyclists will have to manoeuvre their cycles through these doorways, the applicant has amended the floor plans to ensure that doors would be minimum of 1000mm wide. The Highways Authority have also commented that they would like the size of the side access gates to be maximised. A condition requiring details of boundary treatments has been included which will include the side gates. The storage provision meets the standards as set out in the Local Plan, i.e. two spaces per dwelling and therefore is found to be acceptable.

### *Construction Traffic*

10.84. Cowley Road suffers from heavy congestion at peak times and is considered an important route to and from the city centre. To ensure the development does not impact Cowley Road or the local highway network a Construction Traffic Management Plan will be required by condition.

**g. Sustainability**

10.85. Local Plan Policy RE1 requires that proposals demonstrate that sustainable design and construction principles have been incorporated. These include: maximising energy efficiency and the use of low carbon energy and using recycled and recyclable materials as well as water efficiency, waste reduction, minimising flood risk and maximising biodiversity.

10.86. Due to the size of the development an Energy Statement is required to demonstrate that the proposed residential building would achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case.

10.87. In support of the application an Energy Statement has been submitted. The proposed building would, through fabric and systems energy efficiency measures, low carbon heating, as well as PV systems, have the potential to make an improvement on Building Regulations L2A 2013 of 71.2%.

10.88. Therefore, the proposal is found to comply with the requirements of Local Plan Policy RE1.

**h. Flooding and Drainage**

10.89. The site is located within Flood Zone 1 and is considered to be at a low risk of flooding. The proposals are however a major development and the application is accompanied by a Flood Risk Assessment, which concludes that the site is at a low risk of flooding. The proposals include the addition of sustainable urban drainage (SUDs) into the overall design of the scheme. Following review and the provision of further drainage details, the Lead Local Flood Authority have raised no objection to the proposed development subject to a condition requiring full details of the drainage scheme to be submitted for approval to the Local Planning Authority.

10.90. Officers are satisfied that the development would not increase the flood risk on site and that the overall approach towards drainage on site is acceptable and in line with the provisions of policies RE3 and RE4 of the Oxford Local Plan 2016-2036.

**i. Health Impacts**

10.91. Paragraphs 91-95 of the NPPF set out the requirement for planning decisions to aim to achieve healthy, inclusive and safe places which includes promoting social interaction, delivering safe and accessible places and supporting healthy lifestyles. Local Plan Policy RE5 outlines the aim to promote strong vibrant and healthy communities. Major development proposals must provide a Health



Impact Assessment (HIA) which should include details of implementation and monitoring.

10.92. The applicant has submitted a HIA as well as the self-completing matrix template as recommended and referenced in Appendix 4 of the Local Plan. The submitted HIA has considered each of the 11 topics/broad assessment criteria as identified in the guidance and assessed the impact the proposal will have on the construction and operational period of each criterion, whilst the matrix has summarised these key issues.

10.93. The 11 topics broad criteria that are considered in the assessment are:

1. Housing quality and design
2. Access to healthcare services and other social infrastructure
3. Access to open space and nature
4. Air quality, noise and neighbourhood amenity
5. Accessibility and active travel
6. Crime reduction and community safety
7. Access to healthy food
8. Access to work and training
9. Social cohesion and lifetime neighbourhoods
10. Minimising the use of resources
11. Climate change.

10.94. Officers agree with the assessment of each of the criteria and given the relatively small size of the scheme, consider that some criteria are more relevant than others. For example the first criterion (housing quality and design) is considered through the inclusion of a planting bed at the front of the development to give a green buffer to Collins Street. The area for each dwelling type is proposed to be slightly higher than the nationally described space standards and the design would maximise access to natural light through large floor to ceiling windows which would allow most internal spaces to benefit from lots of natural and direct sunlight during the year. As such, it is agreed that the proposed development could have a minor beneficial long-term impact on health through the provision of new housing and how it has been designed.

10.95. The second criterion looks at the access to healthcare services and social infrastructure. The HIA acknowledges that East Oxford Games Hall will be lost as a result of the proposed development but state that all existing hirers have either been offered an alternative venue, relocated already or remain working with the council to find alternative locations in East Oxford. Taking into account the re-provision of an improved community facility at East Oxford Community

Centre (subject to planning permission being granted) and the fact that the existing East Oxford Games Hall is currently deficient in terms of its ability to meet standards, it is agreed that the health impact arising from access to healthcare and other social infrastructure is considered to be minor beneficial. Changes will be permanent in nature, with potential beneficiaries from within both the local and wider area. The matrix in the Rapid HIA identifies ongoing liaison with potentially affected users of the application site as a mitigation measure to ensure that users are kept informed of timescales and potential alternatives (including possible arrangements at the East Oxford Community Centre).

