

Agenda

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West Area Planning Committee

This meeting will be held on:

Date: **Tuesday 9 March 2021**

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

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](#)

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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; apologies
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;
Councillor John Tanner	Littlemore; substitute

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.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

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 20/01898/FUL: The Irving Building, Hertford Street, Oxford, OX4 3AJ

13 - 54

Site address: The Irving Building, Hertford Street, Oxford, OX4 3AJ

Proposal: Change of use to a mixed business (Use Class B1) and non-residential institutions (Use Class D1).
Erection of a single storey side and rear extension to create a community building (Use Class D1).
Erection of to 9no. buildings to create 3 x 3 bed 6 x 2 bed apartments (Use Class C3). Provision of car parking, bin and bike stores.

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; 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

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and/or deletions as the Head of Planning Services considers reasonably necessary

4 21/00316/POM: 8 Hollybush Row, Oxford, Oxfordshire, RG1 1JH 55 - 64

Site address: 8 Hollybush Row, Oxford, Oxfordshire, RG1 1JH

Proposal: Discharge of legal agreement attached to planning permission 16/03189/FUL (Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store.) to modify affordable housing contribution.

Recommendation:

The West Area Planning Committee is recommended to:

1. **Approve the discharge of the legal agreement** for the reasons given in the report; and
2. **Agree to delegate authority** to the Head of Planning Services to:
 - Finalise the recommended Deed of Release under section 106A(1)(a) of the Town and Country Planning Act 1990 and other enabling powers as set out in the report.
 - Complete the Deed of Release referred to above.

5 20/02303/FUL: Peacock House, Baynhams Drive, Oxford, OX2 8FN 65 - 208

Site address: Peacock House, Baynhams Drive, Oxford, OX2 8FN

Proposal: Change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats. Alterations to fenestration at ground floor. Insertion of 3no. doors to north elevation and 4no. doors to south elevation. (Amended plans and additional information)

Recommendation:

The West Area Planning Committee is recommended to:

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

6 TPO - Hawkswell Gardens (No.2) Tree Preservation Order, 2020

209 -
216

Site address: Land At Hawkswell Gardens near the junction with King's Cross Road Oxford

Proposal: To protect, in the interests of public amenity, a copper beech tree, T.1, and a cedar tree, T.2, that stand in prominent roadside locations either side of the entrance road to Hawkswell Gardens from King's Cross Road, Summertown, Oxford.

Recommendation:

The West Area Planning Committee is recommended to confirm without modification the Oxford City Council – Hawkswell Gardens (No.2) TPO, 2020.

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7 Minutes

217 -
220

Recommendation: to approve the minutes of the meeting held on 9 February 2021 as a true and accurate record.

8 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.

20/00549/LBC: Town Hall, St Aldate's, Oxford, OX1 1BX	
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	
20/02417/FUL: Development of 76 & 78 Banbury Road, Oxford, OX2 6JT	Called in
20/02651/FUL: 152 Godstow Road, Oxford, OX2 8PG	
20/02884/VAR: Site Of Oxford University Science Area, South Parks Road, Oxford	
20/03109/LBC: Godstow Weir B, Godstow Road, Oxford, OX2 8PN	Called in
21/00142/FUL: 75 Botley Road, Oxford, OX2 0EZ	Called in
20/03240/FUL: St Margaret's Church, St Margaret's Road, Oxford, OX2 6RX	Called in
21/00220/FUL: 37 Templar Road, Oxford, OX2 8LS	Called in
21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD	
21/00079/FUL: 67 Argyle Street Oxford OX4 1ST	Called in

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21/00345/FUL: Wheatsheaf Yard, The Wheatsheaf, High Street, Oxford OX1 4DF	Called in
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9 Dates of future meetings

The next meeting of the Committee is scheduled at 3.00pm on 13 April 2021.

Information for those attending regulatory committees - 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

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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

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

9th March 2021

Application number:	20/01898/FUL		
Decision due by	9th October 2020		
Extension of time	TBC		
Proposal	Change of use to a mixed business (Use Class B1) and non-residential institutions (Use Class D1). Erection of a single storey side and rear extension to create a community building (Use Class D1). Erection of to 9no. buildings to create 3 x 3 bed 6 x 2 bed apartments (Use Class C3). Provision of car parking, bin and bike stores.		
Site address	The Irving Building, Hertford Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Iffley Fields Ward		
Case officer	Michael Kemp		
Agent:	Mrs Nicky Brock	Applicant:	Mr John Perkins
Reason at Committee	The application is for a residential development of over 5 dwellings		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

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

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application relating to a development comprising 9 residential dwellings, consisting of 3x3 bed houses and 6x2 bed flats. The proposals also include a single storey front extension to the Irving Building, which is a 19th Century red brick building currently used by Magdalen Road Church. The extensions are proposed with the purpose of forming a new church hall for use by Magdalen Road Church. The proposals include a change of use of the upper floors of the Irving Building from a Class F1 (formerly D1) of

the Town and Country Planning Act (Use Classes) Order 1987 to a Class E, office use (formerly Class B1). The ground floor of the building would remain under a community/place of worship use.

- 2.2. The residential development would be sited on a currently unused area of land to the rear of the Irving Building, which forms a gap in the Essex Street frontage. The principle of a residential development on this unused area of the site is appropriate and would represent a positive re-use of a brownfield site, which would be supported in line with Paragraphs 117 and 118 of the NPPF. The proposals would deliver a total of 9 additional dwellings, which would provide a small, but valued windfall contribution towards meeting local housing need. The proposals would fall below the threshold whereby an on-site affordable housing requirement would be triggered under Policy H2 of the Oxford Local Plan. Though not required in policy terms, the proposals would include the provision of two key worker flats, which is considered to be a public benefit of the development.
- 2.3. There would be a small net loss of space falling under a Class F1 community use (121sqm in total) as a result of the change of use of the upper floors of the Irving Building. Notwithstanding this, the overall quality of the ground floor spaces within the building would be enhanced and together with the new church hall, it is considered that the renovation would better serve the needs to the local community compared with the existing building.
- 2.4. The Irving Building is a locally listed building, whilst the adjacent Comper School is a Grade II listed building. The development proposals are considered to result in a low level of less than substantial harm to the significance of these designated and non-designated heritage assets. When assessing the development as required under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified accounting for the public benefits of the development namely the provision of new housing and the enhancements to what is an existing community facility.
- 2.5. The site is in a sustainable location in relation to existing bus stops and is within 800 metres of a local supermarket and is within 400 metres of the Cowley Road Primary District Centre. Accounting for the overall sustainability of the site, it would be expected that the residential element of the development would be car free under Policy M3 of the Oxford Local Plan. Policy M3 of the Oxford Local Plan requires that there should be no net increase in parking where the proposals relate to the redevelopment of an existing non-residential site, where appropriate the Council will seek a reduction in parking where the site is close to existing facilities. The proposals include a reconfiguration of parking for the non-residential, community and office uses. This includes a small reduction of one parking space. Overall the proposals for both the residential and non-residential elements are considered to align with Policy M3 of the Oxford Local Plan.
- 2.6. The siting of the residential buildings would be in close proximity to a number of existing residential dwellings on Essex Street, particularly Nos. 36 and 56 Essex

Street which adjoin the site to the north west and south east respectively. The siting of the proposed dwellings and the alignment with the side elevation of the adjacent dwellings prevent any significant overshadowing and loss of light to the side windows of either of these adjoining properties, whilst the scale of development is not considered to be overbearing. The front of the buildings would align with the adjacent dwellings and it is considered that sufficient separation would be afforded to the properties opposite (Nos.37 to 45 Essex Street) to avoid a loss of privacy, overshadowing or the development having an overbearing impact. The concerns raised by the adjacent Comper School in respect of safeguarding issues and the function of the outdoor play spaces have been afforded due consideration. The applicants daylight/sunlight assessment suggests that the extent of overshadowing of the outside spaces would be generally limited and not to such an extent where this would be deemed to be harmful to the function of the school. Disruption during the construction phase would be inevitable, but would be temporary and can be mitigated through a construction management plan. Temporary disruption and disturbance during construction phase, providing that this is appropriately managed should not constitute a reason for refusing planning permission.

2.7. Overall it is considered that the development is acceptable in planning terms and aligns with the relevant provisions of the Oxford Local Plan and NPPF.

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 £154,985.22.

5. SITE AND SURROUNDINGS

5.1. The application site occupies a rectangular plot of land within a predominantly residential area of East Oxford between the Cowley and Iffley Roads. The site lies between Hertford Street to the south west and Essex Street to the north.

5.2. The site includes the Irving Building, a three storey red brick building which was formerly used as a primary school, but is now in use by Magdalen Road Church for a use falling with Class F1(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The site includes an area of land to the front of the Irving Building, which consists of tarmac hardstanding and areas of landscaping and is currently used as car parking for the church. This space is set back behind a low red brick wall and metal railings and faces Hertford Street. The area to the front of the church features a number of trees of varying size and maturity.

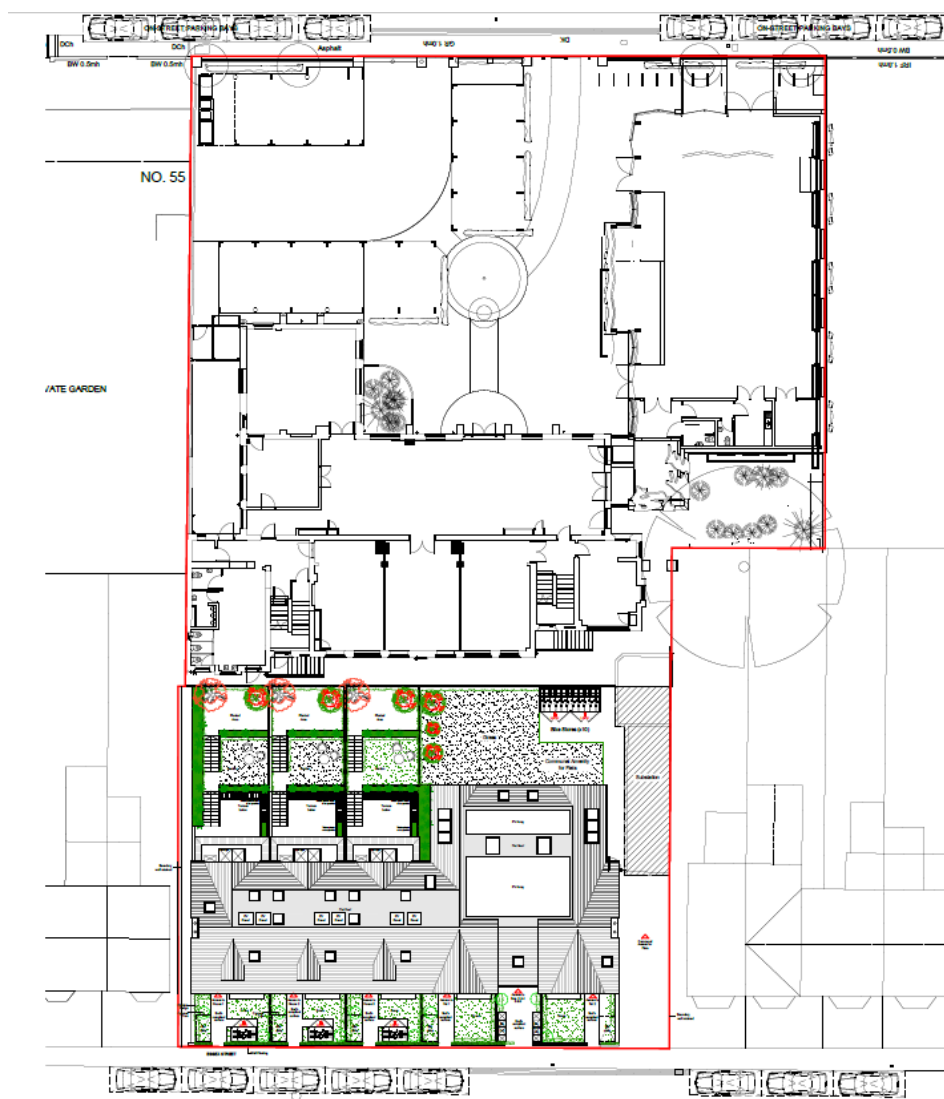
5.3. The area to the rear of the Irving Building, consists of a hard surfaced space, which was formerly used as a play area when the building was in use as a school. This space is now largely redundant and unused. There is a high red brick wall fronting Essex Street with a large and smaller set of metal gates. There

are also two red brick boundary walls adjoining two residential dwellings (Nos. 36 and 56 Essex Street) either side of this space.

5.4. The area to the north west of the site which adjoins Hertford Street is used as an outdoor play space by the adjacent Comper Foundation School and contains a large number of mature trees. Beyond this is the Comper School building, which is a two storey red brick Grade II listed building.

5.5. The site is surrounded by two storey residential terraced dwellings fronting Hertford Street to the south and Essex Street to the north. No. 55 Hertford Street and Nos. 36 and 56 Essex Street are immediately adjacent to the site. The latter of these two properties has relatively deep rear gardens which adjoin the site.

5.6. See block plan below:



6. PROPOSAL

- 6.1. The application can be broken into three distinct elements. Firstly the application proposes the partial change of use of the Irving Building to a Class B1/D1 use. The submission of the application pre-dates the implementation of the recent amendments to the Town and Country Planning (Use Classes) Order 1987. Accounting for these recent changes to the Use Classes Order the proposed uses of the Irving Building would fall within Classes E(g)(i) (office) and a mix of Class F1(f) (religious) and F2(b) (community uses).
- 6.2. The ground floor of the building would be used primarily by Magdalen Road Church for a variety of community uses, including as a café space. The hall space currently within the building is understood to be used by the adjacent Comper School, who would continue to have access to this space. It is proposed that the upper floors of the building would be used by Magdalen Road Church as office space, though it is proposed that this would also be available to local businesses and charities for use as office workspace or for meeting rooms.
- 6.3. A new single storey building is proposed to the south west of the Irving Building. This would loosely attach to the north west side elevation of the Irving Building via a small lobby. The building would extend forward of the principal elevation of the Irving Building and would occupy a space currently consisting of hard surfacing and a small area of soft landscaping. This building would consist of an open hall which would be used by Magdalen Road Church as their principal worship space. The main hall would be 256sqm in terms of floor area, there would also be ancillary storage, kitchen space and a WC. Whilst the hall would mainly be used by the church it is proposed that this will also be made available for use by the wider community as a general hall, meeting and function space.
- 6.4. The proposed hall building is of a contemporary design, which is intended to differ from the red brick Irving Building and be read as a new addition to the building. The building would principally be constructed from a lighter coloured brick and features extensive sections of glazing along the south east elevation and stained glass windows along the north west elevation facing the Comper School. The building would feature a dual pitch roof extending to a central lightwell. The building would measure 4.4 metres to the eaves along the north west elevation facing the Comper school and 8.4 metres to the top of the central lightwell. A two storey lift tower is also proposed as a side extension to the north west elevation of the Irving Building. This is intended to facilitate access to the second floor of the building as there is not presently disabled access to the second floor. The lift tower would be constructed from brick to match the new church hall and would be angular and of a contemporary appearance. The tower features a monopitched roof, which would extend to a total height of 11 metres at the highest point. The highest point of the tower would sit approximately 1.5 metres below the main roof ridge of the Irving Building.
- 6.5. It is proposed that the land to the north east of the Irving Building, which formerly functioned as a play area for the school would be redeveloped to provide a total of 9 residential dwellings comprising 3x3 bed houses and 6x2 bed apartments). The red brick wall and metal access gates fronting Essex Street, would be removed. The three houses and apartments would form a small terrace fronting Essex Street. The front elevation of the buildings would align with the frontages of the adjacent two storey dwellings (No.36 and 56 Essex Street). The

layout is intended to replicate the linear pattern of built form along Essex Street, which consists of terraced housing occasionally interspersed with very small gaps between the houses. The proposed houses and apartments would be three storeys in height and would measure 9 metres to the roof ridge and 5.3 metres in height to the eaves. The buildings would be constructed from brick. The houses, which also feature basement spaces would each have stepped rear gardens, so as to allow natural light into the basement of the units. The flats would be served by an area of communal amenity space to the rear of the building. The existing substation on this part of the site, which is adjacent to No.36 Essex Street would be retained. The design of the front elevation of the houses have been subject of amendments, namely the exclusion of the prominent front facing gables and the addition of small roof dormers and roof lights.

6.6. It is proposed that construction of the development will be phased. The precise details of the phasing are outlined on plan no. 1773-MEB-XX-00-DR-A-3-111 Rev A. The first phase of development will involve the implementation of internal works to the Irving Building, the second phase will include the works to construct the new church hall building and lift tower extension, whilst the final phase will involve the development of the 9 residential dwellings.

7. RELEVANT PLANNING HISTORY

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

03/00082/CC3 (County Council Application) - Construction of alterations, extensions and refurbishment of the 'Comper' building, erection of covered play area and alterations to existing accesses and new pedestrian access.
03/00400/CC3 (County Council Application) - Formation of new window and main entrance door, with external ramp on south-west elevation of Irving Building, and erection of new canopy in southern corner of school site
05/00702/FUL - Planning permission to rebuild part of boundary wall to Hertford Street – Approved
05/00701/LBD - Demolish of 1940's canteen building. Dismantle and rebuild part of boundary wall to Hertford Street – Approved
18/02480/FUL - Change of use of part of the Irving Building to a mixed Class B1/D1 use, erection of a new Class D1 building and erection of 7 residential units (4 x 3 bed, 3 x 2 bed dwellings) – Withdrawn

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
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Design	117-123, 124-132	DH1
Conservation/ Heritage	184-202	DH3, DH4, DH5
Housing	59-76	H1, H2, H3, H4, H10, H14, H15, H16
Commercial	170-183	E1
Natural environment	91-101	G2, G7
Social and community	102-111	V7
Transport	117-123	M1, M2, M3, M4, M5
Environmental	117-121, 148-165, 170-183	RE1, RE2 RE3, RE4, RE7, RE8, RE9

9. CONSULTATION RESPONSES

9.1. Site notices were initially displayed around the application site on 26th August 2020. Following the receipt of amended plans the application was re-advertised by site notice on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

9.3. Cycle Parking – When reviewing the submitted plans, only 6 Sheffield stands are visible with regards to cycle parking provision for the residential element. Please note that 3 bed units must provide 3+ spaces and 2 bed units must provide 2+ spaces, this would equate to 21 spaces total. The residential spaces must be both covered and secure. This should be secured through planning condition. The provision of 22 spaces for the B1 and D1 use element are considered acceptable.

9.4. Car Parking – The provision of 13 car parking spaces for the B1 and D1 uses is soundly justified and is considered an acceptable level of provision. Overflow parking in the surrounding streets is unlikely as there are significant parking restrictions in place. The reorganisation of the parking bays and double yellow

lines on Hertford Street to achieve improved visibility should be secured via planning condition.

9.5. With regards to the residential element, we consider the 6 x 2 bed flats being car free as acceptable and desirable. With regards to the provision of an additional 3 parking bays for the 3 bed housing, we do not consider this an acceptable proposition. The site location is one which we would consider highly sustainable. The site is also within 400m of the Magdalen Road East bus stop and within 800m of food outlets such as a cooperative food store. Even in the absence of Policy M3 we would seek to exclude new dwellings in locations such as this from obtaining CPZ's due to the sustainability of the location. The provision of additional off-street parking in such locations is not supported by Oxfordshire County Council. We would request that the whole residential element be excluded from obtaining residents parking permits. This would enforce the low car element and keep the development in line with County Council and City Council policy.

9.6. We would also request that a CTMP be submitted as relatively significant construction will have to take place on a restricted residential road in the vicinity of two schools. It is key that deliveries are restricted to outside the network peak and school peak traffic hours of 08:00-09:00 and 15:00-18:00.

9.7. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

Natural England

9.8. No comments to make.

Public representations

9.9. A total of 186 people have commented on this application as originally submitted.

9.10. 103 People raised comments in objection to the planning application, the main points of objection are summarised below:

Amenity Impacts

- The houses have basement spaces which could result in noise and vibration during the construction phase of the development. There are concerns about damage to adjacent properties.
- The development will have an adverse impact on the amenity of adjacent residential properties with respect to natural light.
- The scale of the church hall will be overbearing in relation to Nos.32 to 36 Essex Street blocking views towards Hertford Street and resulting in loss of light particularly during winter months.
- The use of the church building will generate noise disturbance particularly at weekends.
- The hiring out of the church hall for community use will generate further disturbance.

- The new church building would have an overbearing impact on homes and gardens in Essex Street.
- Construction works and noise disturbance will impact on adjoining residential occupiers particularly those who are home working.
- The plans to build the church hall and residential dwelling would enclose No.36 Essex Street on all sides.
- The siting of the church hall would have an overbearing impact on the south facing aspect of Nos.34 and 36 Essex Street in terms of views.
- There is concern with respect to the formation of the basement spaces and the potential impact of the build-up of water on No.56 Essex Street which may undermine the foundations of this property.
- The development would result in a loss of light to the rear dining room and kitchen of No.56 Essex Street One facing window would be 92cms from the side wall of the new houses and 3 metres from the kitchen window.

Design/Heritage Matters

- The buildings would be higher than the neighbouring houses, which could have an imposing impact of the Essex Street frontage.
- There seems to be a plan to replace the heritage brick wall to the south east with a wooden fence which would have a detrimental impact on retaining the historical nature of the old schoolyard.
- The red brick walls along Hertford Street and Essex Street should be retained.
- The volume of the apartment block will dominate the physical environment of Essex Street.
- The proposed lift tower would be unsightly and incongruous.
- The design of the Church Hall is clean and modern, but lacks visual interest.
- Whilst the Irving Building is in need of refurbishment, the proposals fail to preserve the heritage of the building.
- The proposals do not represent a substantial change from the previously withdrawn design with no changes to the location of the new church building, the lift tower and are an overdevelopment of the site.
- The residential element of the development has increased from 7 to 9 dwellings.
- The scale of the development is out of proportion with the needs to the church.
- The Comper Building would be obscured in views from the Irving Building, whilst views of the Irving building would be obscured in views from Essex Street. There is a historic contextual link between the buildings.
- The density and scale of the housing on Essex Street would be excessive.
- The proposals would build over an important green and open space.
- The design of the proposed houses would be incongruous and out of keeping with the area.
- The proposed basements are uncharacteristic of properties on Essex Street.
- The proposals are an overdevelopment of the site which would infill an already dense urban space.
- The horse chestnut tree would not provide adequate screening of the adjoining properties from the proposed roof garden, particularly during winter months when canopy cover is less.

- The design of the new church hall is unsympathetic to the historic character of the Irving Building and Comper School.

Matters Relating to Impact on Comper School and Safeguarding Concerns

- Concerns in respect of the construction phase of development in relation to the Comper School particularly noise, dust generating and safeguarding issues.
- The development would be overbearing in relation to the outdoor play space associated with the Comper School and will result in a loss of light.
- The impact of the construction phase of the development would have an adverse impact on children attending the Comper School and their enjoyment of the outdoor play area.
- The development would impact negatively on children's enjoyment of the outside space associated with the Comper School as well as the learning experience of children attending the school.

Highways/Parking

- The development should be car free and additional parking will put additional stress on the CPZ.
- There are concerns regarding arrangements for construction access.
- There are concerns regarding parking and increased traffic generation particularly on Sundays when the building would be most used.
- Allowing residents of the houses parking permits would place further pressure on on-street parking capacity.
- If the development were more modest in scale then each of the houses could have off street parking.
- It would be an improvement if the houses had the option of car club parking.

Other Matters

- The development will put pressure on services in the surrounding streets including sewage and internet bandwidth.
- The proposals involve development in close proximity to a protected horse chestnut tree. The arboricultural report contains insufficient information to properly assess the impact on the tree and there are worries about the tree being compromised.
- Consultation by the applicants was poor and immediate neighbours were not notified at pre-application stage.
- A number of respondents expressed moral objections to the views of Magdalen Street Church.
- Concerns were expressed regarding the viability of surface water drainage.
- Whilst key worker housing is welcomed, the majority of the units would be high retail value market housing.
- There would be little benefit to the local community as there is a declining need for office rental.
- There are existing large meeting halls available within the area so this space is not required.

- The removal of trees on the Hertford Street side of the site will have an adverse ecological impact.
- There would be ample room within the Irving Building to meet the needs of the church without the need for the new hall.
- Affordable housing should be provided as the site is over 0.25ha in site area.
- Criticism that the development would be for 9 dwellings rather than 10 units to avoid an affordable housing contribution requirement.
- The development would have an adverse impact on biodiversity, particularly foxes and hedgehogs.

9.11. 83 People also commented in support of the planning application. The key points in support of the application area summarised below:

- The proposals would be a positive use of space and would provide services and support to the community and charities.
- The proposals would allow for a meeting space for the community to come together.
- The proposals would bring the Irving Building back into a positive use.
- The proposals would allow access to the hall for sport and activities.
- The development will preserve the heritage of the Irving Building.
- The existing use of the building by children's groups is positive and the continuation of this is welcomed.
- The design of the church building is attractive and in keeping with the character of the area.
- The incorporation of measures to make the building environmentally sensitive are supported.
- There is a need for space to be used by local services and organisations and the building would provide this.
- Magdalen Road Church has a positive history of serving the local community.
- The new church hall will be a good venue space for events.
- The existing building used by Magdalen Road Church at 41a Magdalen Road is too small to accommodate the events and activities the church would like to host. The new location would provide a means for the church to provide additional services and events for the local community.
- The residential buildings on Essex Street are well designed and are in keeping with the character of the area.
- The proposals will provide additional housing.
- Expansion of the church will be positive for the local community.
- Expansion of the church hall is required to provide sufficient space to accommodate larger events hosted by MRC.
- The addition of houses along the Essex Street frontage would be an effective use of space.

9.12. A letter has been received from Bluestone Planning on behalf of Oxfordshire County Councils Children Education and Families Directorate on behalf of the adjacent Comper School. Key matters of concern raised in this response are as follows:

- The planning application does not consider the impact on the Comper School in terms of protecting and enhancing the school as a community facility.
- The addition of the church hall fails to add to the overall quality of the area and is not sympathetic to local character and history due to its impact on the setting of the Comper School and the Irving Building, both of which are heritage assets.
- The proposed community hall would partially block the space between the Comper School and Irving building, which will also adversely affect the relationship between the two listed buildings.
- The application fails to give proper regard to the visual role the trees that are proposed to be removed play in helping to define the local character.
- The location of the community hall would be immediately adjacent to the shared border with the Comper School, and as such, there are concerns regarding the safeguarding of the children using the outdoor play area during construction, both in terms of visibility into the play area and the health impacts of the air and noise pollution created.
- The siting of the building would result in a loss of natural light to the play area associated with the Comper School.
- The addition of the building would detract from the open character of the area creating a more confining atmosphere for school children.
- There are concerns about the impact of the proposal on surface water drainage and that the proposals do not address this matter.

9.13. County Councillor Damian Haywood submitted an objection comment. The key matters of concern raised are as follows:

- Concern regarding parking provision for the church.
- The development would have a negative impact on the adjacent Comper School due to loss of light and overshadowing of outdoor spaces, increased enclosure of the playground and loss of greenery and trees on the site.