10.96. Other examples of where benefits have been identified include the provision of cycle parking spaces within a secure and dedicated area away from the street frontage area and overseen from communal circulation spaces (see criterion six - crime reduction and community safety). The design of the proposals ensures pedestrian amenity and accessibility is prioritised and no new parking bays have been provided as part of the proposed development in order to discourage unnecessary car trips and encourage active travel in line with broad criterion five. The site is located in close proximity to Cowley Road which forms part of National Cycle Network 57, a long-distance cycle route as well as a number of low traffic cycle routes. The site presents opportunities for active travel which will lead to health benefits for future residents, and it is agreed that this would be summarised as a minor beneficial impact due to the number of people potentially affected.

10.97. Due to the relatively small scale nature of the proposal, there are a number of criteria in the matrix that are not applicable, one example being broad criteria number seven, (access to healthy food) where the proposal due to its nature will not have an impact. However, officers consider that each of the criteria has been assessed in a satisfactory manner and mitigation measurements proposed where necessary. For example, there will be short term minor adverse effects mainly related to the construction phase but best practice mitigation measures could be adopted during construction to ensure that impacts relating to dust emissions, noise levels and neighbourhood amenity are reduced.

10.98. The submitted HIA matrix has identified a few mitigation measures that can be carried out during the construction phase of the scheme but none which relate to its enhancement or that would require monitoring once the scheme is complete. However, given the relatively small-scale nature of the proposal and that the applicant had demonstrated that each of the 11 broad criteria have been considered, officers consider that Policy RE5 of the Oxford Local Plan 2036 has been complied with and that additional details for the HIA would not be required.

## **j. Other Matters**

### *Land Contamination*

10.99. Although the contamination risks at the site are likely to be low, there is evidence that the site has had a previous commercial use and there is the possibility of filled ground being present locally from the former Cowley clay pits and brickworks. As such a phased contamination risk assessment will be

required by condition to confirm potential ground contamination risks at the site and identify what remedial actions may be necessary to protect future site users, construction workers and the wider environment.

#### *Archaeology*

10.100. Officers consider that, on present evidence the proposed development would be unlikely to have significant below ground archaeological implications.

#### *Air Quality*

10.101. As the application proposes the partial demolition of the existing building a condition relating to the control of construction dust has been included.

### **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 it 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 the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. Therefore, in conclusion, it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.4. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.

11.5. The proposed development would comply with the development plan as a whole. The principle of development is acceptable as is the demolition of the EOGH building.

11.6. The proposal will not have an unacceptable impact on neighbouring amenity, public highways, public health and sustainability.

11.7. 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 and the expiry of the 21 day consultation period.

## **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 conditions 3, 6, 7, 9 and 17 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 DH1 of the Oxford Local Plan 2036.

### **3. Material Samples**

Notwithstanding the details submitted with the application, prior to the commencement of the development, samples of exterior materials shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection as agreed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

### **4. Phasing Plan**

No development shall commence (including demolition works) until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the demolition, construction and occupation phases for the approved development as well as the development approved at the East Oxford Community Centre under consent 20/00994/CT3. The development hereby approved shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure that a suitable alternative community provision is available for local community groups, in accordance with policies V6 and V7 of the Oxford Local Plan 2036.

### **5. Flooding and Drainage**

Prior to commencement of development full details of the proposed drainage scheme, in accordance with the approved Arcadis, Flood Risk Assessment and Drainage Strategy V2 dated July 2020, shall be submitted to, and approved in writing by, the Local Planning Authority.

The details shall include:

- Detailed design drainage layout drawings of the proposals including cross sections and construction details;
- Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules;
- The submission of evidence of TW approval of the outfalls from the site; and
- Details of how water quality will be managed during construction The drainage scheme shall be maintained in accordance with the approved details.

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 accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

## **6. Obscure Glazing**

The north west facing windows as shown on the approved plans shall be glazed in obscure glass, be non-opening and thereafter retained as such.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036.

## **7. Boundary Treatments**

Prior to commencement of the development hereby approved 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 of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036.

## **8. Secured by Design**

Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The

development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and security and in accordance with policy DH1 Oxford Local Plan 2016-2036.

## **9. 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 correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

## **10. Landscape Proposals – Implementation**

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

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

## **11. 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 G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

## **12. Contamination – Phased Risk Assessment**

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 to and approved in writing by the Local

Planning Authority.

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

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 RE9 of the Oxford Local Plan 2016-2036.

### **13. Contamination – Validation Report**

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 RE9 of the Oxford Local Plan 2016-2036.

### **14. Unexpected Contamination**

Any contamination that is found during the course of construction of the approved development that was not previously identified 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 RE9 of the Oxford Local Plan 2016-2036.

### **15. Construction Environmental Management Plan**

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 on pages 25-27 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved 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 policy RE6 of the Oxford Local Plan 2016- 2036.

## **16. Construction Traffic Management Plan**

Prior to commencement of works 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. 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,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents.

The development shall be carried out and completed in accordance with the approved CTMP 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.

## **17. Cycle Parking**

Before the development hereby permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of highway safety and to promote sustainable modes of travel, in accordance with policies M5 of the Oxford Local Plan 2036.

## **18.Noise**

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to



levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30dB LAeq 8hrs in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

## **19. Demolition Method Statement**

Prior to commencement of the development hereby approved, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- control measures for dust, noise, vibration and lighting;
- delivery locations;
- restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays;
- advance notification to neighbours and other interested parties of proposed works and;
- public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The specific dust mitigation measures to follow should be aligned with the recommendations IAQM [Guidance on the assessment of dust from demolition and construction](#) for medium risk sites. No building works shall commence until such approval in writing has been given by the Local Planning Authority. The approved measures shall be employed throughout the entire period of the construction of the development.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policies RE6 and RE7 of the Oxford Local Plan 2036.

## **20. Energy Statement**

The development shall be carried out in accordance with, and to the standard (or equivalent) set out within, the approved Energy Statement (Collins Street, dated March 2020).

Reason: In accordance with policy RE1 of the Oxford Local Plan 2036.

## **21. Thames Water – Details**

Prior to construction information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. No construction shall take place within 5m of the water main. Any construction shall be undertaken in accordance with the terms of the approved information. Unrestricted

access shall be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure.

## **22. Thames Water - Piling**

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

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

## **23. Affordable Housing**

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 Oxford Local Plan 2036 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 which shall consist of not less than 50% of the housing units as detailed in the application.
- ii) Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Oxford Local Plan 2036 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 or any future guidance that amends or replaces it 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 Registered Social Landlord 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 H2 of the Oxford Local Plan 2016-2036.

## **12. INFORMATIVES**

### **1. Parking Permits**

The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation. A cost of £2200 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking.

### **2. APPENDICES**

- **Appendix 1 – Site location plan**

### **3. HUMAN RIGHTS ACT 1998**

3.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] 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.

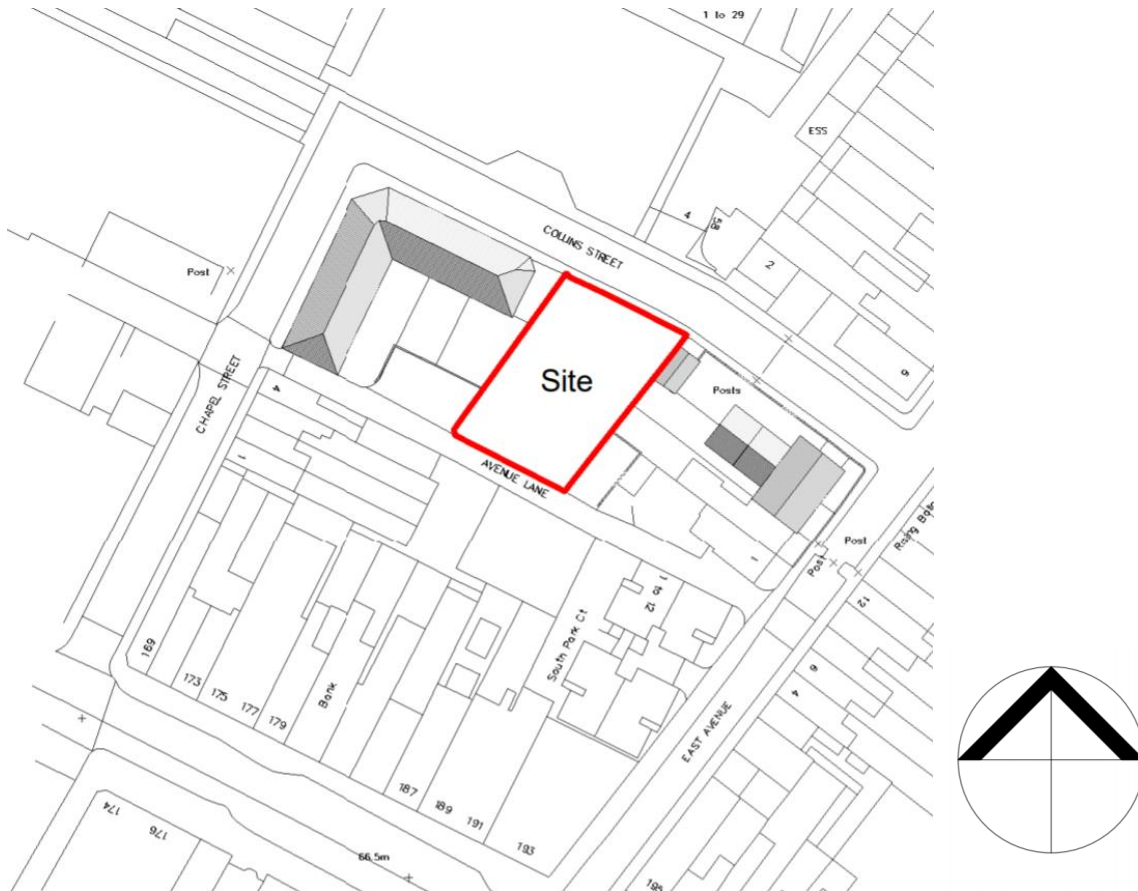
### **4. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