9.14. Following Re-consultation carried out on the 4th February a further 6 objection comments were received these comments were in relation to the following matters:

- Impact of the church building on the Comper School not addressed.
- Overshadowing of the outdoor play space associated with the Comper School not addressed which would have an adverse impact on children's wellbeing.
- Disruption during construction works.
- The church hall building would have a negative impact on the character of the area.
- The proposed houses would exceed the height of other buildings in Essex Street.
- Objections to the inclusion of basements in the design of the houses.
- Concern regarding the impact on traffic and parking arising from the increase in housing on Essex Street. The development being car free will increase pressure on existing on street parking provision.

- Clarity required in terms of whether the boundary wall to the side of No.56 Essex Street would be retained.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Considerations
- Neighbouring amenity
- Highways/Parking
- Trees
- Ecology
- Drainage/Flood Risk

Principle of development

Change of use of the Irving Building

10.2. The Irving Building is a three storey Victorian red brick former school building, which was last used as a school a number of years ago by St Mary and St John Primary School. The land surrounding the building was also used by the school as play space and for parking. The school has since relocated to a new premises close to the Iffley Road. The building has since been used by Magdalen Road Church as a place of worship and community use. The site currently falls under a Class F1(f) use which covers places of worship

10.3. Permission is sought to change the use of the first and second floors of the building to office space, a use which would fall under a Class E use under the Town and Country Planning (Use Classes) Order 1987 (as amended). The ground floor would be used for a mix of community spaces and religious uses falling under Class F1(f) of the Use Classes Order.

10.4. The ground floor plans include a café, and a small hall space which would be used by the Comper School, as is currently the case; this is in addition to ancillary facilities and a general purpose room which would be used by the church. The first and second floors of the building would consist of a number of rooms containing small offices, including an office which would be used by Magdalen Road Church (MRC). MRC would also use the remaining upper floor space although this will also be lettable space for charities, local groups and businesses.

10.5. Policy V7 of the Oxford Local Plan is permissive of development which improves access to community infrastructure and applications to extend capacity of sites under an existing community use. The policy states 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.

- 10.6. Paragraph 92 of the NPPF states that planning decisions should plan positively for the provision and use of shared spaces, community facilities including places of worship to enhance the sustainability of communities and residential environments. Planning decisions should also 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.
- 10.7. The current building houses 905sqm of Class F1 (community use) space. The upper floors of the building, which currently fall under a community use equate to 446sqm in area, this would instead be used as Class E office space, albeit that this space will also be used by the church. 459sqm of community space would be retained on the ground floor of the building. There would be an additional 325sqm of new community space created within the new building located to the front of the Irving Building, this would also be used by Magdalen Road Church. In total across the site there would be a net loss of 121sqm of floorspace falling under a Class F1 use.
- 10.8. Whilst there would be a small decrease in the total amount of floorspace falling under a Class F1 community use, the existing community spaces would be to an enhanced standard and the proposals have been submitted by Magdalen Road Church, with a view to enhancing the use of the building for the local community and making the internal spaces more functional to the needs of the church and wider community. The provision of the new hall provides a new space for worship, whilst also providing a space which can be made available to the wider community when not specifically in use by the church. The construction of the new hall building would allow the ground floor of the building to be used as a community café space, whilst retaining the hall which would be used by the Comper School. The proposals would facilitate improvements to the existing internal spaces of the Irving Building, whilst also providing a dedicated, high-quality worship space within the new church hall. The upper floors of the building are understood to be underused at the present time and their re-use for office space, a proportion of which would be used by the Church would be a practical use of this space. It is also indicated that this office space would be let to local community groups, businesses and charities, so there would be a further community benefit from this use of space. The provision of the new lift would provide disabled access to the second floor of the building, which is not currently the case.
- 10.9. In terms of the proposed office use, the Planning Statement outlines that there is demand within the local community for additional office space from small, home run businesses. Whilst Policy E1 of the Oxford Local Plan is silent on the principle of creating new office accommodation outside of protected Category 1 and 2 employment sites, there remains a demand for smaller flexible office accommodation. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Officers consider that the use of the upper floor of

the building for office purposes would be an appropriate use, which would co-exist with the community and religious uses on the ground floor.

10.10. In summary, the quality of community facilities should not be determined solely on the basis of the quantity of floorspace provided, moreover the quality of the space including the ability of such spaces to meet the community's needs. In this instance, it is considered that the proposals would be an improvement on the existing provision of community space within the Irving Building. Whilst the amount of community space would be reduced by 121sqm, the new space provided within the scheme would, in officer's view better meet the needs of the church and the local community as a whole, therefore the proposals would not conflict with Policy V7 of the Oxford Local Plan or Paragraph 92 of the NPPF.

Residential Development

10.11. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

10.12. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals 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.

10.13. Policy RE2 of the Oxford Local Plan, requires that developments should make effective use of land. It is recognised that the redevelopment of brownfield sites, where appropriate, offers an important opportunity to make the best of use sites in a sustainable way. The NPPF heavily promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of such sites (Paragraphs 117 and 118). The redevelopment of what is, in this instance, a brownfield site for the provision of new housing should be given significant weight in accordance with the policy provisions of the local plan and NPPF.

10.14. 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 Oxford Local Plan for residential development; however the delivery of nine additional dwellings on the site would nonetheless provide a small, but valued windfall contribution towards meeting local housing need and this represents a notable public benefit of the proposed development.

Affordable Housing

- 10.15. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A total of 9 dwellings are proposed on this site and the application site would be less than 0.26 hectares in total area. Accounting for this there would not be a policy requirement to provide affordable homes on this site.
- 10.16. It is noted that the provision of 9 dwellings would be just below the threshold of 10 units, whereby a requirement to provide affordable housing on site would be triggered. Nevertheless officers are satisfied that the proposals would not constitute an underdevelopment of the site as a means of circumventing a requirement to provide affordable housing. The site is effectively divided into two distinct areas comprising the residential development on the former play area to the rear of the Irving Building facing Essex Street and the non-residential uses within the Irving Building and new church hall.
- 10.17. The residential element of the development has been developed at a high density accounting for the relative size of the plot and the general character of the area and scale of the existing buildings in Essex Street, whilst also accounting for the need to provide amenity spaces and other infrastructure such as cycle parking and refuse storage. It is unlikely that the density of the development could be further increased without there being an adverse impact on the residential amenity of existing or future occupiers. Any further increase in the scale of the residential development would be unlikely to be commensurate with the general character, scale and massing of existing development in Essex Street. Officers are satisfied that the proposals do not amount to an underdevelopment of the site in order to circumvent the requirements of Policy H2 of the Oxford Local Plan.
- 10.18. The applicants are proposing that two of the apartments would be made available as key worker homes. This is not a planning policy requirement, moreover this relates to a legal covenant with previous owners of the site. As there is not a policy obligation under Policy H3 of the Oxford Local Plan to provide key worker homes on this site, officers cannot require the applicants to enter into a Section 106 agreement under Policy H3 of the Oxford Local Plan. Nevertheless this could be viewed as a public benefit of the development.

Housing Mix

- 10.19. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though only for the affordable element of developments. The proposed development would be below this threshold and there would be no requirement to comply with a specified mix of units. Notwithstanding this, the proposals provide a mix of three and two bedroom units, which equates to a well balanced mix of units on what is a small, compact site.

Design and Heritage Considerations

- 10.20. The site is located within the setting of the Grade II listed Comper Foundation School, a two storey Edwardian red brick building constructed in 1902. The building is arranged in an H plan and features prominent gables, two large gable

dormers are sited in the roof of the building. The building is of a gothic style and features Arts and Crafts influences. The building has high architectural value and has been used as a school since its completion.

10.21. The Irving Building pre-dates the Comper School and dates from 1896 and 1899. The building forms part of the original setting of the Comper School and the buildings are closely linked in terms of their spatial proximity and the use of both buildings as schools until the closure of the Irving Building as a school in 2015. The contextual link between the buildings means that the Irving Building contributes positively to the setting and significance of the Grade II listed Comper School. The Irving Building has been nominated as a Local Heritage Asset and is included on the Oxford Heritage Asset Register (OHAR).

10.22. 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.

10.23. Policy DH3 of the Oxford Local Plan states that for all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance). As the Comper School is a Grade II listed building, the provisions of Paragraph 193 of the NPPF are applicable, which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.24. Policy DH5 of the Oxford Local Plan is relevant to development which affects local heritage assets. The policy states 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.

10.25. In the context of the NPPF, Paragraph 197 of the framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Works to Irving Building and Erection of Church Hall

- 10.26. The majority of the works required to implement the proposed change of use of the ground and upper floors of the building would not require significant external alterations to the Irving Building and would preserve the historic fabric of the building.
- 10.27. A new church hall is proposed to the south west of the Irving Building. This would attach to the north west side elevation of the Irving Building via a small lobby. The building would extend forward of the principal elevation of the Irving Building and would occupy a space currently consisting of hard surfacing and a small area of soft landscaping. This building would consist of an open hall which would be used by Magdalen Road Church as their principal worship space. The main hall would be 256sqm in terms of floor area, there would also be ancillary storage and kitchen space and a single WC. Whilst the hall would mainly be used by the church it is proposed that this will also be made available for use by the wider community as a general hall, meeting and function space. The proposed building would be of a contemporary design, which is intended to differ from the design of the Irving Building and clearly read as a new addition to the building. The church hall extension would be principally constructed from a lighter coloured brick and would feature extensive sections of glazing along the south east elevation and stained glass windows along the north west elevation facing the Comper School. The building would feature a dual pitch roof extending up to a central lightwell. The height of the building would measure 4.4 metres to the eaves along the north west elevation facing the Comper school and 8.4 metres to the top of the central lightwell.
- 10.28. The building would be prominent in views from Hertford Street and would lie within the immediate setting of the Grade II listed Comper School. The building would be sited on what is currently an area of undeveloped space to the front of the Irving Building consisting of tarmac hardstanding and soft landscaping. The applicant's Heritage Statement notes that a canteen building was formerly sited within this space. The canteen which was constructed in the late 1930's was a timber clad building with a slate roof. Permission was granted in 2005 to demolish the building (05/00701/LBD).
- 10.29. A two storey lift tower is proposed as a side extension to the north west elevation of the Irving Building. This is intended to facilitate access to the second floor of the building as there is not presently disabled access to the second floor. The lift tower would be constructed from brick to match the new church hall and would be angular and of a contemporary appearance. The tower features a monopitched roof, which would extend to a total height of 11 metres at the highest point. The highest point would sit approximately 1.5 metres below the main roof ridge of the Irving Building.
- 10.30. Further development of the design has resolved some of the previous areas of conflict and the awkward relationship between the new church building and its

neighbouring buildings, which was a concern with respect to the previous planning application on the site. In particular the connection between the church and the Irving Building is more comfortable with a sense of separation, but a distinctive building element at the point of connection. The tower is sufficiently distinctive to support the element of symbolism but not to dominate the in between space. The design of the proposed landscape for both the front courtyard and the more hidden spaces around the new and existing buildings has been carefully developed and will enable the buildings to sit comfortably and have a better connection with their surrounding space. Overall the landscaping would make an important visual and functional contribution to public realm in this area.

10.31. The reduction in the height and consequently the massing of the church building ensures a better relationship to the Irving building and reduces its dominance of the open space for the Comper School. The height has been kept relatively low and officers consider that the hall would not appear as a dominant or overbearing feature in the context of the surrounding area. The space immediately to the west of the church building has been carefully considered to allow the existing tree more room and to provide an interestingly landscaped garden space for connection between the primary school and the Irving Building thus making a better setting for the new building and particularly the link between it and the Irving Building. The design of a series of different “garden” spaces will significantly improve not only the setting of the buildings but also the quality of the public/semi-public realm, allowing more green into what is a very hard context.

10.32. The relationship between the Comper School and the Irving building would be altered by the distinct separation of the two curtilages and by the insertion of a not insubstantial building in the space between the existing buildings. However the curtilages of the buildings are visibly distinct and therefore there would be no harm from the physical introduction of a building in the “in-between” but rather some harm from the potential disconnection of the two school and former school buildings in the observer’s views standing on Hertford Street. The new “church” building would create some visual distraction from the Comper School in particular as a result of the very different size of these two buildings. It is considered that there would not be any distraction from the Irving Building (OHAR) as the new building has been designed particularly to defer to that building and to have a considered relationship. Overall it is considered that there would be a low level of less than substantial harm which would result from the development of this building. The importance of the setting of the Comper School and the contribution that this makes to the building’s architectural significance is considered to be low to moderate and the contribution that the “in-between” space makes to this, particularly the site on which the new “church” building is proposed to sit is low so that overall it is considered that the less than substantial harm resulting from the alterations and interventions would be low.

Residential Development

10.33. The proposals include a small residential development of nine dwellings within the former playground to the rear of the Irving Building, the space adjoins to houses (No.36 and 56 Essex Street). The site is currently unused and consists of

tarmac hardstanding. A high red brick wall separates the site from Essex Street. This section of wall would be removed to facilitate the development. The side red brick boundary walls would be retained, as indicated on the amended plans as officers have sought their retention as the walls contribute positively to the heritage of the Irving Building, as well as providing privacy for neighbouring occupiers.

- 10.34. Aside from the use of this part of the site being interconnected with the use of the Irving Building, as a school the site's present condition contributes little to the setting of the locally listed building. There would be a low level of less than substantial harm associated with the loss of the red brick boundary wall fronting Essex Street, though this would be outweighed through the benefits of providing the 9 residential dwellings and retention of the wall would not be compatible with the provision of housing on this part of the site.
- 10.35. There would also be a loss of views of the rear of the Irving Building from Essex Street which would also result in a low level of less than substantial harm. Historically, the site on which the proposed new houses are to sit was ancillary play space for the Irving Building in its original intended use as a primary school. The building clearly has had and continues to have some historical, cultural and social value within the surrounding community, thus its inclusion on the local designated heritage assets list. Therefore its clear presence, albeit set back from the street does have some significance. However the overwhelming character of Essex Street is one of domestic, residential buildings and so the views of the Irving Building must be considered to be of a low level of significance. The views of the building would be interrupted by the proposed housing although it will still be possible to have glimpsed views of the building through gaps, in particular the gap at the southern end of the housing site.
- 10.36. The surrounding area is characterised by high density two storey, Victorian and Edwardian red brick terraced housing interspersed with small gaps in the street frontages. The linear arrangement of the proposed dwellings replicates the characteristic alignment of existing housing in Essex Street. The buildings would align with the frontage of the adjacent houses and the buildings would be set back behind small front gardens and low brick walls, which is characteristic of the existing houses in the street. Officers consider that a new linear row of houses would fit comfortably within this open space in the streetscene.
- 10.37. The submitted plans for the houses have been amended following consultation with officers. The previously proposed, prominent front facing gables have been excluded from the updated plans, this has reduced the visual presence of the buildings when viewed within the context of the surrounding buildings in Essex Street. The amended design includes three front facing dormer windows, which are of a traditional form of a scale which would be subservient to the roof scape of the frontages. The architectural appearance of the houses and use of materials is reflective of the character of the houses in the surrounding streets, which share common characteristics but are not of a strictly uniform character.
- 10.38. The ridge height of the buildings would exceed the height of the adjacent terrace to the south east, including No.56 Essex Street and the terraced row of

houses opposite, this is in part due to the siting of the accommodation in the roof space of the houses and block of flats. The roof ridge height would be similar to No.36 Essex Street which is a three storey building that has been subdivided into flats. It is considered that the height and scale of the buildings would not be inappropriate or overbearing within the context of the existing development in Essex Street. There is already subtle variation in ridge heights along the street frontage in Essex Street, including between the properties either side of the application site and the increased ridge height of the dwellings compared with No.56 and the adjacent row of properties would not appear incongruous in officer's view. The exclusion of the prominent row of gables in the amended set of plans ensures that the front elevation of the buildings are more understated and less dominant, thereby ensuring that the houses fit more comfortably in the street scene.

10.39. The three houses would each feature basement spaces, natural light would be provided through a design which includes a stepped garden. Whilst not typical of existing buildings in the area, the basements would not be visible in the public realm given their location to the rear of the houses officers consider that this would not be harmful in visual terms.

10.40. In summary officers consider that the principal of infill housing within this plot would be appropriate. The design and architectural appearance of the houses is reflective of the traditional Victorian and Edwardian terraces of this part of East Oxford. Whilst there would be a variation in the height of the proposed buildings comparative to the adjacent terrace to the south east and opposite, it is considered that the relative scale and height of the buildings would not be overbearing. There are existing variations in the roof ridge heights evident in the street scene, therefore this would not appear incongruous. The amendments to exclude the front facing gables would reduce the overall prominence of the houses and would ensure that the new row of building would fit more comfortably within the street and would comply with Policy DH1 of the Oxford Local Plan.

Assessment of Harm and Public Benefits

10.41. When considering the impact of the development on the significance of the Comper School, which is a Grade II listed building, great weight should be given to the conservation of this asset in accordance with Paragraph 193 of the NPPF. It is considered that the siting of the new church hall and lift tower would result in a low level of less than substantial harm to the setting and significance of the Grade II listed Comper School and a low level of less than substantial harm to the setting of the locally listed Irving Building.. It is therefore necessary that this level of harm should be balanced against public benefits that would arise from the new development as required under Paragraphs 196 and 197 of the NPPF.

10.42. There are considered to be a number of notable public benefits associated with the proposed development. The works to the Irving Building, including the Church Hall and lift tower extension are intended to facilitate a more effective use of the building for Magdalen Road Church, which would provide a new church hall, café and other spaces at ground floor level which can be used by members of the church and the wider community. In doing so the works to extend the building assist in providing an optimum viable use for this local

heritage asset securing its future preservation. The proposals would also provide enhancements to the curtilage area surrounding the Irving Building through the removal of existing hardstanding and the provision of new soft landscaping.

10.43. The siting of the residential dwellings would provide a total of nine additional residential dwellings, which would provide a small, yet valued contribution towards meeting local housing need in addition to two key worker homes, which the applicants are obliged to provide under a separate private covenant. The siting of the development would result in a loss of what are limited views towards the rear elevation of the Irving building from Essex Street, in addition to the loss of the red brick wall and both interventions are considered to result in a low level of less than substantial harm to the setting of this local heritage asset. It is however considered that the provision of the 9 dwellings would outweigh what would be a low level of less than substantial harm.

10.44. When assessing the development under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified accounting for the aforementioned public benefits of the development.

Amenity

Existing Occupiers and Uses

10.45. The proposed residential dwellings would be in close proximity to a number of existing residential dwellings on Essex Street. This includes Nos. 36 and 56 Essex Street which are located either side of the development site, to the north west and south east respectively. The development would also impact upon the facing row of terraced houses, in particular Nos. 35 to 49 Essex Street which would directly face the front elevations of the proposed dwellings.

10.46. There would be a separation distance of 16 metres between the front elevation of the proposed houses and the two storey dwellings opposite (Nos. 35 to 49 Essex Street). This is a relatively substantial front to front separation distance and is equivalent to the existing front to front relationship of houses along Essex Street, which are set back behind small front gardens. Accounting for the relative separation distance, officers consider that the proposed siting of the houses would not result in compromising the amenity of the properties opposite, by reason of overlooking. In terms of the scale of the development, whilst the ridge of the houses exceeds that of the adjacent properties, it is considered the overall scale would not be overbearing in relation to the dwellings opposite accounting for the aforementioned separation distance between the proposed and existing dwellings.

10.47. The side elevation of the proposed dwellings would align with the end gables of the adjacent properties to the north west and south east of the site (Nos. 36 and 56 Essex Street respectively). Owing to the depth of the building the proposed house adjacent to the boundary of No.56 Essex Street would extend 1.4 metres beyond the rear elevation of this property. There is a single side

facing ground floor window in the gable end of this property, which is a secondary window and is north facing and is currently sited behind a high brick wall and therefore does not benefit from any significant degree of natural light. There are also windows serving habitable rooms to the rear of this building at ground and first floor level. The high adjacent boundary wall, which would be retained currently restricts natural light to the door and windows to the rear of this house. Noting the depth of the proposed buildings and in assessing the floor plans, the siting of the buildings would not breach the 45 degree rule in respect of natural light to these windows. Accounting for the height of the proposed houses, their position on the site and the depth of plan of the proposed buildings, officers consider that the development would not have an overbearing impact on No.56 in respect of the garden area and the house itself. The amended plans include the provision of a side facing window at second floor level in the south east facing gable end of the southernmost of the proposed houses. To prevent overlooking of No.56 a condition will be required ensuring that the window is fitted with obscured glazing up to a minimum height of 1.7 metres. This window serves a set of stairs and requiring this window to be obscure glazed would not adversely affect the amenity of future occupiers.

10.48. The projecting rear gable of the proposed flats would extend 6.1 metres beyond the rear elevation of No.36 Essex Street. This building has been subdivided into two flats. 36A is a ground floor flat, whilst 36B is a first and second floor flat. The projecting gable of the proposed block of flats would be inset 4.6 metres from the boundary of the property and the flank wall of the flats closest to No.36 would align with the side elevation of No.36 and would be situated 3.2 metres from the property boundary of No.36 and 4.3 metres from the side elevation of this property. The inset nature of the projecting rear gable serving the flats ensures that the development would comply with the 45 degree guide with respect of the rear facing windows serving No.36 Essex Street. There would also be enough separation distance to ensure that the siting of the proposed three storey building does not appear overbearing in relation to No.36 in terms of the scale of the built form. It is noted that there are three side windows in the south east facing gable end of No.36 Essex Street at first floor level and a door at ground floor level. The three first floor windows all serve flat 36B one of these windows serves a bathroom, whilst another serves a landing area. The middle of the three windows serves a kitchen space which would be classed as a habitable room. The applicants have commissioned a daylight analysis report, which has assessed the impact of the siting of the flats in terms of the natural light to the kitchen area serving No.36B. The analysis indicates that there would only be a very limited loss of light, which would be limited to a roughly three hour period of the morning between 7am and 10am. There would not be an impact on light during the remaining hours of the day. Overall it can be concluded that the siting of the flats would not have an adverse impact on the amenity of 36B Essex Street in respect of natural light. There would be two windows above ground floor level. It is proposed that these windows would be fitted with obscure glazing above 1.7 metres in height. The first floor window is a secondary window serving a kitchen space in the proposed flats. The second floor window would be one of two windows serving a bedroom. Officers consider that it would be acceptable that these windows could be fitted with obscure glazing to prevent overlooking of No.36, this would be secured by condition.

Taking these factors into consideration it is considered that the development would not have an adverse impact on the amenity of No.36 Essex Street.

Impact on Comper School

- 10.49. The proposed Church Hall would be sited adjacent to the south east boundary of the Comper School. The area of the Comper School adjacent to the building is currently used as an area of outdoor play space. The height of the church hall, which features a shallow pitched roof at the point adjacent to the boundary with the Comper School would measure 8.3 metres to the roof ridge and 4.3 metres to the eaves. Officers note that concerns have been raised by the Comper School and are summarised in a submitted letter of objection prepared by Bluestone Planning.
- 10.50. Whilst the building would be sited immediately adjacent to the boundary of the school, the building would be single storey and the height of the building would be relatively low. The Comper School has a large outdoor play space, which is approximately 40 metres deep measured between the south east elevation of the school and the boundary with the Irving Building. The proposed building would be sited along a 23.8 metre section of the south west boundary of the site. The north west elevation of the Church Hall features a number of large stained glass windows which would face the school. These windows would be opaque glass, so would not therefore overlook the school play area, ensuring that there would not be safeguarding issues, which would otherwise conflict with Policy H14 of the Oxford Local Plan.
- 10.51. Officers consider that the height of the building would not be oppressive or overbearing in relation to the play area associated with the Comper School. Whilst there would be some loss of light to the play area associated with the Comper School, this would be limited to a small area adjacent to the south east boundary of the site. This is clarified within the applicant's daylight and sunlight assessment, which calculates that the loss of light to the playground area associated with the Comper School would be limited compared with the baseline level. Given that the vast majority of the remaining play area which would be unaffected by the development, officers consider that it cannot reasonably be considered that the development would have a significant impact on the quality of the outdoor space provision for the Comper School.
- 10.52. Officers note the concerns raised within the letter by Bluestone Planning regarding the impact of the development during the construction phase. Policy RE7 of the Oxford Local Plan requires an assessment of the impact of the development on neighbouring uses and transport impacts during the construction phase of development. This includes providing mitigation measures where necessary. The measures should be captured within Construction Management Plans.
- 10.53. Any form of development is likely to result in a level of temporary disruption during construction phase, either through construction traffic or noise, but this should not represent a reason in itself for refusing planning permission providing that measures are in place to appropriately manage the impact of construction. In this instance it is considered that the impact of the construction phase of the

development can be appropriately managed through a Construction Management Plan.

Future Occupiers

- 10.54. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1.
- 10.55. Each of the units has been assessed to be compliant with the Nationally Described Space Standards in terms of the size of the individual rooms and units therefore the development is considered to comply with Policy H15 of the Oxford Local Plan.
- 10.56. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.
- 10.57. The proposed houses would each be served by private rear gardens, in addition to small front gardens. The proposed gardens would be terraced and split across three levels, including a lower section adjacent to the basement spaces of the houses. In total the private amenity space would be roughly equivalent the footprint of the houses. Whilst the lower terraced spaces would be overshadowed to a degree given that these would be sited at a lower level relative to the remainder of the garden, the applicants have prepared a daylight assessment in respect of these garden spaces that demonstrates that in each case the gardens will have less than two fifths (40%) of their area in direct shade on 21st March. It is concluded that the rear gardens of the proposed gardens will receive sufficient levels of natural light throughout the year, in accordance with the BRE Guide Site Layout Planning for Daylight and Sunlight.
- 10.58. The proposed flats would not be served by external balconies. There is some justification for this, as provision of balconies to the rear of the flats would result in significant overlooking of the rear gardens of Nos.36 and 56 Essex Street. Balconies to the front of the building would appear out of place in terms of the design of the building and the overall character of the area. A communal area of amenity space is proposed to the rear of the flats, which would be of a reasonable standard, in addition to a small area of amenity space to the front of the building. Overall it is considered that both the proposed flats and houses would be served with an adequate degree of amenity space, to a high standard and the development is considered to comply with Policy H16 of the Oxford Local Plan.

Noise Disturbance

- 10.59. Policy RE8 of the Oxford Local Plan states that planning permission will not be granted for development that will generate unacceptable noise and development proposals will be expected to manage noise disturbance, conditions may also be sought to control noise disturbance.
- 10.60. Concerns have been raised by surrounding residents as well as the Comper School in respect of noise disturbance during the construction phase. Residents have also raised concerns in respect of noise disturbance from the use of the hall once this is operational.
- 10.61. The application has been the subject of review by the Council's Environmental Health team who have advised that the development would be unlikely to generate an unacceptable level of noise and disruption during either the construction phase of development or once the community use of the building is operational. It has been advised that matters relating to noise, disturbance, dust and construction traffic can be appropriately addressed through a Construction Management Plan to minimise the impact of the development on local residents and the school. A condition is recommended to control noise from the community building, limiting this to 10dB during services to protect the amenity of surrounding residents. It should be noted that the Irving Building is already used by Magdalen Road Church, who are permitted to use the building to host religious events and gatherings. The proposals amount to a continuation of this use and the addition of the church hall would be unlikely to result in additional noise disturbance.
- 10.62. With appropriate measures to control the impact of noise during both the operational and construction phases, officers are satisfied that potential noise disturbance during the construction phase can be controlled and noise from the use of the community hall would be mitigated through an appropriate condition. The development is therefore considered to comply with Policy RE8 of the Oxford Local Plan.

Transport

- 10.63. Policy M1 of the Oxford Local Plan outlines that a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership is required in order to meet the Council's sustainability objectives in relation to transport. The parking standards outlined under Policy M3 of the Oxford Local Plan state that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free.
- 10.64. The streets surrounding the site, including Hertford Street, Essex Street, Magdalen Road, Barnet Street and Percy Street all fall within the Magdalen South CPZ, which is operational 24 hours a day, 7 days a week. The majority of properties in the area do not benefit from off-street parking and on-street provision is highly limited. The site lies within 300 metres of the Cowley Road

District Centre and 350 metres of bus stops located on the Cowley Road served by regular services. In accordance with Policy M3 of the Oxford Local Plan it would be required that any residential dwellings on the site should be car free.

- 10.65. Former 'keep clear' zig zag markings associated with the former school have been removed from Essex Street and have been replaced by double yellow line markings and permit controlled parking bays for local residents only. Both the houses and flats would be car free and there are no proposals to alter the existing on-street parking arrangement. The allocation of parking permits within the CPZ to future occupiers would not be a matter, which the City Council can reasonably control through the planning process as this is at the discretion of the County Council as the local Highways Authority. Residents would not be permitted to park within the non-residential spaces on the site at the Irving Building, at Hertford Street as this would be controlled through a car park management plan condition relating to this car park. The development is proposed as a car free scheme and would comply with the provisions of Policy M3 of the Oxford Local Plan. The site is in a sustainable location in close walking distance to the Cowley Road District Centre, local bus stops benefitting from regular services and the presence of a CPZ in the area provides a viable means of preventing overspill parking within the vicinity of the site.
- 10.66. A total of 13 parking spaces are proposed on the non-residential part of the site. It is stated within the applicant's Transport Statement that there is a contractual obligation on the part of Magdalen Road Church to provide at least 6 parking spaces for the adjacent Comper School. This legal obligation is understood to be between the County Council (leaseholder of the Comper Building) and the Church PCC (owner of the Comper school site). There would be a total of 7 spaces allocated for the non-residential Class F (community and religious uses) and Class E (office) uses on the site within the Irving Building and new Church. Parking associated with the non-residential uses on the Irving Building site would be reduced by one space as there are currently 8 spaces available for use by Magdalen Road Church and 7 spaces are proposed, discounting the spaces which would be used by the Comper School.
- 10.67. In terms of non-residential uses, including places of worship, parking provision is determined on a case by case basis accounting for the specifics of the development proposed and the overall sustainability of the site. Policy M3 states that parking provision must take into account the wider transport objectives of the Oxford Local Plan, which are to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary on all sites to ensure the successful functioning of the development. Policy M3 outlines that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. The site is within a sustainable location with good access to public transport and a wide range of facilities available within the Cowley Road district centre, which is within 300 metres of the site and is also within a CPZ.
- 10.68. The proposals involve a net increase in non-residential floorspace on the site, though as noted above, it is stated that in the case of the redevelopment of an

existing or previously cleared site, there should be no net increase in parking on the site from the previous level. There would not be a net increase in parking provision on the site, moreover there would be a reduction of 1 parking space. In this instance given the sustainability of the location and existence of parking controls within the surrounding streets, officers consider that a reduction in parking by one space would be justified and the overall parking provision for the non-residential uses on the site would comply with Policy M3 of the Oxford Local Plan.

10.69. The plans include the provision of cycle stores for the houses and flats. A specification of enclosed, secure cycle stores has been provided. In the case of the houses these would be sited to the front of the dwellings. The cycle store for the flats would be located to the rear of the building. A total of 21 cycle parking spaces would be required for the residential element of the development, the submitted cycle parking proposals fall short of this figure and additional details with respect to the cycle parking will be required by condition. A total of 22 cycle spaces are proposed for the non-residential uses which is considered acceptable.

Sustainability

10.70. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

10.71. In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement. The Energy Statement outlines that a combination of energy efficiency measures and on site renewables will be incorporated into the design of the residential buildings to reduce carbon emissions and energy demand.

10.72. In order to meet energy efficiency targets the following measures are recommended within the Energy Statement for inclusion within the design of the building:

- Building Fabric Energy efficiency and air tightness
- Energy efficient boilers
- Efficient lighting
- Low energy heating
- Building energy management systems

10.73. Solar photovoltaic (PV) is proposed as a means of on-site renewable energy. In conjunction with the above mentioned energy efficiency savings, it is anticipated that the development would achieve a 41.77% reduction in carbon emissions from a code 2013 Building Regulations, which exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.

Trees

- 10.74. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features including trees where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.
- 10.75. The part of the site to the front of the Irving Building and the north side of the building contains a number of prominent trees which together with the trees on the Comper School site make an important contribution to the green backdrop along Hertford Street. There is also a Horse Chestnut Tree, which is the subject of a Tree Preservation Order which lies in the rear garden of No.36 Essex Street, which is located to the rear of the proposed community building.
- 10.76. The application is accompanied by a Tree Survey and Arboricultural Impact Assessment. The proposed new community building would result in the loss of four trees (T6, T7, T8 and T9) these trees make a positive contribution to amenity in the area and their loss is regrettable. However, the impact on amenity and tree canopy cover in the area should be mitigated over time by the new tree planting that is included. New planting shall be secured through a landscaping condition.
- 10.77. The proposed community building is close to the crown and is likely to be within the notional Root Protection Area of the large, mature horse chestnut tree (T10 in the submitted survey) that overhangs the site from 34 Essex Street. Its roots grow under the boundary wall into the application site. This tree is protected under the Oxford City Council - Essex Street (No.1) Tree Preservation Order 2018. However, the site investigations that have taken place pre-application as described in the submitted Arboricultural Impact Assessment, provide evidence of the location and extent of significant structural roots. The Council's Tree Officer has advised that the proposals should not harm the future viability of the tree so long as the ground between the boundary wall and the community building is robustly protected from compaction during the construction phase, and the various special design and working method measures recommended by the project arboriculturist to ensure that roots damage is avoided and/or minimised are strictly carried out.

Ecology

- 10.78. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.
- 10.79. The application is accompanied by a phase 1 ecological survey. The survey found no evidence of bats on site or other protected species within the building or elsewhere on the site and the building was assessed as having low potential to shelter roosting bats. Consequently it was concluded that there would be no foreseeable impacts on bats or their roost sites.

10.80. The remainder of the site which includes hardstanding and areas of now unmanaged soft landscaping and vegetation are assessed within the ecological report to be of low ecological value.

10.81. A scheme of ecological enhancements will be sought on the site in order to achieve a net gain in biodiversity, this will be secured by planning condition. This will include the provision of bat and bird boxes, in addition to new landscape planting which will be secured through a landscaping condition.

Drainage/Flood Risk

10.82. The site is located in Flood Zone 1 and would be considered to be at a low risk of flooding. Policy RE4 of the Oxford Local Plan requires that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.83. A surface water drainage statement has been prepared alongside the application, which forms the basis for an acceptable drainage strategy for the site. A final drainage strategy will be required and has been conditioned accordingly.

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 proposals would provide a total of 9 additional residential dwellings on what is a presently underutilised brownfield site, this would represent the positive reuse of previously developed land in line with Paragraphs 117 and 118 of the NPPF and would provide a small, yet valued contribution towards local housing need. The principle of the change of use and the extension to the Irving Building is also considered acceptable in line with Policy V7 of the Oxford Local Plan. Whilst there would be a small reduction in the amount of floorspace (121sqm) used for Class F1 (community use) purposes, the

development as a whole would improve the quality of the community space provided overall, which would better meet the needs of Magdalen Road Church and the community as a whole.

- 11.4. The development would result in a low level of less than substantial harm to the significance of the designated and non-designated heritage assets referred to earlier in the report. When assessing the development as required under the balancing exercise required under NPPF Paragraphs 196 and 197 with respect to the low level of less than substantial harm to the Comper School (Grade II listed building) and the Irving Building (local heritage asset) officers consider that this low level of less than substantial harm would be justified. This is accounting for the public benefits of the development namely the provision of new housing and the enhancements to what is an existing community facility.
- 11.5. The development has been assessed in relation to the impact on the residential amenity of the adjoining residential occupiers and it is considered that the scale and siting of the development would not have a demonstrably adverse impact on the amenity of the nearest adjoining residents by reason of loss of light, overbearingness of the scale of the proposed buildings. Consequently the development is considered to comply with Policy H14 of the Oxford Local Plan. Future occupiers of the development would also benefit from appropriate standards of outdoor amenity spaces in accordance with Policy H16 of the Oxford Local Plan, whilst internal spaces accordance with the Governments Nationally Described Space Standards and the internal amenity requirements specified under Policy H15 of the Oxford Local Plan. Officers consider that the siting of the new church hall building would not have a significantly adverse impact on the amenity of the adjoining Comper School. The impacts in terms of the school would be limited to some minor overshadowing of the external play areas and disruption during the construction phase which can be appropriately mitigated.
- 11.6. The development aligns with Policy M3 of the Oxford Local Plan. A small reduction in parking is proposed for the non-residential element of the scheme. The residential development would be car free, which would be required given the overall sustainability of the site and accessibility to local public transport links and services.
- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions listed in section 12 below.

12. CONDITIONS

Time Limit

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

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

Approved Plans

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

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

Materials

3. Prior to the commencement of phases 2 and 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority. A sample panel of the proposed brickwork to be used on the external elevations of the proposed buildings (phases 2 and 3) shall be prepared on site and shall be made available for inspection by the Local Planning Authority on request.

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

Cycle Parking

4. Before the occupation of phases 1 and 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, 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 and shall be installed prior to first occupation of phases 1 and 2 of the development. The cycle parking as shown on the approved plan nos. 1695-AL-700; 1695-AL-701 and 1695-AL-001 REV B shall be installed before the occupation of phase 3 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. In all instances the cycle parking shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

Car Parking

5. Prior to occupation of phases 1 or 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, a car park management plan covering the parking spaces serving the Irving Building shall be submitted for approval by the Local Planning Authority in writing. The car park shall only be used by users of the Irving Building and by the Comper School or its successors and shall not be used by occupiers of the residential development approved on the site. The approved management plan shall be implemented

on first occupation of the change of use of the Irving Building (phase 1) or the occupation of the community building (phase 2) whichever is the earlier and shall be adhered to thereafter.

Reason: In in the interest of highway safety and to control the use of parking permitted on site.

Construction Traffic Management

6. Prior to the commencement of each phase of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, with the exception of phase 1, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following details:

- 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.

Thereafter, the approved Construction Traffic Management Plan shall be implemented and the development carried out in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Noise

7. The design and structure of the residential 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 L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 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 RE8

8. Noise from the community building (L_{Aeq}) during services shall be controlled to 10dB below the background noise level (L_{A90}) without the noise present, in each octave band at the nearest noise sensitive location'

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

Construction Management

9. Prior to commencement of each phase of development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, with the exception of phase 1, a construction 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, 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 for phases 2 and 3.

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

Programme of Historic Works

10. No development shall take place in phases 2 or 3 as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A until a written scheme of investigation including a programme for historic building recording as it relates to the walls on site has been submitted by the applicant and approved 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 the Victorian built heritage (Local Plan Policy DH4).

11. Prior to any removal of, or substantial alterations to internal or external walls of the Irving Building a recording of the historic building will be carried out and submitted to the Local Planning Authority for information.

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 the Victorian built heritage (Local Plan Policy DH4).

Contamination

12. A watching brief for the identification of unexpected contamination must be undertaken throughout the course of the development by a suitably competent person. If unexpected contamination is found to be present on the site, development on that part of the site shall be suspended and an appropriate

specialist company and the Local Planning Authority shall be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. Details of the watching brief shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any groundwork on each phase as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A with the exception of phase 1.

Should topsoil material be imported to the site for landscaping purposes, the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use and evidence of this shall be supplied to the local planning authority for written approval.

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.

Ecology

13. Prior to the commencement of phase 2 of the development as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, 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, based on the recommendations in the Ecology report by Windrush Ecology dated July 2020 shall 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. A minimum of 4 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs. The approved ecological enhancement measures shall be installed before occupation of phase 2 of the development.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Trees/Landscaping

14. Prior to the commencement of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev 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, treatment of paved areas, and areas to be grassed or finished in a similar manner. The development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority. The approved landscaping shall be completed before first occupation of phase 3 of the development as shown on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. The landscaping of the remainder of the site comprising phases 1 and 2 shall be carried out in

accordance with the approved landscaping plan 1773-MEB-XX-XX-DR-A-3-250 unless otherwise agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within three years of planting shall be replaced.

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

15. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

16. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policy G7.

17. 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) prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start

of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policy G7 of the Oxford Local Plan 2016-2036.

18. A detailed statement 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) prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance. 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 Arboricultural Method Statement 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.

19. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved Tree Protection Plan and Arboricultural Method Statement. Prior to the start of any construction work on site with the exception of phase 1, as defined on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, including site clearance a Tree Protection Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority which includes details of:

- The role and responsibilities on site of an arboricultural clerk of works (AcoW) or similarly competent person;
- Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- The times during construction when AcoW will be present on site to oversee works;

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

Permitted Development Rights

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no structure including additions to the dwelling houses 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 subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies DH1, H14 and H16 of the Oxford Local Plan 2016-2036.

Amenity – Obscured glazing

21. The first and second floor windows located on the north west facing side elevation of the building, serving flats 4 and 6; and the second floor window located on the south east facing elevation of the southernmost house within the development site shall be fitted with obscured glazing to a minimum height of 1.7 metres and this shall be retained as obscured glazing at this minimum height.

Reason: To prevent overlooking of adjacent properties in the interests of protecting the amenity of existing occupiers in accordance with Policy H14 of the Oxford Local Plan.

Energy

22. The residential element of the development shall be carried out in accordance with the recommendations outlined within the submitted Energy and Sustainability Statement prepared by ERS Consultants Ltd reference. PR8061 dated 28th July 202 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the new dwellings meet high standards of sustainability in line with Policy RE1 of the Oxford Local Plan.

Lighting

23. A lighting plan for the site, detailing the specification and location of all new external lighting features shall be submitted to and approved in writing by the Local Planning Authority before first occupation of each phase of development as it relates to the phase as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A. The approved lighting plan shall be implemented before first occupation of each phase. No external lighting shall be installed on site without the written approval of the Local Planning Authority.

Reason: To preserve the setting surrounding designated and non-designated heritage assets in accordance with policies DH1 and DH3 and DH5 of the Oxford Local Plan.

Works to boundary walls

24. Prior to the commencement of development of each phase of the development as set out on drawing 1773-MEB-XX-00-DR-A-3-111 Rev A, details shall be submitted in writing to the Local Planning Authority outlining

the extent of works to the external boundary walls (if any) shown in the planning application to be retained. The details shall include any elements of the walls to be removed and works required to repair or make good any elements of the walls. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the walls, other than those shown to be demolished on the approved plans are retained and that works to repair the retained walls are to an adequate standard in the interests of preserving the character and heritage of the building in accordance with Policies DH1, DH3 and DH5 of the Oxford Local Plan.

Drainage

25. Prior to commencement, a final sustainable surface water drainage strategy should be submitted and approved by the LPA. The strategy should be based on the submitted strategy (Glanville Consultants Doc Ref: 8180406/AQ/DW/029), but address the outfall rates agreed with the LPA. The drainage system should then be constructed and maintained in accordance with the approved plans for the lifetime of the development in order to ensure it functions safely and effectively.

Reason: In accordance with Policy RE4 of the Oxford Local Plan

13. APPENDICES

- **Appendix 1 – Site plan**

14. HUMAN RIGHTS ACT 1998

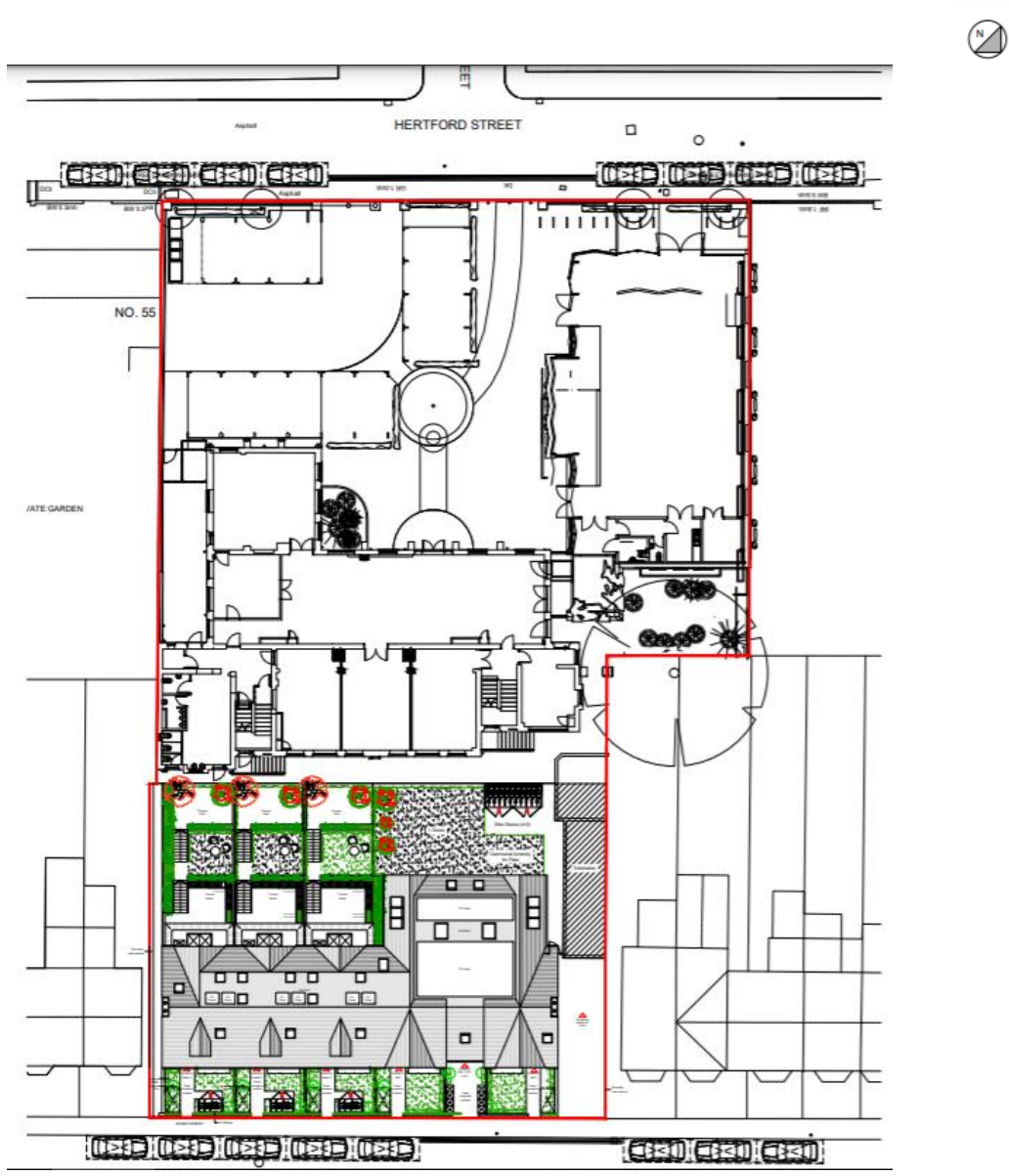
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 - 20/01898/FUL – The Irving Building Hertford Street – Proposed Site Plan



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WEST AREA PLANNING COMMITTEE

Application Number: 21/00316/POM

Proposal: Discharge of legal agreement attached to planning permission 16/03189/FUL (Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store.) to modify affordable housing contribution.

Site Address: 8 Hollybush Row, Oxford, Oxfordshire, RG1 1JH

Ward: Carfax Ward

Case Officer Natalie Dobraszcyk

Agent: Mr Nik Lyzba **Applicant:** Robin Swailes Design and Development.

Reason at Committee: Modification to a legal agreement.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) Approve the discharge of the legal agreement for the reasons given in the report; and

(b) Agree to delegate authority to the Head of Planning Services to:

1. Finalise the recommended Deed of Release under section 106A(1)(a) of the Town and Country Planning Act 1990 and other enabling powers as set out in this report.
2. Complete the Deed of Release referred to above.

2. EXECUTIVE SUMMARY

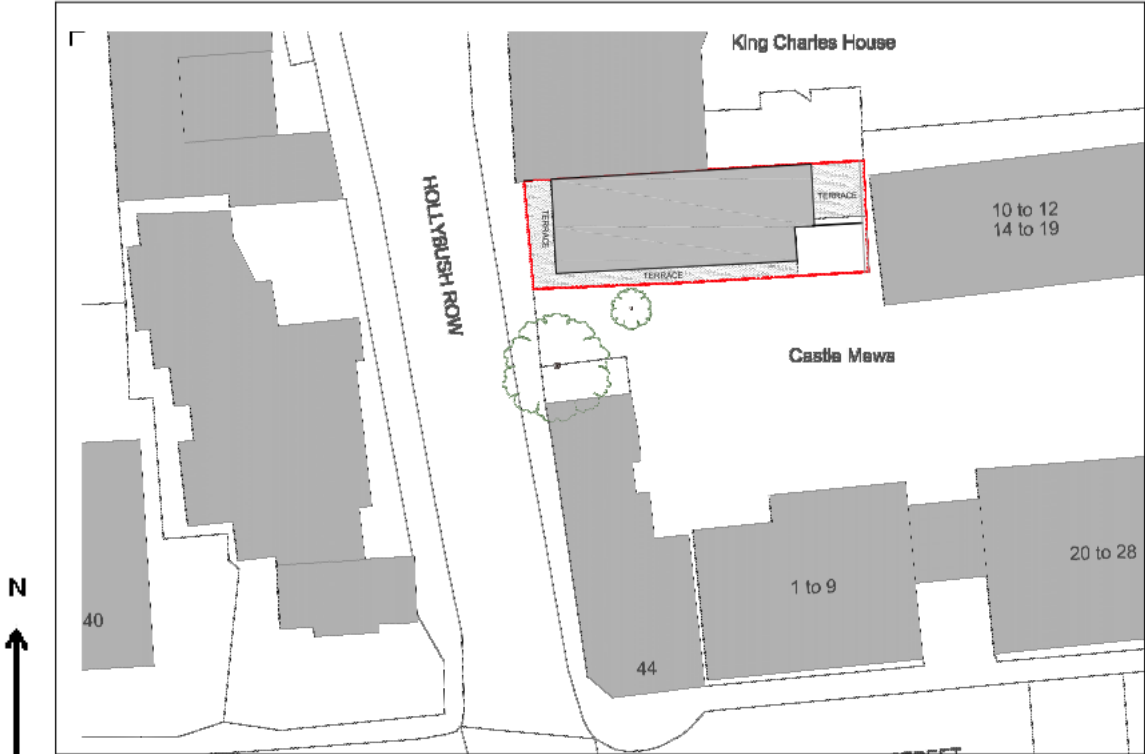
2.1. This report considers the proposed discharge of the S106 legal agreement that accompanies approval 16/03189/FUL, to remove the requirement for an affordable housing contribution. It concludes that this would be acceptable.

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

- Affordable Housing.

3. SITE AND SURROUNDINGS

- 3.1. The application site and its surroundings are located within the city centre, the West End (city centre commercial area) and within the Central Conservation Area. The area is of a predominantly mixed-use in character with built form comprising of both domestic brick terraces of two and three storeys, and larger commercial buildings.
- 3.2. The application property is a part two-storey, partly single-storey building. The building comprises a roof-shape that is pitched with two end-gables, constructed of glazed red brick, dark grey plain roof tiles, and painted timber cladding. The upper floor has three windows with a painted pebbledash finish to the upper floor elevation.
- 3.3. To the immediate north of the site is King Charles House, a part three, part four storey building which provides commercial office accommodation. To the south is no.44 St. Thomas Street which is a two storey non-designated heritage asset which has been converted into residential dwellings. Bounding the site to the east and south east is the residential development known as Castle Mews. To the north west of the site, on the opposite side of Hollybush Row, is Coopers Jam Factory which is grade II Listed. The Lodge, located to the south west of the site is also grade II listed.
- 3.4. The block plan is shown below:



4. PROPOSAL

- 4.1. This is not a planning application. It is an application to discharge the s106 legal agreement dated 2nd May 2017 attached to planning permission 16/03189/FUL under S106A(1)(a) of the Town and Country Planning Act 1990 by agreement.

- 4.2. It is proposed to discharge the s106 legal agreement attached to planning permission 16/03189/FUL which includes the following obligation in paragraph 1 of Schedule 2:

The Owner shall not cause or permit more than 50% of the dwellings comprised within the Development to be residentially occupied prior to paying to the City Council the sum of 15% of the combined sales value of all dwellings that may be occupied lawfully for planning purposes pursuant to the Permission the sales value in respect of each such dwelling being the then last available price at which such dwelling was legitimately advertised for sale OR such sum representing the actual sale price as the Owner may evidence to the satisfaction of the City Council OR a sales value which is the average (mean) value arising from at least three professionally conducted valuations submitted in writing three separate and independent Chartered Surveyors each of whom shall be full members of the Royal Institute of Chartered Surveyors

4.3. A period of 5 years has to elapse before an applicant can apply under section 106A(1)(b) of the Town and Country Planning Act 1990 for a planning obligation to be modified or discharged. In this particular case, the agreement in question is dated 2 May 2017 and so the 5 year period will not elapse until 16 May 2022. The procedure under section 106A(1)(b) is therefore not available yet to the applicant. However, it is always possible, at any time, for an Local Planning Authority to agree voluntarily to modify or discharge a planning obligation by agreement though the entering into of a Deed of Variation or a Deed of Release and section 106A (1)(a) makes it clear that such a route is available. This is the process which has been applied for under this application.

5. RELEVANT PLANNING HISTORY

- 5.1. The table below sets out the relevant planning history for the application site (approved schemes are highlighted for clarity):

15/02694/FUL - Demolition of existing public house. Erection of four storey building to provide 5 x 1-bed and 2 x 2-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage. Approved 27th May 2016.

16/01541/FUL - Demolition of existing public house. Erection of four storey building to provide 5 x 2-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage. Appeal Dismissed 12th July 2017.

16/01655/VAR - Variation of condition 2 (approved plans) of planning permission 15/02694/FUL to allow amendments to approved plans including insertion of windows to south elevation, alteration to window position on front elevation, amendments to internal layout and amendments to bin and cycle store to provide individual store. Withdrawn 13th June 2017.

15/02694/CND - Details submitted in compliance with conditions 5 (Sample materials), 6 (Existing materials), 9 (Construction Traffic Management Plan) and 12 (Drainage) of planning permission 15/02694/FUL. Approved 1st March 2017.