4.1. 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/refuse] planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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20/01298/CT3 – East Oxford Games Hall, Collins Street

Appendix 1 – Location Plan



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## **Remote meeting**

### **Minutes of a meeting of the West Area Planning Committee on Tuesday 10 November 2020**

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#### **Committee members present:**

Councillor Cook (Chair)

Councillor Gotch (Vice-Chair)

Councillor Hollingsworth

Councillor Howlett

Councillor Iley-Williamson

Councillor Tarver

Councillor Upton

Councillor Wade

Councillor Tanner (for Councillor Corais)

#### **Officers present for all or part of the meeting:**

Adrian Arnold, Head of Planning Services

Robert Fowler, Planning Team Leader

Jennifer Coppock, Senior Planner

James Paterson, Senior Planning Officer

Sally Fleming, Planning Lawyer

Catherine Phythian, Committee and Member Services Officer

#### **Apologies:**

Councillor(s) Corais sent apologies.

Substitutes are shown above.

#### **45. Declarations of interest**

Councillor Cook stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Upton stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Gotch stated that as a member of the Oxford Preservation Trust and as a member of the Oxford Civic Society, he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Wade stated that as a member of the Oxford Civic Society, she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee and that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

#### **46. 20/01156/FUL: 178-184, Abingdon Road, Oxford, OX1 4RA**

The Committee considered an application (20/01156/FUL) for planning permission for the demolition of the existing hotel; erection of a three storey 43no. bedroom hotel (use class C1) and creation of 1no. 2 bedroom dwelling (use class C3); provision of vehicular and cycle parking and bin storage (amended description).

The Planning Officer presented the report and gave the following verbal updates:

- Paragraph 4.1 of the committee report, stated that the CIL amount payable would be £112,669.12 which was incorrect. The correct figure was £27,129.21.
- On 6 November an amended evacuation plan was received from the applicant, however the detail of the amended evacuation plan, which included a proposal that in the absence of a flood warning, guests would seek refuge on upper floors was considered to be unacceptable as it would place an additional burden on the emergency services. So that reason for refusal remained.

Abigail Lloyd, representing the Oxford Architectural & Historical Society and Nikki Spencer, a local resident representing a local group (PALS) spoke against the application.

The Committee acknowledged all of the arguments presented in the report and noted the objections raised by the public speakers.

The Committee supported the principle of a replacement hotel on the application site but concluded that the details of the specific application before them were not acceptable.

The Committee noted the concerns raised by the public speakers regarding the protection of the Victorian buildings on the application site and was mindful of the advice from the planning officers that this might be possible through their inclusion on the local Heritage Asset Register.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to refuse the application.