15/02694/CND2 - Details submitted in compliance with conditions 7 (Development to salvage existing material) and 11 (Details of underground services and soak) of planning permission 15/02594/FUL. Approved 24th October 2016.

16/03189/FUL - Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store. Approved 15th May 2017.

18/01523/FUL - Change of use from drinking establishment (Use Class A4) to Office space (Use Class B1a). Removal of existing chimneys. Approved 6th September 2018.

18/01541/OUT - Outline application (seeking the approval of access, layout and scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, live/work units, office suites and 3 x 1 bedroom apartments (including private amenity space, bin storage and cycle parking). Withdrawn 17th July 2018.

18/01542/OUT - Outline application (seeking the approval of access, layout and scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, wet labs, office suites and 3 x 1 bedroom apartments (including private amenity space, bin storage and cycle parking). Withdrawn 17th July 2018.

18/02103/OUT - Outline application (seeking the approval of access/layout/scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, office space, short stay (hotel) accommodation and 1 x 1 bedroom and 1 x 2 bedrooms apartments (including private amenity space, bin storage and cycle parking). (Amended description). Approved 12th November 2018.

19/01161/OUT - Outline application (seeking approval of access, appearance, layout and scale) for the redevelopment of Public House (The Adventurer) with five storey building comprising collaborative office space, office suites (Use Class B1), short stay (hotel) accommodation and 1 x 1-bed and 2 x 2-bed apartments (including private amenity space, bin storage and cycle parking). Withdrawn 26th June 2019.

19/03013/FUL - Demolition of existing building. Erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. Provision of amenity space, bin and bicycle storage. Approved 20th August 2020.

19/03378/FUL - Demolition of existing building. Erection of a five storey building to create office suites (Use Class B1), 4no. short stay hotel rooms and 1 x 1-bed and 2 x 2-bed apartments. Provision of amenity space, bin and cycle stores. Withdrawn 22nd April 2020.

5.2. The application site has a convoluted planning history. To summarise, there are extant permissions for the following schemes:

- 16/03189/FUL - Demolition of existing public house. Erection of a four storey building to create 7 flats (5 x 2-bed and 2 x 1-bed flats (Use Class C3)). Provision of bin and cycle store.
- 18/01523/FUL - Change of use from drinking establishment (Use Class A4) to Office space (Use Class B1a). Removal of existing chimneys.
- 18/02103/OUT - Outline application (seeking the approval of access/layout/scale) for the redevelopment of Public House (The Adventurer) with four storey building comprising collaborative office space, office space, short stay (hotel) accommodation and 1 x 1 bedroom and 1 x 2bedrooms apartments (including private amenity space, bin storage and cycle parking).
- 19/03013/FUL - Demolition of existing building. Erection of a four storey building to create 5 x 2 bed flats and 2 x 1 bed flats. Provision of amenity space, bin and bicycle storage.

5.3. The consented scheme 19/03013/FUL was a resubmission of the scheme approved under planning consent 16/03189/FUL. It differed from the 16/03189/FUL application only in that it sought to remove the obligation for affordable housing contributions which were previously required in accordance with Sites and Housing Plan Policy HP4.

6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan 2036
Housing	Paragraphs 59 – 76	H2

7. CONSULTATION RESPONSES

7.1. Consultation is not required for this type of application.

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

i. Affordable Housing;

i. **Affordable Housing**

- 8.2. When the previous consent 16/03189/FUL was granted a financial contribution towards affordable housing was required under Sites and Housing Plan Policy HP4 (Affordable Homes from Small Housing Sites).
- 8.3. Since the adoption of Oxford's Local Plan 2036 the requirement for financial contributions towards small scale residential developments (i.e. those not classed as 'major developments' comprising 10 or more residential units) has fallen away. As such, a development of 7 dwellings would now fall below the threshold whereby a contribution towards affordable housing could be sought in accordance with Paragraph 63 of the NPPF.
- 8.4. Planning permission was granted for an identical scheme under 19/03013/FUL, the only exception being that 19/03013/FUL did not include a requirement for an affordable housing contribution for the reasons set out in the above paragraphs. While the applicant could implement this permission which does not require the affordable housing contribution, it would incur additional CIL contributions to be paid as it would represent the commencement of an alternative (albeit in practical terms identical) development.
- 8.5. Officers have already accepted that all pre-commencement conditions relating to planning consent 16/03189/FUL have been complied with and the applicant has submitted a building control inspection report confirming that excavations for footings for the approved development commenced on 13th May 2020. As such, planning consent 16/03189/FUL is extant. Likewise, the applicant has been paying CIL in respect of that planning permission (as work has commenced) and is continuing to make phased payments as agreed with the Council. The permission is encumbered by the s106 agreement which has been regarded as unnecessary in the recent approval 19/03013/FUL.
- 8.6. Therefore, officers consider that it is reasonable to discharge the section 106 agreement dated 2nd May 2017 and thereby the requirement for an affordable housing contribution.

9. HUMAN RIGHTS ACT 1998

- 9.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to discharge this legal agreement. 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.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 10.1. Officers have considered, with due regard, the likely effect of the discharge of this legal agreement on the need to reduce crime and disorder, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to discharge this legal agreement, officers consider that this will not undermine crime prevention or the promotion of community.

11. CONCLUSION

11.1. It is recommended that the Committee resolve to discharge the legal agreement dated 2nd May 2017 in respect of planning permission 16/03189/FUL by completing a Deed of Release under S106A(1)(a) of the Town and Country Planning Act 1990 and under authority delegated to the Head of Planning.

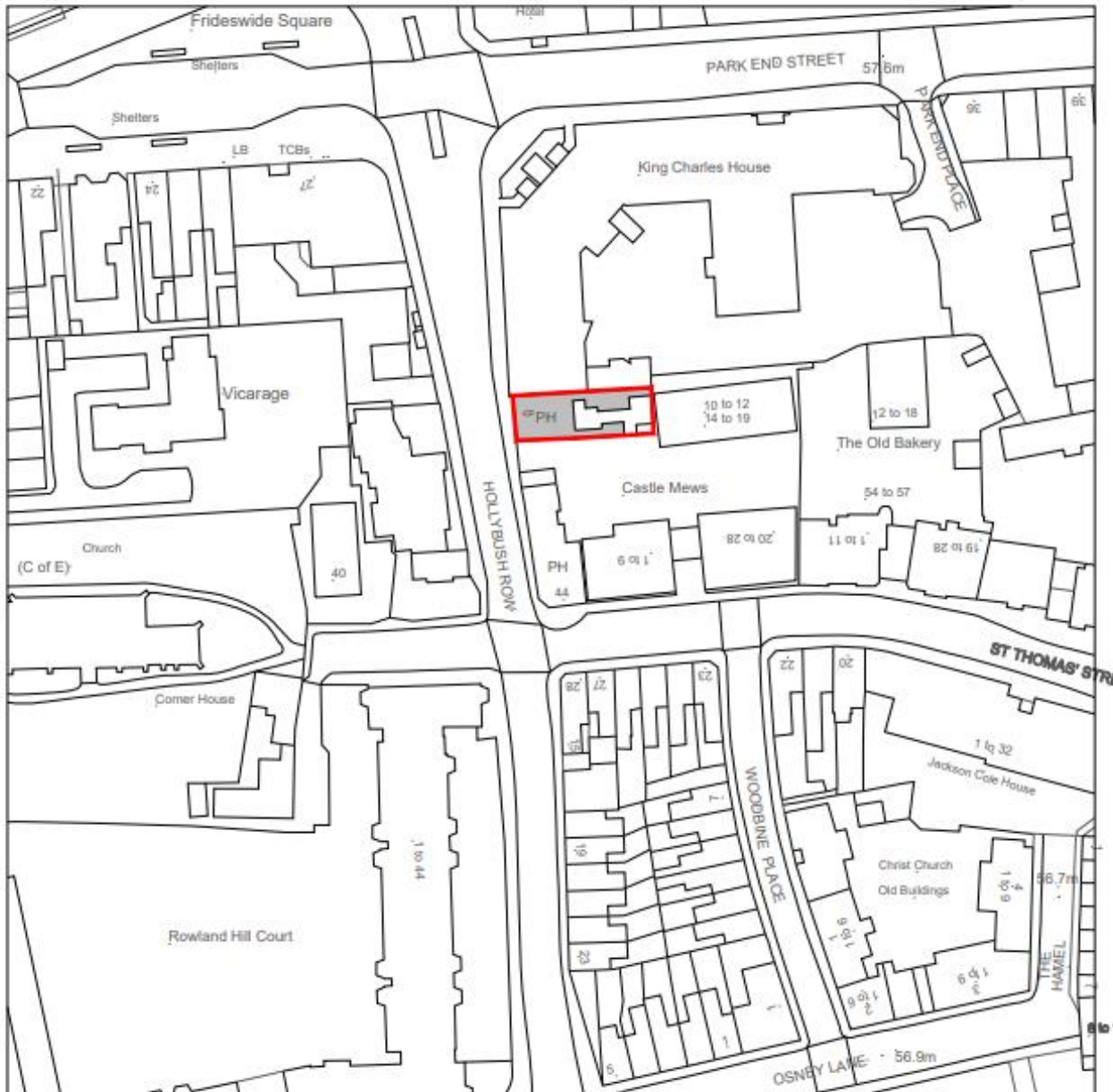
12. APPENDICES

Appendix 1 – Site Location Plan

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Appendix 1 – Location Plan

21/00316/POM – 8 Hollybush Row



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WEST AREA PLANNING COMMITTEE

9th March 2021

Application number: 20/02303/FUL

Decision due by 11 December 2020

Extension of time **To be agreed**

Proposal Change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats. Alterations to fenestration at ground floor. Insertion of 3no. doors to north elevation and 4no. doors to south elevation. (Amended plans and additional information)

Site address Peacock House, Baynhams Drive, Oxford (Block C of the Wolvercote Paper Mill development) – see **Appendix 1** for site plan

Ward Wolvercote

Case officer Nadia Robinson

Agent: N/A **Applicant:** Mrs Vikki Roe

Reason at Committee More than five residential units

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 required planning conditions set out in section 12 of this report and grant planning permission, subject to:

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- 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. The West Area Planning Committee on 19th January 2021 resolved to defer consideration of the application pending further information on the following:

- the CCG's current views on whether the space was needed for a GP practice and if so what factors were stopping its acquisition;
- evidence of:
 - rents (both proposed and those offered to interested renters) for GP surgery, commercial space, and community space;
 - evidence of marketing and discussions with both potential commercial and community occupiers, and exploration of possible alternative commercial and community uses.

2.2. The minutes of the West Area Planning Committee on 19th January 2021 are included in **Appendix 3** of this addendum report.

2.3. A copy of the officer's committee report to the West Area Planning Committee is included in **Appendix 2** of this addendum report. The report provided a full assessment of how the proposal would comply with the development plan as a whole. Sections of the original report which remain unchanged have not been duplicated within this addendum report.

2.4. Since the application was considered by the West Area Planning Committee and in accordance with the committee resolution, further information has been supplied by both the applicant and the CCG. The CCG have confirmed that they did not and still do not wish to pursue the site because it would not comply with their strategy, namely to only support new surgeries which would support at least 10,000 population with 5-6 FTE GPs. The applicant has submitted additional marketing information which sets out the nature of the discussions that were had with the CCG and summarising the enquires made about commercial and community uses.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to secure a two-bedroom flat within the block as socially rented affordable housing. This would either be one of the 2-bed flats proposed, or one of the existing 2-bed flats in the upper floors of the block which is currently a market unit. The agreement shall also require the unit to be constructed to the Category 2 standard as set out in the

Building Regulations Approved Document M4 in accordance with policy H10 (Accessible and adaptable homes).

- 3.2. This application seeks a change to the scheme approved under the outline consent (reference 13/01861/OUT) and reserved matters (reference 18/00966/RES). The outline consent was subject to a Section 106 legal agreement covering a number of points. The points are listed below, with that part of the legal agreement relevant to this application underlined:

Obligations to Oxford City Council

- Affordable Housing on site – 50%, integrated into the development as a whole;
- Public open space – minimum of 2.46ha including Duke’s Meadow (recreation/play/wildlife habitats); informal open space and nature reserve along Mill Stream; ‘green gateway’ at site’s entrance; walkway around reservoir; local area for play;
- Community facilities of at least 110 square metres;
- Habitat creation and protection plus maintenance – habitat suitable for reptiles in Duke’s Meadow;
- GP surgery space – reasonable endeavours for two years to reach agreement on terms for transfer of GP surgery area to a GP partnership or the local health authority. If not, change of use to B1(c) light industrial use or D1 non-residential institutional space permitted. If the developer is unable to agree a transfer after 6 months, permission may be sought for C3 residential use.

Obligations to Oxfordshire County Council

- Traffic Regulation Order contribution for parking restrictions at the new mini roundabout (payable at commencement);
- Bus service contribution of £275,000 (index linked) to improve frequency and hour of operation roundabout (payable at commencement);
- Travel Plan monitoring – 5 years from first occupation (payable at commencement);
- Bus stop infrastructure contribution (including real time information display) for two stops on Godstow Road (payable at commencement);
- Highway works – mini-roundabout, access arrangements, bus shelter with seats that can take a real-time information display unit (i.e. ducting and cabling), plus commuted sum for maintenance.

- 3.3. Accordingly, the developer is seeking permission for a change to the GP surgery space to C3 residential use. In addition, the application seeks permission to change the use of the consented B1(c) space.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. Although there is no increase in floor area, the use proposed is charged at a higher rate of CIL. The proposal would therefore be liable for the difference between the rate for D1/B1(c) and the rate for C3.

5. RELEVANT PLANNING POLICY

- 5.1. The relevant planning policies set out in the original committee report to the West Area Planning Committee on 19th January 2021 remain pertinent.

6. CONSULTATION RESPONSES

- 6.1. The committee report (**Appendix 2**) provides details of the public consultation that was undertaken with respect to the application prior to its consideration at the 19th January 2021 committee, and summarises all the responses received in relation to the application within **section 9** of that report.

- 6.2. The following responses have been received since 10th January 2020:

Statutory consultees

Environment Agency

- 6.3. No objection to the proposals. Suggested a condition to ensure that finished floor levels would be no lower than 59.50m AOD.

Public representations

- 6.4. 2 representations were received from local residents. In summary, the main points of objection were:

- The originally proposed facilities are needed.
- The Local Planning Authority should support the community.
- Local people feel 'let down'.
- The applicant did not make 'best efforts' to find tenants.

7. PLANNING MATERIAL CONSIDERATIONS

- 7.1. The committee report for the West Area Planning Committee on 19th January 2021 considers the material planning considerations and sets out the recommendation that planning permission should be granted for the proposal subject to conditions and the completion of a legal agreement to secure the matters referred to in section 3.1 of the report. A copy of the report is included within **Appendix 2** of this addendum report.

- 7.2. Officers noted the main issues that were raised through member questions and deliberations at committee on 19th January 2021. As a supplement to the original committee report, this addendum report seeks to clarify these issues which are as follows:

- a) Evidence of attempts to secure a transfer or tenant

- b) Evidence to secure a transfer to B1(c) or D1 uses; and
- c) The s106 cascade approach.

a. **Evidence of attempts to secure a transfer or tenant.**

Transfer of GP surgery

- 7.3. For context officers would like to draw attention to **paragraph 31** of the committee report for the outline consent (13/01861/OUT) (**Appendix 5**) which states:

*In respect of the doctor's surgery, whilst there has previously been interest in moving the existing 'satellite' surgery in Godstow Road onto the development site, at this stage, **there is no clear indication that the surgery or health authority have concluded to take this forward.** Further discussions will be needed between the developers who eventually purchase the site and the local doctor's practice and clinical groups to see whether this is the preferred option. However, in terms of any outline planning permission, a S106 should secure the development of surgery space. In the event that the doctor's practice chose not to relocate to the space provided, it is considered that the space should be used to create additional employment. The space could therefore be converted into further B1 (c) light industrial/office space, offering the potential for further local employment, or even into a small crèche. It is estimated that further B1(c) type businesses occupying this converted space, could employ in the region of a further 15-20 people, if the surgery does not come forward. Similarly, a crèche might employ 5-10 staff. The S106 can be used to secure this preference for conversion to B1(c) of [sic] crèche use of the surgery space provided, in the event that there is no occupation by a doctor's surgery within a set period of time, say 2 years from the completion of the surgery space.*

- 7.4. Furthermore, paragraph 32 goes on to state:

If the surgery is relocated into the site, it will be a matter for the doctor's practice to fit out the surgery space to its requirements and at their costs.

- 7.5. The current application (20/02303/FUL) sets out the efforts made to transfer the GP surgery area, and includes direct discussions with Summertown Heath Centre, which administers the existing Wolvercote GP surgery on Godstow Road and discussions with the Oxfordshire Clinical Commissioning Group (CCG). The premises were also marketed through the Savills healthcare premises specialist office.

- 7.6. Comments were made during the committee meeting on 19th January 2021 suggesting that the CCG did not understand the nature of these discussions and that the rental figures offered by the applicant were prohibitively expensive. Concerns were subsequently raised that the CCG were previously, or perhaps still would be, interested in the site which lead to members deferring the application to seek further clarification on this matter.

7.7. Following the committee meeting on 19th January 2021 officers have spoken directly to the CCG for confirmation of their stance. The CCG have confirmed the following:

- The CCG's Estates Strategy is to only support new surgeries which would support at least 10,000 population with 5-6 FTE GPs. This would not be the case for Wolvercote Paper Mill which would represent a smaller 'branch' surgery.
- The CCG would only accept smaller surgeries in "exceptional circumstances" i.e. in the case of the application site, if the site was fully fitted out and at a peppercorn rent as this would be cost neutral for them.
- As this was not what the CCG was being offered they did not wish to pursue the site.

7.8. As set out in the committee report at **Appendix 2**, while there is no requirement in the legal agreement for the GP surgery to be fitted out, officers note that the applicant offered the CCG a capital contribution towards fit-out to encourage an offer although this was not something the CCG wished to pursue as they anticipated future costs. The CCG and Savills have confirmed that the only specific rent that was discussed was a peppercorn rent (i.e. nil rent) for a 125 year lease of 405 sq m of shell and core building. Despite this, as the site would not be cost neutral, the CCG considered that agreeing to take on the surgery site would not be viable, or importantly, in line with their Estates Strategy.

7.9. It is important to note that delivering a fully fitted out surgery at a peppercorn rent was not a requirement of the s106 agreement, nor an expectation within the outline consent, and so would have only been deliverable if both parties had agreed this during their negotiations. The applicant has confirmed that this would have required significant additional investment over and above what was already provided.

7.10. Officers have confirmed that the CCG are not interested in taking over the surgery site for the reasons stated above. Officers also note the extended period of time over which negotiations took place (over 2 years) without any agreement being reached. For these reasons, officers concluded that reasonable endeavours were used to try to transfer the GP surgery area to a GP partnership or the local health authority.

b. Evidence to secure a transfer to B1(c) or D1 uses

7.11. The applicant has confirmed that the marketing of the B1(c) and D1 uses commenced 26th June 2019. This was run out of the Savills offices in both Oxford and London. Enquires for the space on both fronts were limited. 13 enquiries were made from the commencement of the marketing period to the end of 2020. Of these, only 4 enquires were notable. Officers note that none of the enquires received were from companies requiring B1 (c) light industrial use, rather they required B1 (a) B1(b), or D2 use. Officers acknowledge that the s106

agreement did not require the applicant to deliver uses outside of those specified within the agreement, namely B1(c) or D1.

7.12. In respect of the D1 space, there was also limited interest with two parties registering initial interest in the latter part of 2019. Upon further review with these parties, only one showed further interest – this comprised a father enquiring on behalf of his son (a doctor) in respect of setting up his own practice. This interest subsequently no longer exists. No further expressions of interest were or have subsequently been received.

7.13. Marketing was undertaken via the following routes:

- Lettings brochure posted on Savills website, Rightmove commercial and EG Property Link;
- Emails out to applicants in our system with ongoing searches matching the buildings criteria;
- Large lettings board at entrance to site.

7.14. No rent was quoted on the advertising details so that any interest could be discussed individually.

c. The s106 cascade approach

7.15. The principle of the change of use of the GP surgery is established in paragraph 6 of Schedule 2 of the S106 agreement, provided the cascade is complied with. The agreement requires the following of the developer:

- To use reasonable endeavours for 2 years to transfer the GP surgery area to a GP partnership or the local health authority; (*Tier One*)
- If it proves not possible to do so, to notify the Council and enclose such evidence of the attempts to do this as the Council reasonably requests;
- If permitted by the Council to do so, to develop the GP surgery area for uses within use classes B1(c) or D1; (*Tier Two*)
- If unable to transfer the GP surgery area for B1(c) or D1 uses within a period of 6 months, to notify the Council and then be permitted to make an application for use of the GP surgery space for C3 use.

7.16. Following discussions with the applicant and the submission of evidence consent was given by the Local Planning Authority (LPA) for the applicant to move from Tier One to Tier Two. Likewise, the applicant notified the LPA when the 6 month period of marketing for B1(c) or D1 uses ceased. Officers are also satisfied that the applicant has made reasonable endeavours to try to secure the site for B1(c) or D1 uses. As this was not possible the current application has been made to use the GP surgery space for C3 residential use.

7.17. Officers do not consider that it would be reasonable to require the applicant to revisit any of the tiers of the s106 agreement at this stage and, in any case,

consider that they have made all reasonable endeavours to try and transfer the site to a GP Practice and then for the alternative uses.

8. CONCLUSION

- 8.1. The developer has complied with the requirements of the S106 agreement in relation to the approved GP surgery area. They have also continued discussions beyond the two-year period and discussed a number of potential options with the CCG. The evidence presented is clear and robust, officers have verified it through discussions with the CCG and therefore there is no reason to object to the change of use of the GP surgery. The developer has used reasonable endeavours and moved through the cascade in the S106 agreement and reached the stage of applying for planning permission to provide further residential units in a sustainable location.
- 8.2. It is disappointing that the space has not been transferred to a surgery as originally intended, but it is outside the powers of the LPA and the developer to require this. The legal agreement contemplates such a scenario and the developer has complied with its obligations.
- 8.3. With regard to the B1(c) unit, officers have considered the marketing evidence on its merits, as would be the case for any change of use application.
- 8.4. Officers would remind the committee of the NPPF requirement (paragraph 11) to approve development proposals that accord with an up-to-date development plan without delay. While there have been many requests for the decision to be delayed, to do so would be unreasonable because the developer has complied with the requirements of the legal agreement, and has advertised the B1(c) unit for a reasonable period of time.
- 8.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to cover the matter referred to in section 3.1 of this report and also subject to the conditions in section 9 below.

9. 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 condition 6, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy 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. Bin and bike storage

Detailed drawings of the cycle storage demonstrating their usability and compliance with policy M5 of the Oxford Local Plan 2036 shall be submitted to and approved in writing by the local planning authority. Cycle storage in accordance with the approved details shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle parking. Bin storage in accordance with the approved plans shall be provided prior to first occupation of the development and thereafter retained for the purposes of 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.

5. Site management

The development shall be managed in accordance with the site management plan approved under reference 18/00966/CND4 and with the details set out in the letter from RSK dated 15 October 2020 ref: 28924/L04 in relation to the external landscaped areas.

Reason: In the interests of amenity, the appearance of the area, parking management, to ensure the drainage system functions safely and effectively and does not increase flood risk, and to ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policies DH1, M2, M3, RE3, RE4 and RE9 of the Oxford Local Plan 2036.

6. Internal storage

Prior to commencement of the use hereby permitted, revised floor plans showing sufficient in-built storage in each unit to accord with the National Space Standard minimum requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure future residents have sufficient storage space and to accord with policy H15 of the Oxford Local Plan 2036.

7. Land quality

The existing ground gas membrane and sub-floor ventilation shall not be impacted or compromised in any way as a result of the development hereby approved.

Reason: To ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policy RE9 of the Oxford Local Plan 2036.

8. Finished Floor Levels

The finished floor levels of the approved residential units shall be no lower than 59.50m AOD.

Reason: To ensure that the development would not be at risk of flooding in accordance with policy RE3 of the Oxford Local Plan 2036.

10. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – WAPC report 19th January 2021
- **Appendix 3** – WAPC Minutes 19th January 2021
- **Appendix 4** – Section 106 legal agreement for 13/01861/OUT
- **Appendix 5** – WAPC report 15th October 2013 for 13/01861/OUT

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

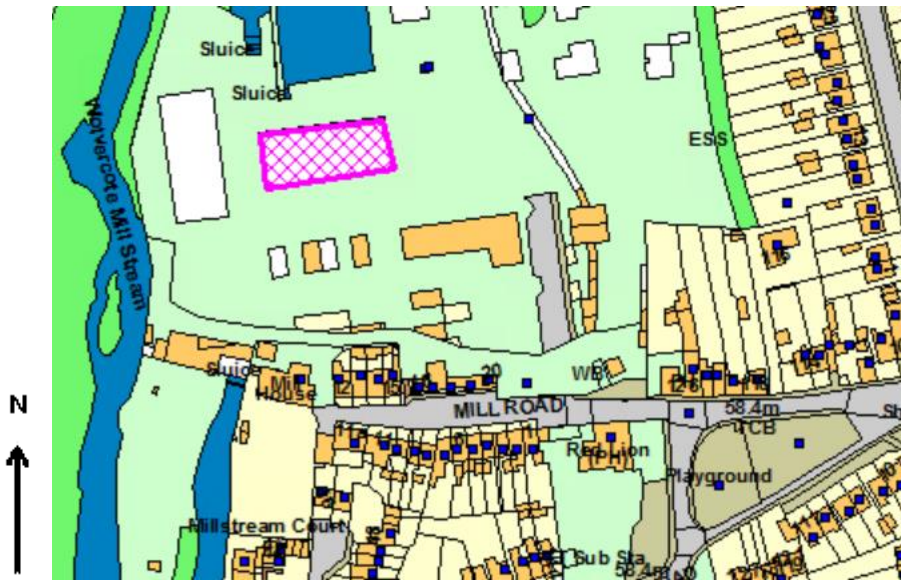
- 12.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission,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

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Appendix 1

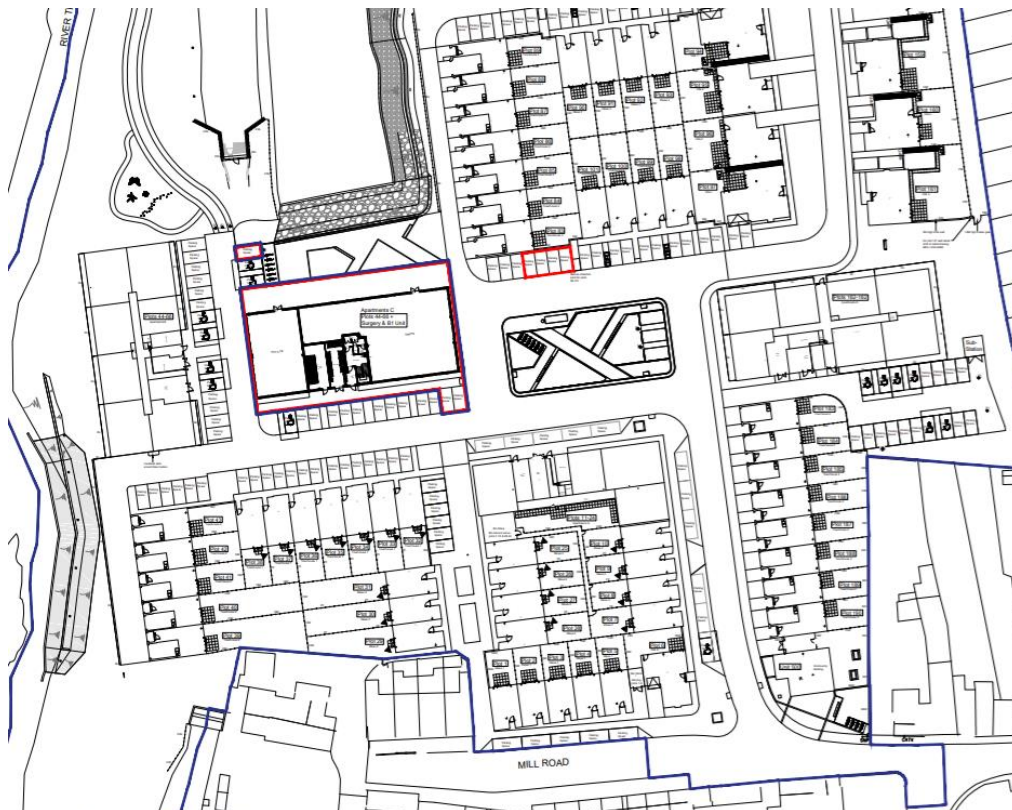
20/02303/FUL

Peacock House (Block C of Wolvercote Paper Mill development)



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Ordnance Survey 100019348

Existing block plan in context of wider development



1:500 Existing Block Plan

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Application number:	20/02303/FUL		
Decision due by	11 December 2020		
Extension of time	To be agreed		
Proposal	Change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats. Alterations to fenestration at ground floor. Insertion of 3no. doors to north elevation and 4no. doors to south elevation. (Amended plans and additional information)		
Site address	Peacock House, Baynhams Drive, Oxford (Block C of the Wolvercote Paper Mill development) – see Appendix 1 for site plan		
Ward	Wolvercote		
Case officer	Nadia Robinson		
Agent:	N/A	Applicant:	Mrs Vikki Roe
Reason at Committee	More than five residential units		

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 required planning conditions set out in section 12 of this report and grant planning permission, subject to:

- the receipt of a formal response from the Environment Agency raising no objection to the application;
- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

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

- 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 an application to change the use of the ground floor of Block C of the approved Wolvercote Paper Mill development from its two approved uses (GP surgery and light industrial unit (Use Class B1(c)) to seven flats. The block has been substantially completed and the developer has sought to find occupants for the units that fit within the appropriate use class. Evidence of these efforts is included in the application. The change of use of the GP surgery is contemplated in the Section 106 legal agreement for the development (S106) (see **Appendix 2**).
- 2.2. Officers consider that the developer has used reasonable endeavours to find a suitable occupant for the GP surgery space in accordance with the requirements and timescales of the S106. Officers consider that the period of marketing for the B1(c) unit is sufficient and the marketing evidence robust to demonstrate that the use is not viable. The change of use to residential is consistent with the S106 cascade and with policy E1 (Employment sites) of the Oxford Local Plan 2036.
- 2.3. The proposal is for five 2-bed flats and two 1-bed flats. One of the 2-bed flats, or one of the 2-bed market flats within the upper floors of the block, is proposed to be socially rented affordable housing, representing 50 per cent of the units proposed in the location originally approved for B1(c). The S106 has no requirement for the residential conversion of the GP surgery to be affordable. The affordable unit would be secured via a legal agreement.
- 2.4. Officers are recommending that West Area Planning Committee approves the application.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to secure a two-bedroom flat within the block as socially rented affordable housing. This would either be one of the 2-bed flats proposed, or one of the existing 2-bed flats in the upper floors of the block which is currently a market unit. The agreement shall also require the unit to be constructed to the Category 2 standard as set out in the Building Regulations Approved Document M4 in accordance with policy H10 (Accessible and adaptable homes).

- 3.2. This application seeks a change to the scheme approved under the outline consent (reference 13/01861/OUT) and reserved matters (reference 18/00966/RES). The outline consent was subject to a Section 106 legal agreement covering a number of points. The points are listed below, with that part of the legal agreement relevant to this application underlined:

Obligations to Oxford City Council

- Affordable Housing on site – 50%, integrated into the development as a whole;
- Public open space – minimum of 2.46ha including Duke’s Meadow (recreation/play/wildlife habitats); informal open space and nature reserve along Mill Stream; ‘green gateway’ at site’s entrance; walkway around reservoir; local area for play;
- Community facilities of at least 110 square metres;
- Habitat creation and protection plus maintenance – habitat suitable for reptiles in Duke’s Meadow;
- GP surgery space – reasonable endeavours for two years to reach agreement on terms for transfer of GP surgery area to a GP partnership or the local health authority. If not, change of use to B1(c) light industrial use or D1 non-residential institutional space permitted. If the developer is unable to agree a transfer after 6 months, permission may be sought for C3 residential use.

Obligations to Oxfordshire County Council

- Traffic Regulation Order contribution for parking restrictions at the new mini roundabout (payable at commencement);
- Bus service contribution of £275,000 (index linked) to improve frequency and hour of operation roundabout (payable at commencement);
- Travel Plan monitoring – 5 years from first occupation (payable at commencement);
- Bus stop infrastructure contribution (including real time information display) for two stops on Godstow Road (payable at commencement);
- Highway works – mini-roundabout, access arrangements, bus shelter with seats that can take a real-time information display unit (i.e. ducting and cabling), plus commuted sum for maintenance.

- 3.3. Accordingly, the developer is seeking permission for a change to the GP surgery space to C3 residential use. In addition, the application seeks permission to change the use of the consented B1(c) space.

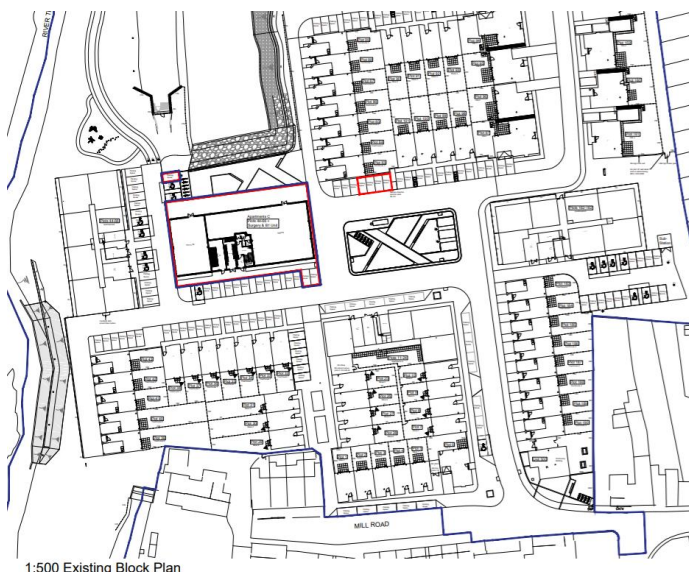
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. Although there is no increase in floor area, the use proposed is charged at a higher rate of CIL. The proposal would

therefore be liable for the difference between the rate for D1/B1(c) and the rate for C3.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within lower Wolvercote on the site of the former Wolvercote Paper Mill. A development of 190 units is under construction and has begun to be occupied by new residents. The proposed development relates to the ground floor of Block C which was approved for non-residential uses (GP surgery and B1(c) light industrial use). The upper floors are residential apartments. The north elevation of the block faces onto the reservoir, the east elevation onto the central square and bus stop. Car parking is arranged along the south of the block with other unallocated parking in the immediate area.
- 5.2. The Environment Agency Flood Zone mapping shows the site as lying partially within Flood Zone 3b and, as such, the Environment Agency has been consulted. However, after reviewing the technical work submitted by the applicant as part of the reserved matters application 18/00996/RES for the wider site, the Environment Agency on 30 August 2018 (reference WA/2018/125127/03-L01) formally confirmed that the site lies in Flood Zone 1. The Environment Agency recommended that finished floor levels are set at a minimum of 300mm above the 1% including climate change annual probability flood level; this was required by condition on permission 18/00996/RES. A formal comment from the Environment Agency for this application is awaited and the recommended committee resolution reflects this.
- 5.3. The Wolvercote with Godstow Conservation Area lies to the south of the site. The site lies to the east of Pixey Mead which is a Site of Special Scientific Interest (SSSI) that forms part of the internationally protected Oxford Meadows Special Area of Conservation (SAC).
- 5.4. See block plan below:



6. PROPOSAL

- 6.1. The application proposes a change to the consented uses on the ground floor of Block C of the Wolvercote Paper Mill development from GP surgery (Use Class D1) and light industrial (Use Class B1(c)) uses to residential (Use Class C3). Five two-bed flats and two one-bed flats are proposed. A two-bed flat within Block C is proposed to be socially rented affordable housing.
- 6.2. Officers note that The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987. This is relevant to this application because use classes B1(c) and D1, which are referred to in the planning consents and legal agreement for the Wolvercote Paper Mill development, no longer exist. These use class fall under the new Use Class E. However, the amendment does not affect the C3 residential use class which is the proposed use class for this application. As such, the 2020 amendment to the Use Class Order does not affect the consideration of this planning application.
- 6.3. For the avoidance of doubt, this application does not affect the community building which formed part of the Wolvercote Paper Mill development. This is currently in use as the sales office and will be transferred to the end user prior to the occupation of the 185th dwelling on site. A formal offer to transfer the community building will be made prior to the 50th occupation on site. The offer will be a transfer of freehold at nil cost.

7. RELEVANT PLANNING HISTORY

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

13/01861/OUT – Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information).

Approved 21st September 2017

18/00966/RES – Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities. (Amended plans and additional information).

Approved 25th September 2018

19/02685/RES – Details of reserved matters (landscaping) for the removal of 58 trees and the planting of 132 replacement trees along Home Close boundary pursuant to outline permission 13/01861/OUT.

Approved 21st November 2019

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036	Wolvercote Neighbourhood Plan
Design	117-123, 124-132	DH1 DH7	
Conservation/ Heritage	184-202	DH3	
Housing	59-76	H1 H2 H4 H10 H15 H16	
Commercial	170-183	E1	
Natural environment	91-101	RE3 RE4	
Social and community	102-111	RE5	
Transport	117-123	M1 M3 M5	
Environmental	117-121, 148-165, 170-183	RE1 RE2 RE6 RE7 RE8 RE9	BES2 BES3 BES4
Miscellaneous	7-12	S1	

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 3 November 2020 and then, following submission of redacted marketing details and

amended plans, new notices were displayed around the application site on 7 December 2020.

Statutory consultees

- Oxfordshire County Council (Highways)
- 9.2. No objection. Request a cycle parking condition unless an adequate provision is already present on the site.
- Environment Agency
- 9.3. Comment awaited. As noted in paragraph 5.2, the flood risk for the site was dealt with via the reserved matters application for the wider site and no objection was raised by the Environment Agency. The Agency's flood maps still show the site in Flood Zone 3 and so they have been consulted.
- Thames Valley Police (Crime Prevention Design Advisor)
- 9.4. No objection, but the following recommendations:
- 9.5. The size of the cycle store is too large. Cycle stores should be compartmentalised to a maximum of 10-20 cycles per store, and should be secured to a minimum of LPS 1175 SR2, including a self-closing mechanism. I ask that the plan is revised and resubmitted to the planning authority for approval prior to planning permission being given.
- 9.6. The bin store is designed with double leaf doors. Double leaf doors can be problematic for sustainable operation and security, as the active leaf is required to secure against the passive. Additional details as to the type, style and minimum physical security standards of the doors will be required - alternatively a large single leaf door may well be more appropriate and cost effective.

Public representations

- 9.7. 97 representations were received from local residents and members of the public living outside Oxford. In addition, Oxford Civic Society, Oxfordshire Neighbourhood & Villages Trust Ltd and Wolvercote Commoners' Committee each made a representation; Wolvercote Neighbourhood Forum made two representations.
- 9.8. In summary, the main points of objection (101 of 102 representations) were:
- No need for more housing.
 - The originally proposed facilities are needed.
 - Local support for a new surgery.
 - Public benefit of the development is lost if original facilities are not provided.
 - Modern premises needed for existing Wolvercote surgery.

- GP surgery will be needed even more in current times and with ageing population, and with new population in the village and at Northern Gateway.
- Difficulty of accessing GP outside the village for non-car users.
- Uncertainty about a Diamond Place surgery means surgery in Wolvercote is needed.
- Rents requested are too high and developer should subsidise.
- Lack of uptake of premises may be caused by pandemic.
- Planning permission and S106 are unclear about tenure and rent.
- Harmful impact on traffic and parking.
- Increased pressure on amenities with additional residents.
- Further consideration needed; decision should be delayed pending further discussions.
- If surgery not viable, another community use should use the space.
- Personal experience enquiring about the commercial space was prohibitive.
- Marketing was off plan.
- The view of the Clinical Commissioning Group is needed to assess the application.
- Impact on health and wellbeing.
- CIL money could be used to fit out the surgery.
- The GP surgery should be transferred not rented.
- One of the documents uploaded was too small to read

9.9. The point raised in support (1 representation of 102) is as follows:

- No NHS provider wants to rent the unit and a private practice would harm health services in the village.

Officer response

9.10. The size of one of the documents uploaded to the website was raised as a problem. This can occur when documents are downloaded, and users need to zoom in to bring the document to a readable size. The document in question is of sufficient resolution to be legible.

9.11. The remaining points raised through public consultation are dealt with later in the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Evidence of attempts to secure a transfer or tenant
- c) Residential provision
- d) Design
- e) Transport
- f) Land quality
- g) Other matters

a. Principle of development

10.2. The proposal to change the use of the ground floor of Block C of the Wolvercote Paper Mill development has two elements.

10.3. The developer is seeking to change the use of the B1(c) commercial unit. This element of the development is secured via the plans approved with the reserved matters approval, as well as by condition 11 of the outline planning consent. It is not secured via the legal agreement. The relevant parts of the condition are underlined below:

11. Provision should be made within the development site for a total of 521m² of non-residential uses and community facilities (e.g. 303m² for doctor's surgery, 110m² for civic building and 108m² of B1c light industrial floorspace), as per the submitted details and shall be retained thereafter for such use, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure a satisfactory provision of non-residential uses and community facilities throughout the development in the interests of the amenity of future residents and in accordance with policy SP63 of the Oxford City Council's Sites and Housing Plan 2013; and with 'Policy' of the 'Oxford 'Core Strategy' 2026.

10.4. The approved reserved matters application fixed the amount of space and form allocated for those uses, i.e. 405 sqm for the GP surgery, 126 sqm for community building, 165 sqm of B1(c) use. The community facilities are in a separate building. The GP surgery and B1(c) space are on the ground floor of Block C with two floors of apartments above.

10.5. Condition 11 makes provision for the Local Planning Authority to agree to changes to the non-residential uses and community facilities. The change of use of the B1(c) element must therefore be considered on its merits in accordance with the local development plan and any relevant material planning considerations.

- 10.6. The GP Surgery space is also secured via condition 11 of the outline consent, in the same way as the B1(c) use. However, the consideration of this element of the application is different because the procedure for seeking a change of use of the GP surgery is controlled by the Section 106 legal agreement (S106) for the outline planning consent 13/01861/OUT, with a cascade approach set out. The developer is seeking permission through this application for a change to the GP surgery space to C3 residential use in accordance with paragraph 6 of Schedule Two of the S106.
- 10.7. The principle of the change of use of the GP surgery is therefore established in the S106 provided the cascade is complied with. The agreement requires the following of the developer:
- To use reasonable endeavours for 2 years to transfer the GP surgery area to a GP partnership or the local health authority;
 - If it proves not possible to do so, to notify the Council and enclose such evidence of the attempts to do this as the Council reasonably requests;
 - If permitted by the Council to do so, to develop the GP surgery area for uses within use classes B1(c) or D1;
 - If unable to transfer the GP surgery area for B1(c) or D1 uses within a period of 6 months, to notify the Council and then be permitted to make an application for use of the GP surgery space for C3 use.
- 10.8. Officers would note that such a cascade approach is not unusual and allows for a reasonable period in which to find users for the space, while ensuring that units do not remain vacant indefinitely, which would harm the character of the area and be a poor use of land.
- 10.9. On 6 June 2019, the developer provided the Council with correspondence with Summertown Health Centre to demonstrate that the two year period had commenced. The Council confirmed it was satisfied, in accordance with paragraphs 6.2 and 6.3 of Schedule Two of the legal agreement, that formal dialogue regarding the possible transfer of the floor area intended for use as a GP surgery commenced on 6 February 2018 and that the two year period required had commenced on that date.
- 10.10. On 28 February 2020, the developer provided the Council with evidence setting out the attempts to transfer the GP surgery area. The evidence was verified by officers, including through direct conversations with the Clinical Commissioning Group. The Council agreed to allow the developer to move to the next stage of the cascade and the GP surgery space was advertised for B1(c) and D1 uses in accordance with paragraph 6.4 of Schedule Two of the legal agreement. The next stage of the cascade commenced on 6 February 2020.
- 10.11. The developer wrote on 17 August 2020 to inform the Council that no occupant falling within the appropriate use class (B1(c) or D1) had been found, with supporting evidence from their marketing agent, Savills, and

therefore it was their intention to proceed to the next level of the cascade and make an application for C3 residential use. It was accepted by the Council that this would accord with paragraph 6.5 of Schedule Two of the legal agreement.

- 10.12. A planning application was duly made on 17 September 2020, for the change of use of both the B1(c) floor space and the GP surgery floor space to C3 residential. This is the application before committee. The developer has adhered to its obligations under the legal agreement.
- 10.13. With regard to the principle of the loss of the B1(c) unit, although the use of the unit has not commenced, the proposal should be considered against policy E1 (Employment sites) of the Oxford Local Plan 2036. It would fall under Category 3 and as such the policy guides such smaller sites not performing well towards their conversion to residential. This aspect of the proposal (change of use from B1(c) to residential) is consistent with policy E1.
- 10.14. The following section of this report considers the evidence submitted with the application in respect of seeking a transfer of the GP surgery and marketing the B1(c) and D1 non-residential uses.

b. Evidence of attempts to secure a transfer or tenant

Transfer of GP surgery

- 10.15. The application sets out the efforts made to transfer the GP surgery area, and includes direct discussions with Summertown Heath Centre, which administers the existing Wolvercote GP surgery on Godstow Road and discussions with the Oxfordshire Clinical Commissioning Group (CCG). The premises were also marketed through the Savills healthcare premises specialist office.
- 10.16. While there is no requirement in the legal agreement for the GP surgery to be fitted out, officers note that the applicant offered the CCG a capital contribution towards fit-out to encourage an offer. Officers also note that the developer continued discussions with the CCG after the two-year period specified in the legal agreement had elapsed. The possibility of amalgamating both ground floor uses (B1(c) and surgery) was discussed to see if a larger space would be more attractive to the CCG. With regards to the price for the space, either freehold or on a rental basis, the application states that no figure was specified in the marketing process, as such any and all offers or discussions were invited.
- 10.17. Officers were in contact with the CCG to verify the evidence that the developer was putting forward as per paragraph 6.3 of Schedule Two of the legal agreement. The CCG confirmed to officers that it did not wish to take on the space. It was understood that the CCG would like to focus its finite resources on larger premises that could accommodate more than one practice, rather than on a small branch surgery. Although the tenure and rent is not specified in the S106 agreement, a 125-year lease with

peppercorn rent was discussed, but it was still felt that the unit would not be something the CCG would take on.

- 10.18. For these reasons, officers concluded that reasonable endeavours were used to try to transfer the GP surgery area to a GP partnership or the local health authority.
- 10.19. There are requests in the public comments for further discussions to take place to try and secure a tenancy. This is not something that the local planning authority could reasonably require as it would not accord with the terms of the legal agreement.
- 10.20. The cascade approach set out in the legal agreement for the GP surgery space sets out the order of priority of uses that the local planning authority considered acceptable when permission was granted. Firstly a GP surgery use, secondly B1(c) commercial uses or D1 non-residential uses, and finally C3 residential uses. It is noted that Savills received interest from some uses that fall outside these specified uses. However, this application demonstrates that the first two priorities were not viable and so C3 residential is now proposed. While uses other than those specified in the cascade may have been viable on site, these were not prioritised in the legal agreement and therefore there are no grounds to require the developer to make the space available to interested parties falling outside the specified uses.

Evidence to secure a transfer to B1(c) or D1 uses

- 10.21. The application provides a summary of the marketing of:
- the floor area approved for a B1(c) use;
 - the floor area approved for GP surgery to be used for B1(c) uses; and
 - the floor area approved for GP surgery to be used for other D1 non-residential institutional uses.
- 10.22. Marketing of the B1(c) space commenced on 26 June 2019 and continued for over a year. The evidence presented demonstrates that there was little interest in the unit, and no prospective tenant requiring B1(c) light industrial use. Those interested either required B1(a), B1(b) or D2 use.
- 10.23. From 6 February 2020, the GP surgery was marketed for B1(c) and other D1 non-residential uses. There were two enquiries but neither proceeded to take on the unit.
- 10.24. Officers consider that the developer has taken all reasonable efforts to secure a B1(c) or D1 use, with evidence provided of the limited interest.

Impact of COVID-19 pandemic

- 10.25. The two-year period in which to make a transfer of the GP surgery finished before the pandemic had a significant impact. Nevertheless, the developer extended discussions with the CCG beyond the two-year period.

- 10.26. The marketing of the GP surgery for alternative uses allowed for in the S106 took place in part during the pandemic but marketing of the adjacent B1(c) unit began some time before and yielded very little interest.
- 10.27. Officers therefore see no grounds to seek to agree an extension to the timescales specified in the S106 due to the COVID pandemic.

c. Residential provision

Mix

- 10.28. Policy H4 (Mix of dwelling sizes) of the Oxford Local Plan 2036 requires proposals for residential development to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities.
- 10.29. A mix of one and two bedroom apartments is considered entirely appropriate in this location. There is a limit to the amount of outdoor amenity space that can be provided due to the location of the block at the centre of the development and so it is less appropriate for three-bedroom family units. The surrounding development has a mixture of flats and houses, with the upper floors of the block containing flats. Two-bedroom flats are in demand to meet affordable housing needs. The proposal is therefore considered to comply with policy H4.
- 10.30. The provision of seven units is considered an appropriate quantum that makes the best and most appropriate use of the site's capacity, and the proposal is therefore considered to comply with policy RE2 (Efficient use of land) of the Oxford Local Plan 2036.

Affordable Housing

- 10.31. Policy H2 (Delivering affordable homes) of the Oxford Local Plan 2036 requires residential developments with capacity for more than 10 units to provide 50 per cent on-site affordable housing. Only seven units are proposed with this application, and the site does not have capacity for more than 10 units. However, the floor space that is the subject of this application forms part of the original site which, if the seven units had been originally proposed as part of the overall housing provision, would have contributed to the overall numbers from which the 50 per cent would have been calculated.
- 10.32. Officers note that the Section 106 legal agreement deals with the matter of the change of use of the GP surgery area to C3 and there is no requirement for further affordable housing provision as part of that cascade.
- 10.33. The change of use of the area approved for B1(c) is not dealt with by the legal agreement and would be making an unanticipated change to the outline consent. The corresponding units that are now proposed in the area approved as B1(c) must therefore comply with the 50 per cent affordable housing requirement of policy H2. Apartments 3 and 4 (both 2-bed units) are proposed in the same location as the approved B1(c) unit.

- 10.34. Accordingly, the developer has agreed that one of the 2-bed units proposed, or one of the existing 2-bed market units within the upper floors of Block C, shall be provided as socially rented affordable housing. This will need to be secured via a new legal agreement should planning permission be granted. In accordance with policy H10 (Accessible and adaptable homes) of the Oxford Local Plan 2036, this unit will be required to meet Category 2 of Building Regulations Approved Document M4. This can be secured via the legal agreement.
- 10.35. Officers note that this block of flats within the development is a mix of affordable and market apartments and so a mix at ground floor need not be impractical to manage.
- 10.36. Officers also note that the change of use of the B1(c) unit via planning permission enables an affordable housing unit to be secured.

Amenity

- 10.37. All seven apartments comfortably exceed the minimum floor areas as set out in the National Space Standard. Indicative locations for bedroom wardrobes are provided, however to meet the minimum in-built storage area, these would need to be provided as built-in wardrobes in apartments 1, 3, 4 and 7. A condition is recommended to secure this to ensure sufficient storage space in compliance with policy H15 (Internal space standards) of the Oxford Local Plan 2036.
- 10.38. A terrace is proposed for each apartment, surrounded by low hedge for the apartments facing south, and by railings for apartments facing north. Each apartment is designed with its own front door which provides a better level of activity at street level than were the apartments to be accessed from a central core. Adequate bin storage is provided within the core. The proposal is therefore considered to comply with policies H16 (Outdoor amenity space standards) and DH7 (External servicing features and stores) of the Oxford Local Plan 2036.

d. Design

- 10.39. Policy DH1 (High quality design and placemaking) 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.
- 10.40. The design of Block C of the development has been approved through the reserved matters application. The external changes proposed relate to the changes to fenestration and doors and these are minor in nature. The rhythm of the existing apertures is retained, and frames and colour would match those of the rest of the block and the other apartment blocks in the development.

- 10.41. It is recognised that the non-residential uses originally consented would have provided a different character of activity in the centre of the development from residential. However, the external amenity space provided with each unit would provide good passive surveillance and a different type of activity. The change would not be harmful to the character of the development as a whole. It is noted that the other three apartment blocks in the wider development have flats at ground floor and so this arrangement is in keeping with the housing typologies on the site.

e. Transport

- 10.42. There is a total of 309 car parking spaces across the wider site including 134 unallocated spaces, 6 disabled spaces and 3 car club spaces. This arrangement was approved via the reserved matters consent. The spaces surrounding the development site are unallocated and so there was a pool of spaces to be used by the apartments and commercial uses. While there may be additional pressure on those car parking spaces because the residential uses are likely to want to park at the same time, there is a robust monitoring and enforcement plan for parking by the site management. The number of parking spaces for the wider site exceeds the maximum standard in policy M3 (Motor vehicle parking) (which was not adopted at the time of reserved matters approval). There is no objection from the Highway Authority. Officers therefore see no grounds to require additional parking spaces and consider the car parking arrangements that would be available for the proposed seven apartments to be acceptable.
- 10.43. The previously approved bike store has been enlarged so that two bike spaces for each of the seven units are provided. Officers note that the Crime Prevention Officer has recommended that the store is divided into two or more smaller stores. However, this is not practical with the current layout and to do so would reduce the amount of residential floor space. The other three blocks of flats that have been approved and constructed also have large bike stores and the development overall has achieved gold level Secured by Design accreditation. Officers therefore consider the bike storage to be satisfactory and to accord with policy M5 (Bicycle parking) of the Oxford Local Plan 2036. A condition is recommended to see details of the particular bike storage arrangements and to ensure their retention.

f. Land quality

- 10.44. The application includes a clarification letter dated 15 October 2020 ref: 28924/L04 in relation to land quality and contamination. Officers consider that there are no likely contamination risks associated with the proposals as long as there is no change to the proposed design of the external landscaped areas or installed ground gas protection measures from that previously validated and approved.
- 10.45. It is understood that future residents will not have ownership of any external landscaped areas so they will not be in a position to amend any external landscaping and come into contact with potentially contaminated soils.