#### **The West Area Planning Committee resolved to:**

1. **refuse the application** for the reasons listed below; and
2. **delegate authority** to the Head of Planning Services to:



- finalise the recommended reasons for refusing the application as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

### **3. Reasons for refusal:**

- a) The proposed scale, massing, height and use of inappropriate materials would fail to respond appropriately to the existing character, form, scale and massing of the surrounding area. The large expanse of flat roof would impose a jarring, box-like form against the existing interesting and attractive variety of roof forms and prominent gable ends along Abingdon Road. The proposed development would therefore be detrimental to the character and context of the site, the visual amenity of the area and streetscene. Furthermore, the proposed development would not contribute positively to the existing roofscape and is likely to impact on long distance views from Hinksey Hill view cone, however sufficient analysis has not been provided. As such, the proposal would be in conflict with policies DH1 and DH2 of the Oxford Local Plan 2036.
- b) The increased height, overall scale of development and distance from neighbouring dwellings, particularly to the west, would create an unacceptable overbearing impact on neighbours to the south and west. Due to the close proximity of the proposed development to neighbouring dwellings, a number of the proposed rear and side bedroom and stairwell windows would lead to unacceptable overlooking or perceived overlooking. The 45 and 25 degree lines would be contravened when applied to the nearest habitable windows of no. 178 Abingdon Road. The proposed development would therefore lead to an unacceptable impact on the daylight/ sunlight to this property. The proposed development would create an unacceptable impact on neighbouring amenity, in conflict with policies RE7 and H14 of the Oxford Local Plan 2036.
- c) Having had regard to the proposals being situated in a high flood risk area and the proposals being for a more vulnerable use, insufficient information has been submitted, in particular the application is deficient in its failure to provide a comprehensive flood warning and evacuation plan in accordance with policy RE3 of the Oxford Local Plan 2036 and paragraphs 163 of the NPPF.
- d) The proposed increase in vehicular parking provision within this highly sustainable location would not accord with the requirements of policy M3 of the Oxford Local Plan 2036. The cycle parking provision is acceptable in terms of quantity but the proposed location is not considered practical in accordance with policy M5 of the Oxford Local Plan 2036. The proposed development is therefore not acceptable in highways terms.
- e) Insufficient information has been submitted, in particular the application is deficient in its failure to provide an Energy Statement to enable the Local Planning Authority to fully assess whether sustainable design and construction principles have been incorporated into the development. The application therefore does not conform to the requirements of Policy RE1 of the Oxford Local Plan 2036.

#### **47. 20/01314/FUL: Unit 1 & Unit 2, Botley Road, Oxford, OX2 0HA**

The Committee considered an application (20/01314/FUL) for planning permission for external and internal alterations to provide single Class A1 retail use (amalgamation of Units 1 and 2), new shop front, insertion of mezzanine floor, erection of sprinkler tanks and pump house, siting of chiller and cold storage units, limited variation in permitted range of goods to enable sale of food and drink from up to 250 sq.m. net for consumption off the premises, provision of ancillary garden centre and cafe.

The Planning Officer presented the report and made the following verbal updates:

- All references in the report should be to an **on-site** café
- The Council's Flood Officer had spotted an omission of any reference to a sprinkler tank and pump room in the documentation and a new condition to require the flood risk assessment to be updated was recommended
- Proposed removal of Conditions 10 and 11
- The technical information that had been requested by Thames Water would be dealt with at building regulations stage.

The Committee noted the planning officers' advice that although this was classed as a major development it was primarily about changes to the interior of the existing buildings and that there was minimal change to the external landscaping and footprint of the buildings. Therefore it would be unreasonable and disproportionate to seek to impose conditions which required improvements to the existing flood risk mitigation under Local Plan Policy RE3.

The Committee expressed reservations about the removal of Conditions 10 and 11 and noted that the objections raised by the County Council, as the lead Flood Authority statutory consultee, were still in place.

In light of these concerns, and notwithstanding the planning officers' advice that this was a matter of professional judgement on the part of the flood experts, the Committee considered the merits of a deferral of the application to seek further information from the County Council on this matter.

A proposal to defer the application to enable further consultation on matters pertaining to drainage and surface water run-off was moved and seconded.

**On being put to the vote, the West Area Planning Committee resolved to defer consideration of application 20/01314/FUL for the following reason:**

To enable further consultation on matters pertaining to drainage and surface water run-off between Oxford City Council as the Local Planning Authority and Oxfordshire County Council as the Lead Flood Authority consultee.

#### **48. Minutes**

The Committee resolved to approve the minutes of the meeting held on 13 October 2020 as a true and accurate record.

#### **49. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## 50. Dates of future meetings

The Committee noted the dates of future meetings.

**The meeting started at 3.00 pm and ended at 4.00 pm**

Chair .....

**Date: Tuesday 8 December 2020**

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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