- 10.46. The ground gas protection membrane has already been installed and validated in accordance with the remediation strategy and this must not be affected by the change of use. The conversion to seven apartments will likely require the addition of further drainage and service ducts which must not compromise the installed ground gas protection measures.
- 10.47. A condition is recommended in this regard to ensure that the ground gas membrane and sub-floor ventilation will not be impacted in any way as a result of the change of use proposals. The condition would also secure the measures set out in the application in relation to the external landscaped areas.

g. Other matters

- 10.48. The proposal is not for new-build residential development, but rather a change of use within an already constructed building. Therefore the targets in policy RE1 (Sustainable design and construction), which are for new builds, are not applicable.
- 10.49. As noted in paragraph 5.2 of this report, matters related to flood risk have been dealt with via the reserved matters application reference 18/00996/RES and the required finished floor levels. Subject to a formal comment from the Environment Agency raising no objection, no further measures are needed in order to adequately manage flood risk.
- 10.50. There are no harmful impacts to neighbouring amenity that would be caused by the proposal. The upper floors of the block are residential and so the uses would be compatible. There is ample distance between the blocks such that there would be no harmful impact in terms of overlooking or loss of privacy.
- 10.51. There are references in the public comments to the Oxford North development. No health services are required by the Northern Gateway Area Action Plan as existing services are accessible with Summertown Health Centre 2.4km away and close to bus services. There is no dependency on a GP surgery in Wolvercote to serve the Oxford North development.

11. CONCLUSION

- 11.1. The developer has complied with the requirements of the S106 agreement in relation to the approved GP surgery area. They have also continued discussions beyond the two-year period, offered funding for fit-out of the unit and explored the possibility of the whole of the ground floor being used for a surgery. The evidence presented is clear and robust, officers have verified it through discussions with the CCG and therefore there is no reason to object to the change of use of the GP surgery. The developer has used reasonable endeavours and moved through the cascade in the S106 agreement and reached the stage of applying for planning permission to provide further residential units in a sustainable location.

- 11.2. It is disappointing that the space has not been transferred to a surgery as originally intended, but it is outside the powers of the local planning authority and the developer to require this. The legal agreement contemplates such a scenario and the developer has complied with its obligations.
- 11.3. With regard to the B1(c) unit, officers have considered the marketing evidence on its merits, as would be the case for any change of use application.
- 11.4. Officers would remind the committee of the NPPF requirement (paragraph 11) to approve development proposals that accord with an up-to-date development plan without delay. While there have been many requests for the decision to be delayed, to do so would be unreasonable because the developer has complied with the requirements of the legal agreement, and has advertised the B1(c) unit for a reasonable period of time.
- 11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

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 condition 6, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy 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. Bin and bike storage

Detailed drawings of the cycle storage demonstrating their usability and compliance with policy M5 of the Oxford Local Plan 2036 shall be submitted to and approved in writing by the local planning authority. Cycle storage in accordance with the approved details shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle parking. Bin storage in accordance with the approved plans shall be provided prior to first occupation of the development and thereafter retained for the purposes of 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.

5. Site management

The development shall be managed in accordance with the site management plan approved under reference 18/00966/CND4 and with the details set out in the letter from RSK dated 15 October 2020 ref: 28924/L04 in relation to the external landscaped areas.

Reason: In the interests of amenity, the appearance of the area, parking management, to ensure the drainage system functions safely and effectively and does not increase flood risk, and to ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policies DH1, M2, M3, RE3, RE4 and RE9 of the Oxford Local Plan 2036.

6. Internal storage

Prior to commencement of the use hereby permitted, revised floor plans showing sufficient in-built storage in each unit to accord with the National Space Standard minimum requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure future residents have sufficient storage space and to accord with policy H15 of the Oxford Local Plan 2036.

7. Land quality

The existing ground gas membrane and sub-floor ventilation shall not be impacted or compromised in any way as a result of the development hereby approved.

Reason: To ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policy RE9 of the Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Section 106 legal agreement for 13/01861/OUT

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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Remote meeting
Minutes of a meeting of the
West Area Planning Committee
on Tuesday 19 January 2021

www.oxford.gov.uk



Committee members present:

Councillor Cook (Chair)	Councillor Gotch (Vice-Chair)
Councillor Hollingsworth	Councillor Howlett
Councillor Iley-Williamson	Councillor Tanner (for Councillor Corais)
Councillor Tarver	Councillor Upton
Councillor Wade	

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Gill Butter, Principal Heritage Officer
Felicity Byrne, Principal Planner
Natalie Dobraszczyk, Development Manager Team Leader
Sally Fleming, Planning Lawyer
Robert Fowler, Planning Team Leader
Mike Kemp, Senior Planning Officer
Andrew Murdoch, Development Management Service Manager
James Paterson, Senior Planning Officer
Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Corais sent apologies.
Substitutes are shown above.

62. Declarations of interest

General

Cllr 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.

Cllr 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.

Cllr 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.

Cllr Wade stated that as a member of the Oxford Civic Society, she had taken no part in the organisation's 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.

Specific applications

Minute 63: 20/02471/FUL

Cllr Cook stated that he was a member of the University of Oxford and of the University Sports Club, but the application had no direct effect on his disclosed interests and the amenity of the sports club. He was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Cllr Upton stated that she was a member of the University of Oxford and worked close to the site but the application had no direct effect on her disclosed interests. She was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision

Minute 66: 20/02938/FUL

Cllr Tanner stated that whilst he had called in this application he had not made his mind up on the matter and came to the meeting with an open mind.

Minute 68

Cllr Hollingsworth noted that application 20/01276/FUL and 20/01277/LBC listed on the forthcoming items related to the property next to his, and he would leave the meeting and not take part in any discussion on these.

63. 20/02471/FUL: Tinbergen Building, South Parks Road, Oxford, OX1 3PS

The Committee considered an application for planning permission for the erection of research and teaching building (Use Class F.1) over five storeys plus basement level including associated café, offices, laboratories and roof level greenhouses, plant, PV panels and flues; creation of new public open space with basement level access; hard and soft landscaping works, installation of cycle and car parking, alterations to existing access points and service road, creation of new pedestrian and cycle access, installation of electricity substation and ancillary works at the Tinbergen Building, South Parks Road, Oxford, OX1 3PS.

The Planning Officer reported the following updates and clarifications to her report:

- Response from Oxfordshire County Council as Lead Local Flood Authority (LLFA) raising no objection and recommending conditions already listed at conditions 17, 18, 19 in the report.

Clarifications:

- Para 10.6 – confirmed that the current published monitoring report showed 2114 University students living outside University accommodation, so below the 2,500 threshold and meeting policy H9.
- Para 10.26 – the agent confirmed the ridge height is 23m and parapet 21m on South Parks Road. The 24m referred to is the height to top of the plant.
- Para. 10.43 – existing parking spaces totalled 69 spaces (Currently 29 spaces within the Mansfield Block, plus 6 outside William Dunn School) (35 in total). There were an additional 34 within Old Tinbergen. Proposed spaces were 24 total: 18 within the Mansfield Block (all operational and/disabled) 6 for LaMB outside William Dunn School (3 disabled and 3 parking for vulnerable patients of Psychology) All spaces are for operational vehicles and not staff vehicles.
- Two EV points (not 3) would be provided.
- Para 10.49 – should read ‘objectors’ not singular
- Para 10.22 - Flues would extend 6m above main ridge height
- Para 10.62 – Air source Heat pumps would be provided, not ground source heat pumps.

Debbie Dance, representing the Oxford Preservation Trust, spoke against the application, referencing in particular the height of the building and the impact on views.

Professor Chris Kennard, representing the applicant, and Robert Linnell, the agent, spoke in support of the application.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

- a) **approve application 20/02471/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:
the satisfactory completion of a unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms set out in the report; and
- b) **delegate authority** to the Head of Planning Services to:
 - a) finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - b) ensure completion of the recommended unilateral undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers with the County Council to secure the obligations set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - c) complete the unilateral undertaking or section 106 legal agreement referred to above and issue the planning permission.

64. 20/02480/FUL: Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG

The Committee considered an application for the change of use from mixed use retail (Use Class A1) and educational use (Use Class D1) to Hotel (Use Class C1) with associated facilities, including bar, restaurant and roof lounge at Boswells, 1-5 Broad Street and 31 Cornmarket Street, Oxford, OX1 3AG.

William Rohleder and Eleanor Alexander, representing the applicant, spoke in support of the application and answered questions from the Committee.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

- **approve application 20/02480/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; subject to:
the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning

obligations set out in the recommended heads of terms which are set out in the report; and

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

65. 20/02303/FUL: Peacock House, Baynhams Drive, Oxford, OX2 8FN

The Committee considered an application for the change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats; alterations to fenestration at ground floor; insertion of 3 doors to north elevation and 4 doors to south elevation (amended plans and additional information) at Peacock House, Baynhams Drive, Oxford, OX2 8FN.

The Planning Officer reported the receipt of four additional objections, reiterating already raised planning matters, and one additional document from the applicant.

Christopher Harman (local resident) and Christopher Gowers (resident and representing Oxfordshire Neighbourhoods and Villages Trust Ltd) spoke objecting to the application. They raised concerns about the affordability to a GP practice of the rental and fitting out costs of an empty unit; that they had heard that proposed rental costs were high, and that they did not accept that the applicant had explored all possible options for a community or commercial use with local community groups including the Wolvercote Neighbourhood Forum.

Paul Comerford and Vikki Roe, representing the applicant, answered questions from the committee.

The Committee considered all the information put before it, and noted a lack of clarity and information about:

- The actual proposed rent for the commercial unit and the surgery, given the difference between the rental charges mentioned by the objectors and the 'peppercorn rent' alluded to in the report;
- Confirmation of the CCG's view on whether the surgery space was needed for a GP practice and if so what factors were stopping its acquisition;

- Evidence of marketing and discussions with potential both commercial or community occupiers;

After debate and on being proposed, seconded and put to the vote, the Committee agreed to defer further consideration of the application to a future meeting.

The West Area Planning Committee resolved to:

Defer consideration until a future meeting and to enable officers to ask for more information which could be presented to the Committee on

- the CCG's current views on whether the space was needed for a GP practice and if so what factors were stopping its acquisition
- evidence of marketing, including
 - rents (both proposed and those offered to interested renters) for GP surgery, commercial space, and community space
 - evidence of marketing and discussions with both potential commercial and community occupiers, and exploration of possible alternative commercial and community uses.

66. 20/02938/FUL: 45 Richmond Rd, Oxford, OX1 2JJ

Cllr Iley-Williamson left the meeting at the start of this item.

The Committee considered an application for planning permission for the temporary installation of PhotoVoltaic Solar Panels to front and rear roofslopes for a 5 year period at 45 Richmond Rd, Oxford, OX1 2JJ.

In reaching its decision, the Committee considered all the information put before it. The Committee considered the balance between the public benefits of this renewable energy scheme in reducing carbon emissions against the harm caused by its installation in the Jericho conservation area which because of its special character had the further protection of an Article 4 direction.

The Planning Officer informed the committee that the fourth sentence of the first reason for refusal should be amended to read:-

“The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF.”

A motion, proposed and seconded, to approve the application (as the public benefits could be considered to outweigh the harm caused by time-limited permission for the retention of the solar panels) and delegate the setting of conditions to the Head of Planning Services was **lost** on being put to the vote.

After debate and on being proposed, seconded and put to the vote, the Committee **agreed** with the officer's recommendation to refuse the application for the reasons given in the report as orally amended by the Planning Officer at the meeting.

The West Area Planning Committee resolved to:

1. **refuse application 20/02938/FUL** for the reasons given in paragraph 1.1.2 of the report as orally amended by the Planning Officer at the meeting,
2. and **delegate authority** to the Head of Planning Services to finalise the reasons for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The reasons for refusal were as follows:

1. The solar panels, by reason of their design, siting, size and projection above the original roof surface appear incongruous, obtrusive interventions that cover a substantial area of the building's roof slopes, a building that by virtue of its type makes a significant contribution to the special character and appearance of the Jericho Conservation Area. The design of the panels and the installation fails to comply with policies DH1 and DH3 of the Oxford Local Plan 2036 and paragraph 192 of the NPPF. The installation causes less than substantial harm to the architectural and historical significance of the heritage asset that is the Jericho Conservation Area. The identified harm caused by the panels has not been clearly or convincingly justified by the applicant and therefore the proposal to retain the panels fails to comply with paragraph 194 of the NPPF. The proposal also fails to comply with policy 196 of the NPPF and would be contrary to policy DH3 of the Oxford Local Plan 2036 in that it offers insufficient public benefits to outweigh the high level of less than substantial harm that the solar panels cause and the solar panels are not required to retain the building in an optimum viable use.
2. The solar panels are considered to cause less-than-substantial harm to the significance of the Jericho Conservation Area and this harm is not outweighed by the public benefits attributed to the development which would be contrary to the requirements of Paragraph 196 of the NPPF and Policies DH1 and DH3 of the Oxford Local Plan 2036. The retention of these solar panels for a temporary period would not mitigate this identified less-than-substantial harm, which has been established as a result of their installation, and will not be altered over the lifetime of the temporary permission. In accordance with the advice set out within the National Planning Practice Guidance, there would be no justification to grant a temporary period to assess the effect of the development on the conservation area over this period given the effect of this harm will not change over the temporary period, and given it is clearly contrary to national and local plan planning policy, which is also not expected to change by the end of that period, and as concluded in the recent appeal decision.

67. Minutes

The Committee resolved to approve the minutes of the meeting held on 8 December 2020 as a true and accurate record.

68. Forthcoming applications

The Committee noted the list of forthcoming applications.

69. Dates of future meetings

The Committee noted the dates.

The meeting started at 3.00 pm and ended at 6.15 pm

Chair

Date: Tuesday 9 February 2021

When decisions take effect:

*Planning Committees: after the call-in and review period has expired and the formal
decision notice is issued*

Details are in the Council's Constitution.

Admin fee = £4800

(£2k AFFORDABLE ON SITE +
£700 PER ON SITE CLAUSE (4) = £2.8k.)

DATED 14th SEPTEMBER 2017

**THE CHANCELLOR MASTERS AND
SCHOLARS OF THE UNIVERSITY OF
OXFORD**

and

THE OXFORD CITY COUNCIL

and

THE OXFORDSHIRE COUNTY COUNCIL

AGREEMENT

under Section 106 of the Town and Country Planning Act 1990
relating to Wolvercote Paper Mill and
planning application no. 13/01861/OUT

THIS AGREEMENT by way of Deed is made on *14th September 2017*

BETWEEN:

- (1) **THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF OXFORD**, whose administrative office is as University Offices, Wellington Square, Oxford, OX1 2JD (the "Owner")
- (2) **THE OXFORD CITY COUNCIL** of The Town Hall Blue Boar Street Oxford OX1 4EY (the "City Council")
- (3) **THE OXFORDSHIRE COUNTY COUNCIL** of County Hall, New Road, Oxford OX1 1ND (the "County Council")

WHEREAS

- 1.1. The Owner is the freehold owner of the land at Wolvercote, Paper Mill Oxford under title number ON308778 (the "Land") shown edged red on the plan annexed to this Deed free from encumbrances as the Owner hereby warrants.
- 1.2. The City Council is a local planning authority and the district planning authority for the administrative area of the City of Oxford for the purposes of the Town and Country Planning Act 1990 (the "Act").
- 1.3. The County Council is the county planning authority for the area which includes the Land for the purposes of the Town and Country Planning Act 1990 and is the highway authority for the purposes of the Highways Act 1980 and the traffic authority for the purposes of the Road Traffic Regulation Act 1984 for certain highways for that area.
- 1.4. Application bearing reference 13/01861/OUT (the "Application") has been made to the City Council pursuant to Part III of the Act for planning permission to develop the Land by up to 190 residential units, employment space, community facilities, public open space and ancillary services, facilities and infrastructure (the "Development").
- 1.5. The Owner has agreed that his interest in the Land and that of his successors in title and assigns will be subject to the terms of this Agreement.
- 1.6. The parties hereto have entered into this Agreement with the intent that its provisions be material to the determination of the Application.

- 1.7. The Works are works which the County Council is authorised to execute by virtue of Part V of the Highways Act 1980
- 1.8. The Owner and the County Council intend to enter into the Highways Agreement

NOW THIS DEED WITNESSTH AS FOLLOWS

1. Interpretation

- 1.1. Save where contrary intention is shown the provisions of the Interpretation Act 1978 shall apply to the provisions hereof as if this Deed was an Act of Parliament.
- 1.2. Save where contrary intention is shown the following expressions shall bear the following meanings herein:

"Affordable Housing" means Social Rented Housing and Intermediate Housing provided to eligible households whose needs are not met by the market.

"Affordable Housing Scheme" means a scheme for the provision of the Affordable Housing within the Development in accordance with Schedule 1 of this Agreement.

"Bus Service Contribution" means the sum of Two hundred and seventy five thousand pounds (£275,000) Index Linked towards improvements to the frequency and hours of operation of bus services between Wolvercote and Oxford

"Bus Stop Infrastructure Contribution" means the sum of Four thousand three hundred and fifty pounds (£4,350) Index Linked towards the provision and installation of a pole, flag, timetable case and real time information display unit at a new bus stop on the northern side of Godstow Road, the provision and installation of a pole, flag and timetable case at a new bus stop on the southern side of Godstow Road and the costs of consultation and implementation of associated road markings (bus stop cages and clearways)

"Commencement of Development" means the date on which any material operation (as defined in section 56(4) of the Act) comprising the commencement of construction of dwellings begins to be carried out pursuant to the Permission and for the avoidance of doubt the following works shall not comprise Commencement of Development for the purposes of

this Agreement (and for no other purpose): site clearance, demolition work, archeological investigations, investigations for the purposes of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, construction of accesses forecourts and parking areas, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and 'Commence' and 'Commenced' shall be constructed accordingly.

"Community Facilities" means an area of the Land to be developed to provide a flexible community meeting space of not less than 110 square metres net for use by residents of the Development and surrounding areas in accordance with the Community Facilities Scheme

"Community Facilities Scheme" means the scheme for the provision of the Community Facilities in accordance with Schedule 2 of this Agreement.

"First Occupation" means the date on which the Development or any part of it is first occupied for the purposes permitted by the Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security arrangements.

"Highways Agreements" means an agreement made between the Owner and the County Council under Section 278 and/or Section 38 of the Highways Act 1980 in accordance with the form annexed to this Deed (subject to any amendments that the circumstances may reasonably and properly require) which provides for the execution of the Works by the Owner at the Owner's expense.

"Index-Linked" means

- in relation to the Bus Stop Infrastructure Contribution adjusted according to any increase occurring between September 2016 and the date when the relevant payment is made in a composite index comprised of the following indices of the BCIS Price Adjustment Formulae (Civil Engineering) 1990 Series as made available through the Building Cost Information Services (BCIS) of the Royal Institution of Chartered Surveyors weighted in the proportions below set out against each such index namely:-

Index 1	Labour & Supervision	25%
Index 2	Plant & Road Vehicles	25%
Index 3	Aggregates	30%
Index 9	Coated Macadam & Bituminous Products	20%

or if at any time for any reason it becomes impracticable to compile the said composite index then an index compiled in such other manner as may be agreed in writing by the Owner and the County Council.

- in relation to the Bus Service Contribution the Travel Plan Monitoring Contribution and the Traffic Regulation Order Contribution adjusted according to any increase occurring between September 2016 and the date when the relevant payment is made in the All Items Retail Price Index excluding mortgage interest payments (RPIX) published by the Office of National Statistics

“Interest” means interest at 4% per annum above the base rate from time to time of Lloyds Bank Plc and compounded annually

“Intermediate Housing” means homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, starter homes, other low cost homes for sale and intermediate rent but not social rented housing.

“Neighbourhood Forum” means Wolvercote Neighbourhood Forum

“Permission” means planning permission granted in determination of the Application.

“Registered Provider” means a registered provider of social housing within the meaning of the Housing and Regeneration Act 2008 (including for the avoidance of doubt the City Council)

“Social Rented Housing” means homes that are let at a level of rent generally set much lower than those charged on the open market, available to those recognised by the City Council as being in housing need, and offering long term security of tenure (through secure or assured tenancies)

Traffic Regulation Order Contribution means the sum of Two thousand five hundred pounds (£2,500) Index Linked towards the cost of promoting a traffic regulation order to

implement parking restrictions at the mini-roundabout junction on Godstow Road and where applicable implementing such amendment

Travel Plan Monitoring Contribution means the sum of One thousand two hundred and forty pounds (£1,240) Index Linked towards the cost of monitoring travel plans for a period of five years from first Occupation

Works means

- works to construct the proposed mini-roundabout on Godstow Road and proposed access arrangements as shown on drawings IMA-14-121-14B and IMA-14-121-18B
- works to construct a bus shelter with seats such shelter to be of a design to be approved by the County Council and which accommodates the installation and operation of a real time information display unit at the shelter together with associated works; the associated works shall include ducting at the shelter to accommodate cabling for real time information display units and underground ducting and cabling to the junction where the subsurface ducts connect to the 'riser' ducts at the shelter. Such shelter is to be in the approximate location marked on the On Site Highways Plan (as defined in the Highways Agreement)

2. Statutory Authority

- 2.1. All obligations hereunder on the part of the Owner (howsoever expressed) are planning obligations for the purposes of section 106 of the Act and section 278 of the Highways Act 1980 and all other enabling powers entered into in respect of its interest in the Land and are enforceable against the Owner and his successors in title the obligations being enforceable by the City Council and the County Council.
- 2.2. All and any obligations hereunder on the part of the City Council are contractual obligations entered into pursuant to section 111 of the Local Government Act 1972.

3. Obligations

- 3.1. The Owner covenants with the City Council to observe and perform the requirements contained in Schedules 1 and 2 hereof.

- 3.2. The Owner covenants with the County Council as set out in Schedule Three hereof
- 3.3. The County Council covenants with the Owner as set out in Schedule Four of this Agreement.

4. Conditionality and Release

- 4.1 This Deed is conditional on the grant of the Permission with the exception of clauses 5.11 (County Council costs) 5.12 (County Council administration fee) 6.2 (notice of commencement) 6.4 (notice of disposal of interests) and paragraph 1.1 of Schedule Two (City Council costs).
- 4.2 This Deed shall cease to have effect (insofar as it has not already been complied with) if the Permission shall be quashed, revoked, or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to Commencement of Development.
- 4.3 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it has parted with its entire interest in the Land but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 4.4 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Permission or against those deriving title from them PROVIDED ALWAYS THAT restrictions on occupation shall be enforceable against all owner-occupiers and tenants (and those deriving title from them) of dwellings first Occupied pursuant to a sale and purchase contract entered into after the date when the relevant restriction in question has arisen.
- 4.5 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed and insofar as reasonably practicable the parties shall amend that clause or clauses in such reasonable manner as achieves the intention of the parties without illegality.

5. Miscellaneous

- 5.1. All works undertaken pursuant to this Deed and all sums payable hereunder shall be exclusive of any value added tax properly payable and the Owner shall pay the City Council and County Council any value added tax properly payable on any sums paid to the City Council or County Council or works undertaken under this Deed upon presentation of an appropriate value added tax invoice addressed to the Owner.
- 5.2. The Contracts (Right of Third Parties) Act 1999 shall not apply to any of the provisions of this Agreement but this does not affect any rights which are available apart from that Act and it may be enforced by the successors in title of the parties and by any successor to the City Council's and County Council's statutory functions.
- 5.3. If any sum payable to the City Council or to the County Council hereunder is not paid in full on or before the due date interest shall be due and payable to the payee at the rate of 4% per annum above the base lending rate of Lloyds TSB Bank PLC compounded monthly for the period from the due date until payment of the full amount due as at the date of payment.
- 5.4. No alteration in the terms of this Agreement nor any forbearance or forgiveness on the part of the City Council or the County Council in or in the extent or nature of any matter or thing concerning this Agreement shall in any way release the Owner from any liability hereunder.
- 5.5. Nothing in this Agreement shall prejudice or affect the rights powers duties and obligations of the City Council or the County Council in the exercise of its functions in any capacity.
- 5.6. Where more than one person is liable under any provision hereof the liability shall be joint and several.
- 5.7. All notifications approvals permissions consents or similar hereunder shall be in writing.
- 5.8. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission or any reserved matters applications made pursuant to the Permission) granted (whether or not on appeal) after the date of this Deed
- 5.9. The Owner shall permit the City Council full access to the Land (save for buildings in residential or commercial occupation) for any purpose in connection with this Agreement.

- 5.10. Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the City Council or the County Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the City Council by the Head of Planning and Regulatory Services and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 5.11. The Owner shall on completion of this Deed pay the reasonable legal costs of the City Council and the County Council in connection with the preparation and completion of this Deed.
- 5.12. The Owner shall on completion of this Deed pay the sum of £3,750 (Three thousand seven hundred and fifty pounds) to the County Council towards the costs relating to the administration of this Deed.
- 5.13. The Owner will reimburse the City Council and the County Council in respect of all legal and administrative costs in connection with the enforcement of any of the provisions of this Deed including correspondence monitoring and site visits by or on behalf of the City Council or the County Council.
- 5.14. The Owner will not claim any compensation in respect of the provision of this Deed.

6. Notification

- 6.1 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party
- 6.2 The Owner shall not cause or permit the commencement or continuance of the Development unless the Owner has given notice of commencement of the Development to the City Council and the County Council such notice specifying the intended date for commencement.
- 6.3 The Owner shall notify the County Council within 14 days of First Occupation of the Development that such Occupation has taken place

- 6.3 On each anniversary of Commencement of Development until completion of the Development the Owner shall give notice to the City Council identifying the extent to which the Development has been executed.
- 6.4 The Owner agrees with the City Council and the County Council to give the City Council and County Council written notice of any change in ownership of any of its interests in the Land within 14 days of such a change occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office together with the area of the Land or unit of occupation purchased by reference to a plan.
- 6.5 At the written request of the Owner the City Council shall provide written confirmation of the discharge of the obligations contained in this Agreement relating to the Owner's covenants in Schedules 1 and 2 when satisfied that such obligations have been performed
- 6.6 At the written request of the Owner the County Council shall provide written confirmation of the discharge of the obligations contained in this Agreement relating to the Owner's covenants in Schedule 3 when satisfied that such obligations have been performed

7. Jurisdiction

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales

IN WITNESS whereof the parties have executed this Agreement as a Deed on the day and year first before written.

Schedule One

Affordable Housing – on site provision

1. The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written agreement of the City Council to the Affordable Housing Scheme such scheme to provide: *SEE AGREEMENT*
 - 1.1. 50% of the total number of dwellings within the Development to be provided as Affordable Housing
 - 1.2. the locations of the Affordable Housing ensuring that the Affordable Housing is integrated into the Development as a whole;
 - 1.3. the details of the type and tenure of the Affordable Housing;
 - 1.4. the proposed contractual arrangements with a Registered Provider for the delivery (both construction and transfer (or lease of not less than 125 years in the case of flats)) of the Affordable Housing the arrangements proposed for the servicing of the Affordable Housing and the allocation of responsibility for such servicing and the cost of such servicing;
 - 1.5. the details on the restriction on occupation of the open market dwellings authorised by the Permission until the Affordable Housing dwellings are fully constructed, ready for occupation and have been transferred to the Registered Provider on terms approved by the City Council;
 - 1.6. details of the restriction of occupation of any dwelling comprised within the Affordable Housing other than as Affordable Housing in accordance with the Affordable Housing Scheme;
 - 1.7. details of the restriction of sale price on the disposal of any Affordable Housing dwelling or the monthly charge to be paid by the occupier for occupation of any Affordable Housing dwelling.
2. To provide the Council with a completed copy of the transfer (or transfers as the case may be) between the Owner and the Registered Provider certified as a true copy by a solicitor within 20 days of completion thereof
3. The Owner will procure that all dwellings comprised within the Affordable Housing shall:

- 3.1. meet all requirements of Homes and Community Agency Design Quality Standards and Housing Quality Indicators that (were that Agency funding their provision) would be applicable to them;
- 3.2. comply with Lifetime Homes standards then applicable; and
- 3.3. show compliance with Secure By Design standards then applicable.
4. In this clause "Chargee" shall mean any mortgagee or chargee of the Registered Provider or the successors in title to such mortgagee or chargee or any Receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 or any other person appointed under any security documentation to enable such mortgagee or chargee to realize its security or any administrator (however appointed) including a housing administrator (each a Receiver).
- 4.1 Any Chargee shall prior to seeking to dispose of its Affordable Housing dwellings pursuant to any default under the terms of its mortgage or charge shall give not less than onemonths prior notice to the City Council of its intention to dispose and:
 - 4.1.1 in the event that the City Council responds within one months from receipt of the notice indicating that arrangements for the transfer of the Affordable Housing dwellings can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall cooperate with such arrangements and use reasonable endeavours to secure such a transfer.
 - 4.1.2 if the City Council does not serve its response to the notice served under paragraph 4.1.1. within the two months then the Chargee shall be entitled to dispose free of the restrictions set out in this Schedule which shall from the time of completion of the disposal cease to apply.
 - 4.1.3 if the City Council or any person cannot within one month of the date of service of its response under paragraph 3.1.1 secure such a transfer then provided that the Chargee shall have complied with its obligations under paragraph 3.1.1 the Chargee shall be entitled to dispose free of the restrictions set out in this Schedule which shall from the time of completion of the disposal cease to apply.

PROVIDED THAT at all times the rights and obligations in this paragraph 3 shall not require the Chargee to act contrary to its duties under the charge or mortgage and that the City Council must give full consideration to protecting the interests of the Chargee in respect of moneys outstanding under the charge or mortgage.

- 5 The provisions of this Schedule 1 shall cease to apply to the owners (and their respective successors in title and mortgagees and those claiming under them) of any of the Affordable Housing units where the Registered Provider is required to dispose of such Affordable Housing unit pursuant to a right to buy under Part V of the Housing Act 1985 or S16 of the Housing Act 1996 or any similar or substitute right applicable or shall be required to sell to a tenant with the benefit of a voluntary purchase grant provided under S20 and S21 of the Housing Act 1996 (or any similar provision in any subsequent legislation) nor bind on any individual owner of a share in or the whole of (pursuant to any rights of staircasing or otherwise) the equity of any Affordable Housing unit or any individual owner of an individual Affordable Housing unit nor their respective mortgagees and successors in title and those claiming under them

Schedule Two

Matters other than Affordable Housing

1. The Costs of the City Council

- 1.1. The Owner shall pay to the City Council prior to Commencement of the Development the City Council's costs in connection with the administration and management of this Agreement.

2. Bond

The Owner shall not cause or permit the commencement or continuance of the Development at any time that there are outstanding financial obligations hereunder that he has not procured that the City Council is in possession of an extant bond with at least 3 months remaining prior to its date of expiry in a form with a bondsman and to a value acceptable to the City Council (having regard to the then outstanding financial obligations) providing that in the event of default hereunder the bondsman shall be liable to the extent of that default.

3. Public Open Space

- 3.1. The Owner shall create new areas of open space as part of the development including but not limited to:
 - 3.1.1. 2.46 hectares of new open space including land known as Duke's Meadow, immediately north of the development area, as informal recreation/play space and the creation of new wildlife habitats;
 - 3.1.2. Creation of informal open space and a nature reserve along the Mill Stream frontage;
 - 3.1.3. Creation of new amenity green or 'green gateway' at the site's entrance;
 - 3.1.4. Retention of the existing water reservoir which runs parallel to the Mill Stream and the creation of a walkway around it;
 - 3.1.5. Development of a new local area for play within the development area.

3.2. The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a public open space scheme such scheme to provide:

3.2.1. the locations and details of each area of amenity and/or recreational open space (providing specifications of equipment where equipment is proposed) proposed within the Land as part of the Development sufficient to ensure that the needs of all those likely to use the Development will be met; and

3.2.2. a timetable for the provision of each and every element by reference to such element being available for functional public use either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission.

3.3. The Owner shall comply fully with all aspects of the approved scheme referred to in paragraph 3.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 3.1 above first being made available for public use.

3.4. The Owner shall in respect of each and every element of the approved scheme referred to in paragraph 3.1 above from the date on which it is first made available for public use:

3.4.1. keep it available for free public use at all times restricting public access only as may be required by law; and

3.4.2. maintain it such that it does not materially deteriorate.

3.5. The Owner shall not cause or permit the commencement or carrying on of any works for the provision of any element of the approved scheme referred to in paragraph 3.1 above prior to obtaining the written approval of the City Council to a mechanism to ensure future compliance with the obligations of the Owner pursuant to paragraphs 3.4.1 and 3.4.2 above.

4. **Community Facilities**

4.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to the Community Facilities Scheme within the Land such scheme to provide:

4.1.1 details of the area proposed for Community Facilities;

4.1.2 a timetable for the provision of the Community Facilities by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission.

4.1.3 The use of the Community Facility to be sanctioned by the approval of Oxford City Council and the Neighborhood Forum.

4.2 The Owner shall comply fully with all aspects of the Community Facilities Scheme referred to in paragraph 4.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 4.1 above being completed.

5. **On site Habitats / Biodiversity Creation / Protection**

5.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a scheme for the creation of a habitat suitable for reptiles within the Land (the "**Habitat Creation Scheme**") such scheme to provide:

5.1.1 the locations and details of each area proposed for the habitat together with a schedule of the works proposed to firstly render those areas suitable for its purpose and secondly to effect the establishment of the intended flora and/or fauna;

5.1.2 a timetable for the provision of each and every element by reference to such element being effected either prior to a defined part of the Development being commenced or occupied for the purpose permitted by the Permission; and

5.1.3 post provision maintenance and protection arrangements.

5.2 The Owner shall comply fully with all aspects of the Habitat Creation Scheme referred to in paragraph 5.1 above and shall notify the City Council of each and every element of the approved scheme referred to in paragraph 5.1 above being completed.

5.3 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to a scheme offsetting the net loss of biodiversity caused by the development by the creation of new wildlife habitats within Duke's Meadow. Detailed solution and management arrangements will be determined by

comprehensive survey work undertaken at the cost of the Owner.

6. **GP Surgery Space**

- 6.1 The Owner shall not cause or permit the Commencement of the Development prior to obtaining the written approval of the City Council to the proposed location of the GP Surgery within the Land.
- 6.2 The Owner shall use reasonable endeavours for not less than 2 years to seek to reach agreement on the terms for and complete the transfer of the GP Surgery area in the Land to a GP partnership or the local health authority.
- 6.3 In the event that the Owner is not able to complete a transfer of the relevant part of the Land within the 2 year period, the Owner shall so notify the City Council enclosing such evidence of its attempts to enter into an agreement with a GP Partnership or the local health authority as the City Council may request (acting reasonably).
- 6.4 Subject to the prior written consent of the City Council, the Owner shall be permitted to develop the area of the Land proposed for the GP Surgery for uses which come within class B1(c) commercial uses or D1 non-residential institutional space of the Town and Country Planning (Use Classes) Order 1987 as amended.
- 6.5 In the event that the Owner is not able to complete a transfer of the relevant part of the Land for B1(c) commercial uses or D1 non-residential institutional uses within a further 6 months period, the Owner shall so notify the City Council and shall thereafter be permitted to make an application for the development of the GP Surgery Land for class C3 (Residential) development and thereafter develop and use the land for such purposes.

Schedule Three

Owner's Obligations to the County Council

1. Contributions

- 1.1 The Owner shall pay the Traffic Regulation Order Contribution on or before Commencement of Development and not cause or permit the Commencement of Development unless and until the Traffic Regulation Order Contribution has been paid to the County Council
- 1.2 The Owner shall pay the Bus Service Contribution to the County Council before First Occupation of the Development and shall not cause or permit First Occupation of the Development unless and until the Bus Service Contribution has been paid to the County Council.
- 1.3 The Owner shall pay the Travel Plan Monitoring Contribution before First Occupation of the Development and shall not cause or permit First Occupation of the Development unless and until the Travel Plan Monitoring Contribution has been paid to the County Council
- 1.4 The Owner shall pay the Bus Stop Infrastructure Contribution to the County Council on or before Commencement of Development and shall not cause or permit the Commencement of Development unless and until the Bus Stop Infrastructure Contribution has been paid to the County Council

2 Highway Works

- 2.1 The Owner shall not cause or permit the Commencement of the Development until:
 - 2.1.1 there has been submitted to the County Council and approved in writing by it in principle drawing of the Works, duration of construction, commuted maintenance sum in respect of the cost of future maintenance of the Works (including but not limited to the maintenance of the bus stop poles, flags, timetable cases and real time information display units) and if applicable Dedication Plan as defined in the Highways Agreement; and

- 2.1.2 title to the land to be dedicated (as defined in the Highway Agreement) has been deduced to the satisfaction of the County Council; and
- 2.1.3 a Highways Agreement incorporating such matters has been entered into by the Owner and all parties with an interest in any land to be dedicated and any mortgagee has released the land to be dedicated further to such agreement from any charge.
- 2.2 The Owner covenants not to cause or permit First Occupation before the works required by the Highways Agreement have been completed pursuant to and in accordance with the Highways Agreement and to the satisfaction of the County Council.

Schedule Four

County Council's Obligations to Owner

The County Council covenants with the Owner

1. not to apply the Traffic Regulation Order Contribution the Bus Service Contribution the Travel Plan Monitoring Contribution or the Bus Stop Infrastructure Contribution for any purpose other than the purpose set out in the definition of that contribution in such form and at such time as the County Council shall in its discretion decide
- 1.2 that following written request from the Owner/ person who made the relevant payment the County Council will repay to the Owner/ that person the balance (if any) of the relevant contribution which at the date of the receipt of such written request has not been expended together with interest which has accrued on the balance after deduction of tax where required and any other sum required to be deducted by law provided always that no such request shall be made prior to the expiration of 10 years from the date of payment of the relevant contribution or if later 10 years from expiration of the due date for payment of the relevant contribution. Any contribution or part of a contribution which the County Council has contracted to expend prior to the date of receipt of such request shall be deemed to have been expended by the County Council prior to that date.

Annex
Highways Agreement

EXECUTED AS A DEED by affixing
the COMMON SEAL of THE
CHANCELLOR MASTERS AND
SCHOLARS OF THE UNIVERSITY
OF OXFORD in the presence of:-

)
)
)
)
)
)



Emma Potts

~~Vice-Chancellor / Registrar /~~
~~Director of Finance / Assistant Registrar~~
~~(Governance & Compliance)~~
Academic Registrar

EXECUTED AS A DEED by affixing
the COMMON SEAL of THE
OXFORD CITY COUNCIL in the
presence of:-

)
)
)
)
)
)

J. Franklin

Nominated Officer

JEREMY FRANKLIN

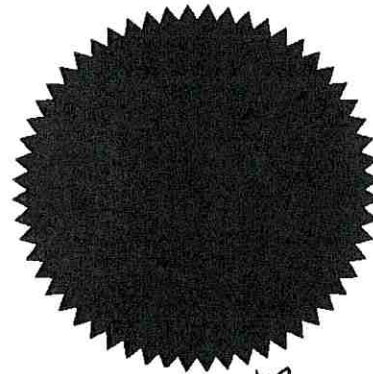
THE COMMON SEAL of THE
OXFORDSHIRE COUNTY COUNCIL

)
)

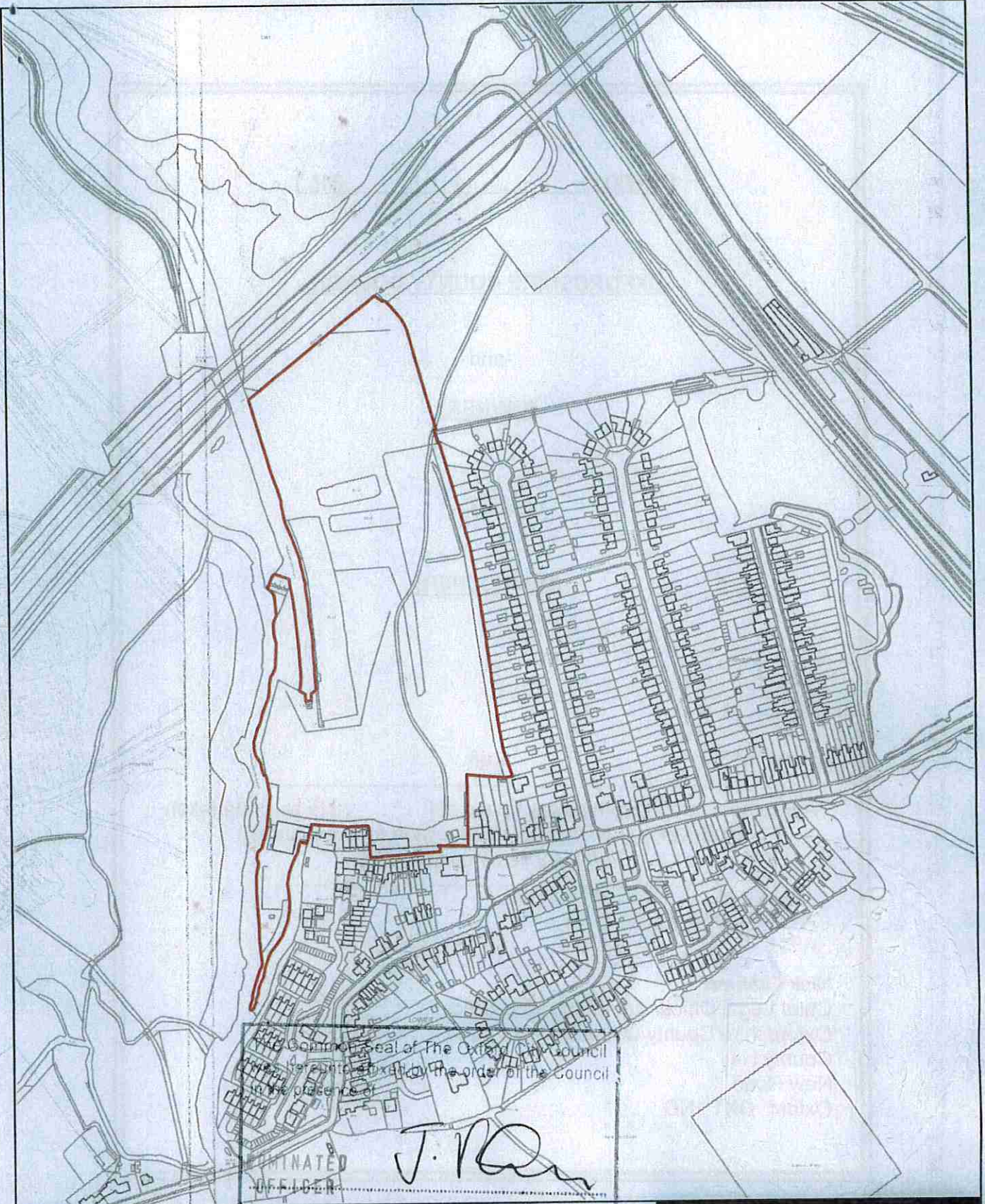
was hereunto affixed in the presence)
of:-

W. S. Graham

Solicitor to the Council/ Designated Officer



1037/17



GENERAL NOTES

DRAWING TITLE

Site Plan

DRAWING NO

765/LP5/17/08/08

BUILDING

Wolvercote Paper Mill (765)

FLOOR

SITE / AREA

Wolvercote Area (049)

DRAWN BY

L.P.H.

SCALE

1:4000

CHECKED BY

E.G.

PAPER SIZE

A4

APPROVED BY

C.A.P.

129 REVISION



UNIVERSITY OF
OXFORD

ESTATES SERVICES

CHECK ALL DIMENSIONS. DO NOT SCALE

© OXFORD UNIVERSITY ESTATES SERVICES

DATE

08 August 2017



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 Ordnance Survey Licence
 Number 100005215

DATED _____ 20[]

OXFORDSHIRE COUNTY COUNCIL

-and-

(OWNER)

-and-

(DEVELOPER)

draft

Agreement relating to highway works at [] to be undertaken
by Developer (with optional provision for contribution)
¹only applies if contribution

Nick Graham
Chief Legal Officer and Monitoring Officer
Oxfordshire County Council
County Hall
New Road
Oxford OX1 1ND

THIS DEED is made on the _____ day of

Two Thousand and []

BETWEEN:-

- (1) **THE OXFORDSHIRE COUNTY COUNCIL** ("the Council")
- (2) _____ ("the Owner")
- (3) _____ (company registration
number) ("the Developer")

(4)

1. **Interpretation**

In this Deed:-

- 1.1 "the 1980 Act" means the Highways Act 1980
- 1.2 "the 1990 Act" means the Town and Country Planning Act 1990
- 1.3 "As-Built Drawings" means detailed plans and drawings showing the Works in the form in which they have actually been executed and completed required under Condition 29 of the Standard Conditions
- 1.4 "Certificate of Completion" means a certificate issued under Condition 30 of the Standard Conditions
- 1.5 "the Contribution" means the sum of _____ Index-Linked
- 1.6 "the Council" means the said Oxfordshire County Council whose principal office is at County Hall New Road Oxford OX1 1ND and any successor to its statutory functions as highway authority or planning authority and any duly

appointed employee or agent of the Council or such successor

1.7 "the Dedication Plan" means the plan marked 'B' annexed to this Deed or such other plan as the Owner [the Developer and the Mortgagee] and the Council agree should be substituted for it

1.8 ["the Developer" means _____ of/ whose registered office is at _____ and its successors in title and assigns]

1.9 "the Development" means [_____]

1.10 "Implementation" means the carrying out of a material operation as defined in section 56(4) of the 1990 Act and "implement" and "implemented" shall be construed accordingly

1.11 "including" means including without limitation and 'include' shall be construed accordingly

1.12 "Index-Linked" means adjusted according to any increase occurring between _____ and the date of payment to the Council in a composite index comprised of the following indices of the BCIS Price Adjustment Formulae (Civil Engineering) 1990 Series as made available through the Building Cost Information Services (BCIS) of the Royal Institution of Chartered Surveyors weighted in the proportions below set out against each such index namely:-

Index 1	Labour & Supervision	25%
Index 2	Plant & Road Vehicles	25%
Index 3	Aggregates	30%
Index 9	Coated Macadam & Bitumous Products	20%

or if at any time for any reason it becomes impracticable to compile the said composite index then an index compiled in such other manner as may be agreed in writing by the Owners and the County Council

- 1.13 "the Infrastructure" means the provision of [] including their design and expense
- 1.14 "the Maintenance Costs" means the sum of () Index Linked as calculated in respect of the cost of future maintenance of the Works
- 1.15 ["the Mortgagee" means the said of/whose registered office is at and its successors in title and assigns]
- 1.16 "the Off-Site Works" means such part of the Works (if any) as is to be executed outside the Site
- 1.17 "the Owner" means the said of/ whose registered office is at and its successors in title and assigns
- 1.18 "the Planning Application" means the application for planning permission for the Development numbered

ALTERNATIVE

"the Planning Permission" means planning permission reference number [] for the Development of the Site

1.19 "the Site" means the land Oxfordshire shown edged black on the Site Plan

1.20 "the Site Plan" means the plan marked "Plan A" annexed to this Deed

1.21 "the Standard Conditions" means the Council's Standard Conditions for the Control of Highway Works in Conjunction with Development (2016 Edition) a copy of which is annexed to this Deed

1.22 "the Works" means the works specified in the Schedule

1.23 "the Works Plan" means the drawing(s) numbered [] annexed to this Deed

1.24 Any reference to an enactment includes any amendments to or modifications of it and the version of it for the time being in force shall apply

1.25 Headings in this Deed are for convenience only and shall not be taken into account in its construction and interpretation

1.26 References to clauses sub-clauses and schedules are references to clauses sub-clauses and schedules in this Deed

1.27 Where the context so requires:-

1.27.1 the singular includes the plural and vice versa

1.27.2 the masculine includes the feminine and vice versa

1.27.3 persons includes bodies corporate associations and partnerships and vice versa

1.28 Where a party comprises more than one person the obligations and liabilities of that party shall be joint and several obligations and liabilities of those persons

1.29 Where more than one party enters into any obligation or liability those parties are jointly and severally liable

1.30 Words denoting an obligation on a party to do any act matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of this restriction

2. Preliminary

2.1 The Owner is the owner of freehold of the Site registered with absolute title under title number [] subject to an Option in favour of the Developer (and/or) a Charge in favour of the Mortgagee but otherwise] free from incumbrances as the Owner hereby warrants

2.2 For the purposes of the 1990 Act the Council is the county planning authority for the area which includes the Site

2.3 For the purposes of the 1980 Act, the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 the Council is the highway authority and the traffic authority for certain highways in the area which includes the Site

- 2.4 The Owner has/it has been agreed [by virtue of an agreement pursuant to Section 106 of the 1990 Act] dated [] and made between [] that the Development shall not be implemented [as therein defined] prior to the completion of this Deed and shall not be occupied prior to the completion of the Works in accordance with the Deed
- 2.5 The Off-Site Works are works which the Council is authorised to execute by virtue of Part V of the 1980 Act
- 2.6 It has been agreed between the Owner and the Council that in lieu of the Owner paying the cost of the Off-Site Works the Off-Site Works should be executed by the Owner in conjunction with the carrying out of the Development
- 2.7 This Deed (which the Council are satisfied will be of benefit to the public) is made under Sections 38 72 and 278 of the 1980 Act [Section 106 of the 1990 Act], Section 111 of the Local Government Act 1972 and all other enabling powers [and is a planning obligation for the purposes of Section 106 of the 1990 Act entered into by the Owner the Developer and the Mortgagee in respect of the Site and enforceable by the Council]
- 2.8 [The covenants in this Deed (except that in clause 8 which shall take immediate effect) shall be conditional upon the granting of planning permission for the Development]

3. Covenants

The Owner and the Developer covenant:-

- 3.1 not to cause or permit [any planning permission obtained for the Development the Planning Permission to be implemented (save insofar as is necessary for the execution of the Works)]building forming part of the Development [to be occupied] [to open for business] before the Works have been completed]
- 3.2 to execute the Works entirely at his/its own expense and to the satisfaction of the Council
- 3.3 in executing the Works to observe and perform all the obligations which fall on "the Developer" under the Standard Conditions and
- 3.4 to complete the Works not later than _____ and in any event within _____ from the date on which the Works started
- 3.5 not to commence the Works until the Maintenance Costs have been paid to the Council and to pay Maintenance Costs to the Council prior to commencing the Works.
- 3.6 to give the Council written notice of any disposal of an interest in the Site and of the name and address of the new owner and the date of the disposal within 14 days of such disposal
- 3.7 to pay the Contribution to the Council prior to [_____] and not to cause or permit any planning permission

8

5. **Application of Monies Received**

The Council shall not apply the Contribution for any purpose other than the Infrastructure (or any alternative which achieves similar benefits) in such form and at such time as the Council shall in their discretion decide]¹

5/6 **Act Reasonably**

Where a matter falls within a party's discretion that party shall exercise such discretion in a reasonable and expeditious manner and shall give any requisite notice of that decision and any other notice provided for by this Deed (including the Standard Conditions) without undue delay

6/7 **[the Mortgagee (*consider further amendment to accord with mortgagee provision in Section 106 agreement*)**

The Mortgagee acknowledges that the Site is bound by the obligations contained in this Deed [and in the event that the dedication area is revised further to clause 4.2 the Mortgagee agrees that any part of the dedication area which is subject to its charge shall be released from such charge on dedication pursuant to clause 4.1 and the Mortgagee will execute such further documentation as may be required to effect this]

7/8 **Costs**

7.1 The Owner shall on completion of this Deed pay the reasonable legal costs of the Council in connection with the preparation and completion of this Deed [and []

towards the costs of administering and monitoring the provisions of this Deed relating to the Contribution]

7.2 The Owner will reimburse the Council in respect of all legal and administrative costs in connection with the enforcement of any of the provisions of this Deed including correspondence monitoring and site visits by or on behalf of the Council

7.3 [The Owner will not claim any compensation in respect of the provision of this Deed]

8 Third Party Rights

This Deed does not create any right enforceable by any person not a party to it except that it may be enforced by the successors in title and assigns of the parties and by any successor to the Council's statutory functions

9 Notice

Any notice or notification to be given to the Council under this Agreement shall be sent to the Director for Environment & Economy of the Council (Ref) County Hall, New Road, Oxford OX1 1ND or to such other person at such other address as the Council shall direct from time to time [and any notice or notification to be given to [] shall be sent to [] or to such other person at such address as the [] shall notify in writing to the Council from time to time

10 No Waiver

No alteration in the terms of this Deed nor any forbearance or

forgiveness on the part of the Council in or in the extent or nature of any matter or thing concerning this Deed shall in any way release the Owner/the Developer/the Mortgagee from any liability under this Deed

11 No Fetter

Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of its functions in any capacity

12 VAT

All works undertaken pursuant to and all payments made in accordance with the terms of this Deed shall be exclusive of value added tax and the Owner shall pay the Council any value added tax properly payable on any sums paid to the Council or works undertaken under this Deed upon presentation of an appropriate value added tax invoice addressed to the Owner

13 Jurisdiction

This Deed is governed by and interpreted in accordance with the Law of England

14 Delivery

- The provisions of this Deed shall be of no effect until this Deed has been dated

IN WITNESS whereof the parties hereto have executed this Deed as a deed the day and year first before written

SCHEDULE

The Works

(1) **Principal Works**

The provision and construction in the position indicated in principle on the Works Plan of the following works ("the Principal Works")

(2) **Preparatory and Ancillary Works**

The provision and construction of all such preparatory and ancillary works (or in the case of existing works or features necessarily affected by any part of the Works such alteration thereof) as the Council shall consider requisite for the proper construction and functioning of the Principal Works including:-

- (a) all earthworks and other things necessary to prepare the site and provide proper support for the Principal Works
- (b) all culverts ditches and other things necessary to ensure the satisfactory movement of surface water
- (c) all gullies channels grips drains sewers and other things necessary for the permanent drainage of the Principal Works
- (d) all ducts cables columns lamps and other things necessary for the permanent lighting of the Principal Works and the illumination of traffic signs
- (e) all kerbs islands verges and reservations including the grading and seeding of grassed areas

- (f) all measures necessary to ensure visibility for drivers at any bend or junction
- (g) all traffic signs road markings bollards and safety barriers
- (h) all tapers joints and reinstatements necessary where the Principal Works abut the existing highway

(3) **Amenity and Accommodation Works**

The provision and construction of all such amenity and accommodation works as the Council shall consider requisite for the protection of the local environment and private and public rights and property in consequence of the Principal Works including:-

- (a) any earth bunds and/or planting necessary to screen the Principal Works
- (b) all fences gates hedges and other means of separation of the Principal Works from adjoining land
- (c) any necessary alteration of any private access or private or public right of way affected by the Principal Works
- (d) any necessary embankments retaining walls or other things necessary to give support to adjoining land

Agreement requires adjustment where bus stop (and as applicable shelter) infrastructure is to be provided as part of the works:

- *Payment to County Council for provision, installation and maintenance of bus stop pole, flag and case*

- *Outline spec. for bus shelter – detailed spec. to be approved by town/parish council*
- *Bus shelter to be constructed by developer*
 - *Make reference to seating*
 - *Make reference to accommodation of RTI equipment where applicable including power supply to shelter*
- *Commuted maintenance to include sum for shelter*
- *Payment to County Council for provision installation maintenance of RTI equipment where this is required*

[STANDARD CONDITIONS]

THE COMMON SEAL of)
was affixed to this Deed in the)
presence of:-)

Director

Secretary

THE COMMON SEAL of)
was affixed to this Deed in the)
presence of:-)

Director

Secretary

SIGNED AS A DEED by the said)

)

THE COMMON SEAL of **THE**)

OXFORDSHIRE COUNTY COUNCIL)

was affixed to this Deed)

in the presence of:-)

Chief Legal Officer/
Designated Officer

OXFORDSHIRE COUNTY COUNCIL

STANDARD CONDITIONS FOR THE CONTROL OF HIGHWAY WORKS IN CONJUNCTION WITH DEVELOPMENT

CONTENTS

General

1. Interpretation
2. Relationship with Agreement
3. Communications with the Council
4. Approvals and Certificates etc
5. Council to act in Default or Emergency
6. Indemnity
7. Health and Safety
8. Payments

Preliminaries

9. Submissions to the Council
10. Undertakers' Apparatus
11. Authorisations
12. Bond
13. Monitoring and Other Costs
14. Insurance
15. Approval of Contractors
16. Pre-Conditions to Letting Works Contract

Implementation of Works

17. Commencement of Works
18. Pre-Conditions to Commencement of Works
19. General Conduct of Works
20. Inspection of Site and Materials
21. Errors and Defects
22. Suspension of Work
23. Variations and Additions
24. Prevention of Noise, Disturbance etc
25. Protection of Highway

Completion and Consequential Matters

26. Safeguarding of Completed Work
27. Completion of Works
28. Pre Completion – Clearance of Site and Stage 3 Road
Safety Audit
29. Health and Safety File
30. Completion Certificate
31. Dedication as Highway
32. Easements
33. Noise Insulation
34. Remedying of Defects and Outstanding Works
35. Stage 4 Road Safety Audit
36. Release of Bond

Nick Graham
Chief Legal Officer and Monitoring Officer
County Hall
New Road
Oxford OX1 1ND

Director for Environment & Economy
County Hall
New Road Oxford OX1 1ND
2016 Edition

OXFORDSHIRE COUNTY COUNCIL

STANDARD CONDITIONS FOR THE CONTROL OF HIGHWAY WORKS IN CONJUNCTION WITH DEVELOPMENT

GENERAL

1 INTERPRETATION

In these Conditions:-

- 1.1 "the Agreement" means any agreement or other instrument by which these Conditions are applied.
- 1.2 "Authorisations" has the meaning given in Condition 11.1.
- 1.3 "the Bond" means the bond referred to in Condition 12.
- 1.4 "the Certificate of Completion" means the certificate issued under Condition 29.
- 1.5 "Contractor" includes an agent and any sub-contractor or agent of a main contractor.
- 1.6 "the Council" means the Oxfordshire County Council of County Hall New Road Oxford OX1 1ND and, so far as the context admits, includes any employee or contractors duly appointed by them.
- 1.7 "the Developer" means the person or persons by whom the Agreement requires the Works to be executed.
- 1.8 "including" means including without limitation or prejudice to the generality of any preceding description defining term phrase or word(s) and 'include' shall be construed accordingly.
- 1.9 "Safety Audit" means a safety audit in accordance with Oxfordshire Safety Audit Guideline as revised from time to time and incorporating H.D. 19/15 (Road Safety Audit Volume 5 design manual for roads and bridges)
- 1.10 "the Scheme of Works" means the matters specified in Conditions 9.1 – 9.3 as may for the time being have been varied and/or augmented under Condition 11 and/or Condition 23.
- 1.11 "statutory requirements" means the requirements of any enactment (being any act and any subordinate legislation as defined in the Interpretation Act 1978) national guidance or good practice guides.
- 1.12 "the Works" means the works which the Agreement requires to be executed in accordance with these Conditions and references to "the Works" includes each and every part of them.
- 1.13 The headings are for ease of reference and shall not affect the construction or interpretation of these Conditions.

1.14 References to the Construction (Design and Management) Regulations are to the Construction (Design and Management) Regulations 2015 as varied or replaced from time to time.

1.15 Any reference to any enactment includes any amendments to or modification of it and the version of it for the time being in force shall apply.

2 RELATIONSHIP WITH AGREEMENT

These Conditions shall be construed together with and subject to the Agreement and in the event of any inconsistency between the Conditions and the Agreement the latter shall prevail.

3 COMMUNICATIONS WITH THE COUNCIL

Any notice or other communication required by these Conditions to be given by the Developer to the Council shall be given in writing to the Council's Director for Environment & Economy at his main office at County Hall, New Road, Oxford OX1 1ND or to such other person and/or at such other place as he may identify in writing to the Developer.

4 APPROVALS AND CERTIFICATES

4.1 No approval consent authorisation or payment as specified in Condition 4.3 shall create any contractual relationship between the Developer and the Council beyond that contained in the Agreement or operate in any way as a warranty or otherwise imply that the subject matter of such approval consent authorisation or payment is fit for its intended purpose nor shall it relieve the Developer or any professional adviser or contractor engaged in connection with the Works from their respective obligations to use all proper skill and care in respect of the Works.

4.2 The Council will not be liable for any loss damage or injury which the Developer may sustain arising from action taken in consequence of such approval consent authorisation or payment.

4.3 The matters referred to in Condition 4.1 are:

4.3.1 any approval or consent given by the Council in respect of the discharge by the Developer of its obligations under these Conditions; or any technical approval or consent issued by the Council in respect of the Works.

4.3.2 any authorisation given or implied by or under these Conditions in respect of anything done or to be done by the Developer on or in relation to any highway; or any payment made by the Developer to the Council under these Conditions.

5 COUNCIL TO ACT IN DEFAULT OR EMERGENCY

5.1 In the event that either of the following circumstances occur:-

5.1.1 if the Developer shall be materially in default in respect of any of the provisions of the Agreement including these Conditions requiring work to be done or not done, or to be done in a particular manner or by a particular time and if such default continues after the Council have given to the Developer not less than 21 days' written notice of the steps they require to be taken to remedy such default; or

5.1.2 if it shall appear to the Council at any time during the course of execution of the Works that danger to persons or prejudice to the structure or stability of the public highway or of adjoining land exists or is imminent, and that it is not reasonably practicable to cause the Developer to take the necessary remedial steps forthwith;

the Council may take such steps themselves to the exclusion of the Developer and charge the expenses incurred (including their reasonable administrative costs) against the Developer.

5.2 Such expenses will be a debt due to the Council and recoverable by them by action or otherwise and for the avoidance of doubt the Council may recover such expenses under the Bond where the Council has taken such steps because the Developer is in default as provided in Condition 5.1.1 or where the Council has taken such steps in an emergency further to Condition 5.1.2 and in the latter case the Developer has failed to discharge the Council's expenses.

6 INDEMNITY

The Developer shall indemnify the Council and keep them indemnified against;

6.1 all actions, liabilities, claims, costs and proceedings which may arise from the execution and completion of the Works (except insofar as may arise from the negligence or default of the Council) and from anything done or not done by the Developer or by its employees or contractors in connection with the Works;

6.2 all actions, liabilities, claims, costs and proceedings arising in connection with or incidental to or in consequence of the lawful use of the highway following upon the carrying out or completion of the Works under the Land Compensation Act 1973 or under regulations made pursuant to Section 20 of the Land Compensation Act 1973 (insulation against noise) and any grants made by the Council under such regulations in accordance with its established policy. The Council may by advertisement invite claims under the Land Compensation Act 1973 and under regulations made pursuant to Section 20 of that Act.

7 **HEALTH AND SAFETY**

The Developer shall act as the only client in respect of the Works for the purposes of The Construction (Design and Management) Regulations.

8 **PAYMENTS**

Where the Council seeks any payment further to these Conditions then save where there is express provision as to timing for payment such payment shall be due within 28 days of written request from the Council and if payment is not made within such 28 day period (or where applicable such other period as expressly provided) then interest at 4% per annum above the base rate from time to time of Lloyds Bank PLC shall be payable from the expiration of the 28 day period until the date of payment.

PRELIMINARIES

9 **SUBMISSIONS TO THE COUNCIL**

The Developer shall submit to the Council the information and other matters specified in column 1 below in accordance with the timetable set out in column 2 below and the notes set out in column 3 below: -

Highway Matters

9.1

Information	Timetable	Notes
Detailed plans (which shall include a layout plan to a scale of 1:1250 or 1:2500 according to whichever is the Ordnance Survey base scale for the area), drawings and specifications of the Works (including the drainage of them) and the materials to be used to comply with the relevant standards and specifications of the Council for the time being in force, together with such structural and drainage calculations as the Council may consider necessary having regard to the nature of the Works;	No later than 3 months before any tender is invited for the execution of the Works	There shall be paid to the Council on the submission a sum equal to 0.4% of the estimated gross cost of the Works as identified in Condition 12

9.2

<p>A detailed programme designed to ensure the orderly and timely execution and completion of the Work with the minimum of disturbance and disruption to use of the highway and occupiers of property and to facilitate the implementation of any such measures in respect of undertaker's apparatus as may be identified pursuant to Condition 10.</p>	<p>No later than 2 weeks after the acceptance of any tender for the execution of the Works</p>	<p>Significant programme changes to be identified not less than 2 weeks prior to the change</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------

9.3

<p>(a) Measures for the control of vehicles and plant to be used in the course of execution of the Works (including vehicles engaged on the transport of materials and equipment to and from the Works) and measures for traffic regulation in order to minimise and/or alleviate damage to the highway disturbance to occupiers of property and disturbance and disruption to use of the highway (including traffic congestion) ;and (b) traffic safety measures and measures including lights, guards, fencing and warning signs in order to protect the Works and/or for the safety and convenience of the public</p>	<p>No later than 2 weeks before the Works are expected to commence</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------	--

9.4

<p>Safety Audit Stage 2 Report</p>	<p>No later than 3 months before any tender is invited for the execution of the Works</p>	
-------------------------------------------	--------------------------------------------------------------------------------------------------	--

9.5

<p>Details in accordance with Condition 15 of the persons proposed to be invited to tender.</p>	<p>No later than 1 month before any tender is invited for the execution of the Works.</p>	
--------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------	--

Other Matters

9.6

Details of the bondsman proposed to be given pursuant to Condition 12, together with any bills of quantities or tenders which the Developer wishes the Council to take into account under that Condition.	No later than 1 month before the Works are expected to commence.	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------	--

9.7

Details of the insurances required by Condition 14.	No later than 1 month before the Works are expected to commence.	
------------------------------------------------------------	-------------------------------------------------------------------------	--

9.8

<p>Part 1 Noise survey and assessment and modelling sufficient to establish whether any properties will be eligible for noise insulation according to regulation 3 or regulation 4 (as applied by the Council) of the Noise Insulation Regulations 1975 applying the requirements of the Design Manual of Roads and Bridges Volume 11 – Environmental Assessment and the Calculation of Road Traffic Noise 1988 to be undertaken by a noise expert approved by the Council.</p> <p>Part 2 If the assessment concludes that there will be any property eligible for noise insulation to submit to the Council:</p> <p>(a) a map and list of all eligible properties. ¹</p> <p>(b) a list of all occupiers and landlords</p> <p>(c) a survey and assessment for each eligible property of the work to be carried out to comply with requirements of the Noise Insulation Regulations 1975 and the specification for that work</p>	<p>No later than 1 month before the Works are expected to commence or earlier than 3 months before the Works are expected to commence.</p> <p>As above</p>	<p>Precise timing of survey to be agreed with the Council. Location of the survey/testing to be advised to the Council and if applicable adjusted to ensure regulatory compliance.</p>
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9.9

<p>Condition survey (comprising photographs) of land and highway adjoining and neighbouring the site of the Works together with such further areas as the Council may require.</p>	<p>No later than 1 month before the Works are expected to commence.</p>	
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9.10

<p>Notification of the identity of the contractor who has submitted a successful tender.</p>	<p>No later than 2 weeks after the acceptance of any tender for the</p>	
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¹ Dwellings and other buildings used for residential purposes which will be not more than 300 metres from the edge of the carriageway of the highway after completion of the work.

In any particular case any information or matter may be submitted to the Council at such later time as the Council may consider expedient subject to the Council identifying such later time in writing.

10 UNDERTAKERS' APPARATUS

10.1 The Developer shall in preparing the Scheme of Works consult every undertaker within the meaning of the New Roads and Street Works Act 1991 whose apparatus or services lie in, on, under or over the site of the Works or may otherwise be affected by the Works (whether or not it is intended to connect into such services in connection with the Works), with a view to the identification and implementation of any measures considered necessary by the undertakers for the protection of, or otherwise in relation to, their apparatus or services, and shall be responsible for all dealings with such undertakers in respect of the implementation of such measures and for all costs payable to the undertakers in that behalf.

10.2 For the avoidance of doubt the Developer shall comply with statutory requirements relating to street works (as defined in the 1991 Act).

11 AUTHORISATIONS

11.1 Authorisations signifies all rights, approvals and consents and any other requisite action to enable the Works to be properly and lawfully executed and completed (in accordance with the Agreement including these Conditions) and the subsequent implementation and functioning of the Works including (but not so as to provide an exhaustive list of examples)²:-

11.1.1 planning permission for the Works;

11.1.2 authority for stopping up diversion or other alteration of any existing highway so far as necessary to enable the Works to proceed and / or be implemented and function;

11.1.3 authority or agreement for stopping up (including relocating) any private access to any existing highways which is necessary in the opinion of the Council to enable the Works to proceed and / or be implemented and function³;

11.1.4 street works licence further to the New Roads and Street Works Act 1991;

11.1.5 authorisation for any traffic regulation measures including prohibitions, restrictions and controls where necessary in

² Examples may also include noise consent from district council

³ This relates to for example Section 127HA.

the Council's opinion to enable the Works to proceed and/or to be implemented and function⁴; and

- 11.1.6 any rights and easements which in the Council's opinion are necessary to ensure the permanent and satisfactory drainage or lighting of the Works such rights and easements to be in a form previously approved by the Council.
- 11.2 The Developer shall be responsible for ensuring that all Authorisations are secured in timely manner at its own cost.
- 11.3 Save in so far as any consent is expressly granted under the Agreement nothing in the Agreement shall prejudice or affect in any way the exercise by the Council of its powers and duties relating to any application for an Authorisation including the consideration and processing of an application, the carrying out of any procedural requirements (pursuant to any enactment or Council policies or protocols) and the determination as to whether or not the Authorisation should be made, granted or confirmed.
- 11.4 Any costs incurred by the Council relating to any application for an Authorisation - and any related matters shall be discharged by the Developer.
- 11.5 Where the procedures for securing any Authorisation entail consultation and in consequence of such consultation the Council determines that the Works / the Scheme of Works shall be varied and / or augmented then any reference to the Works and / or the Scheme of Works shall be construed as a reference to the Works and / or the Scheme of Works as so varied and / or augmented.
- 11.6 Forthwith on securing any Authorisation the Developer shall supply evidence of this to the Council to the Council's reasonable satisfaction.

⁴ This is directed at securing any requisite TROs which are integral to the Works e.g. bus lanes and also there may be various works such as traffic calming and signals where consultation is mandatory.

12 BOND

12.1 The Developer and a bondsman satisfactory to the Council shall enter into a Bond in such form as shall have been approved by the Council guaranteeing the execution and completion of the Works in accordance with the Agreement including these Conditions.

12.2 The amount of the Bond shall be

12.2.1. the gross cost of the Works (including any costs payable to undertakers pursuant to Condition 10) as then (being one month before the Works are proposed to be commenced) estimated by the Council and such estimate may take into account any bills of quantities prepared or tenders received by the Developer in respect of the Works and submitted by it to the Council; and

12.2.2. adjusted to take account of inflation for the duration of the Works (and subsequently) as reasonably estimated by the Council; and

12.2.3. adjusted to reflect the full costs that may be incurred by the Council as provided in Condition 5.1 (Council to act in default or emergency).

13 MONITORING AND OTHER COSTS

13.1 The Developer shall pay to the Council in respect of the costs to be incurred by the Council in monitoring the execution and completion of the Works (and administration of the Agreement) a sum equal to 9% of the amount of the Bond, subject to a minimum payment of £1,500

Note: The provisions of Condition 27.2 also apply

13.2 The Developer shall pay to the Council legal costs reasonably incurred in connection with the drafting and completion of the Bond.

14 INSURANCE

The Developer shall take out and maintain, until two years after the date on which the Council issues the Certificate of Completion (or if later the date on which all defects and outstanding works have been made good and completed as mentioned in Condition 33), such insurances satisfactory to the Council in the sum of £10million (or such higher sum as the Council may require) as may be appropriate to cover the liability of the Developer and of its employees and contractors in respect of any injury or damage to persons or property which may arise from or in connection with the execution and completion of the Works.

15 CONTRACTORS

15.1 The Developer shall not employ any contractor or agent for the execution of the Works except such contractor or agent as shall be recognised by the Council as being of proven competence and good standing in the field of civil and electrical engineering and experienced in the type and scale of the work which is to be the subject of the contract, and for that purpose the Developer shall not invite tenders for the execution of the Works except from persons proposed to and approved in writing by the Council before any such tender is invited; The employment of a contractor or agent shall not remove or abate any obligation on the part of the Developer arising from the Agreement including these Conditions.

15.2 The Developer shall appoint a contractor to undertake the Works in compliance with the following:-

15.2.1 advertising/publication of the proposed contract for carrying out the Works sufficient to open up the market to competition and for the transparency and impartiality of the procurement procedure to be reviewed such advertising/publication to include the essential details of the contract to be awarded and of the award methodology;

15.2.2 awarding the contract for the Works further to competition applying such transparent and impartial procurement procedures and award methodology.

15.2.3 the Developer shall without cost to the Council supply such information as the Council may reasonably require to demonstrate compliance with this Condition.

16 PRECONDITIONS TO LETTING CONTRACT

The Developer shall not let any contract for the execution of Works unless and until:-

16.1 The Scheme of Works has been approved by the Council; and

16.2 Safety Audit Stage 2 Report has been approved by the Council.

IMPLEMENTATION OF THE WORKS

17 COMMENCEMENT OF WORKS

The Developer shall agree a commencement date with the contractor appointed to execute the Works which is no less than one month from such agreement and forthwith on agreeing the commencement date the Developer shall notify the Council in writing of the agreed date to the intent that the Council is given no less than one month's notice of the commencement date provided always for the avoidance of doubt this notice is for the purpose of the Agreement only and does not constitute notice for any other function of the Council.

18 NO WORK PENDING APPROVALS ETC

18.1 The Works shall not be commenced before the following have occurred:

18.1.1 the Council has issued written approval of the Scheme of Works;

18.1.2 Safety Audit Stage 2 Report has been approved;

18.1.3 evidence of all Authorisations have been supplied to the Council;

18.1.4 the Bond duly executed as a deed by the Developer and the approved guarantor has been delivered to the Council;

18.1.5 the costs referred to in Condition 13 have been paid to the Council;

18.1.6 the Council has given its written approval to the insurances referred to in Condition 14;

18.1.7 the noise survey assessment and modelling in accordance with Condition 9.8 has been supplied to the Council and if appropriate the information referred to in the second part of that Condition has been supplied to the Council

18.1.8 the surveys referred to in Condition 9.9 (condition survey) has been supplied to the Council.

18.2 The Developer must have readily available at the site of the Works a copy of the insurances and approved Scheme of Works and shall retain them at the site for the duration of the Works and produce them to any representative of the Council on request.

19 GENERAL CONDUCT

19.1 The Developer shall execute and complete the Works in compliance with the approved Scheme of Works, in a sound and workmanlike manner with proper materials and in accordance with good engineering practice and in compliance with all statutory requirements and the provisions of the Agreement including these Conditions.

19.2 Without prejudice to the generality of Condition 6.2 and Condition 19.1 the Developer shall provide the Council with such assistance, information and documentation as the Council shall require to comply with any obligations under the Noise Insulation Regulations 1975 including assistance in responding to any claims made under Regulation 13 of those Regulations.

20 MONITORING OF SITE AND MATERIALS

20.1 The Developer shall at all reasonable times give to the Council free access to every part of the Works and shall permit them to monitor them and inspect all materials used or intended for use in the Works.

20.2 Where the Council require any such materials to be tested the Developer shall reimburse the Council the reasonable cost of such testing.

21 ERRORS AND DEFECTS

If in the course of execution of the Works it shall appear to the Council:

21.1 that any error has arisen in the position, levels, dimensions or alignment of the Works; or

21.2 that any work carried out or materials used for the purpose of the Works are defective to such extent as to prejudice in any respect the structure, stability, durability or subsequent functioning of the Works; or

21.3 that any damage has occurred in respect of the Works; or

21.4 that in any other respect the Works are not in accordance with the Scheme of Works;

and the Council notify the Developer in writing of this then the Developer shall, at its own expense and to the satisfaction of the Council, forthwith take such remedial steps as the Council shall specify in the notice. For the avoidance of doubt this Condition is without prejudice to Condition 19.

22 SUSPENSION OF WORK

If in the opinion of the Council some part of the Works ought not properly to be commenced or continued by reason either of:-

22.1 the dependence of that part on the completion of remedial steps specified in a notice given under Condition 21; or

22.2 adverse weather conditions such as to prejudice the structure or stability of that part if executed under those conditions;

the Developer shall on the written order of the Council suspend the progress of that part of the Works for such time or times and in such manner as the Council may consider necessary, and shall during such suspension properly protect and secure the Works so far as is necessary in the opinion of the Council.

23 VARIATIONS AND ADDITIONS

In the event that any of the following circumstances arising in the course of execution of the Works, :-

- 23.1 if discovery is made of adverse ground conditions or artificial obstruction or any other unforeseen factor which in the opinion of the Council necessitate a modification of the Works to avoid or compensate for such conditions, obstruction or other factor in the interests of the satisfactory completion and subsequent functioning of the Works; or
- 23.2 if it shall appear to the Council requisite, in accordance with good engineering practice and to ensure satisfactory completion and subsequent functioning of the Works that any work or materials should be added, or that any such work or materials proposed by the Developer to be done or used should be omitted or changed; or
- 23.3 if it shall appear to the Council expedient that any obligation arising from the approved Scheme of Works should be deferred by reason of delay incurred by the Developer arising from some cause not within the Developer's control; or
- 23.4 otherwise if in a particular case the Developer and the Council so agree;

the Scheme of Works shall be varied and/or augmented in manner notified in writing by the Council to the Developer, and in the application of these Conditions any reference to the Scheme of Works shall be construed as a reference to the Scheme of Works as so varied and/or augmented.

24 PREVENTION OF NOISE, DISTURBANCE ETC

- 24.1 All work shall be carried out without unreasonable noise and disturbance and in such manner as not to interfere unnecessarily or unreasonably with the use and enjoyment of property adjoining or near the Works by their owners and occupiers.
- 24.2 Without prejudice to the generality of Condition 24.1, no work shall be carried on between the hours of 8.00pm and 7.00am the following day or on any Sunday or public holiday except insofar as:-
 - 24.2.1 any operations are necessary to avoid disruption to or for the control of traffic on any highway; or
 - 24.2.2 any work is unavoidable or absolutely necessary for the safety of life or property or the safety of the Works; or
 - 24.2.3 the Council have in writing otherwise agreed.

25 PROTECTION OF HIGHWAY

- 25.1 Insofar as the Works affect in any respect the existing highway such part shall be executed with the minimum of disturbance to that highway and traffic using that highway consistent with the work in hand.
- 25.2 In the event of it appearing to the Council at any time that such disturbance has occurred or is likely to occur to such extent as to prejudice the structure of the highway or the safety of users the Developer shall forthwith take such remedial steps as the Council may require.
- 25.3 Prior to the commencement of the Works the Developer will provide suitable vehicle and wheel cleaning apparatus and ensure that such apparatus is maintained in good and useable condition and used by all vehicles immediately before leaving the site of the Works to prevent mud or other materials being deposited on the adjoining existing highway.
- 25.4 In the event of Developer receiving any complaint it will promptly notify the Council.

26 SAFEGUARDING OF COMPLETED WORK

The Developer shall until the Council have issued the Certificate of Completion take all steps necessary to protect and maintain those parts of the Works which have been executed, so that upon substantial completion of the whole of the Works every part of the Works is in a sound and workmanlike condition and free from any damage and any material wear and tear.

COMPLETION AND CONSEQUENTIAL MATTERS

27 COMPLETION OF WORKS

- 27.1 The Works shall be executed and completed within such period as the Agreement may define (whether by duration or by reference to a specified date or both), provided that in the event of delay to the work arising from some cause not within the Developer's control the Developer shall be entitled to a reasonable extension of such period.
- 27.2 Without prejudice to any right or remedy of the Council, the Council may at any time by notice to the Owner permit an extension of time as the Council shall in its discretion determine and the Developer shall pay within 14 days of demand such additional monitoring fees (in addition to that provided for in Condition 13) as is necessary to reimburse to the Council the additional cost incurred in monitoring the Works by reason of the grant of such extension of time

28 PRE COMPLETION - CLEARANCE OF SITE AND STAGE 3 SAFETY AUDIT

28.1 On substantial completion of the Works the Developer shall clear away and remove from the site of the Works all plant, surplus material, rubbish and temporary works and items of every kind, and shall leave the whole of the site of the Works clean and in a workmanlike condition to the satisfaction of the Council.

28.2 On substantial completion of the Works (and clearance of the site of the Works) the Developer shall lodge a stage 3 Safety Audit report together with the 'Designer's response' with the Council and the Developer shall execute and complete all works as advised by the Council arising from the Safety Audit recommendations.

29. HEALTH AND SAFETY

29.1 The Developer shall furnish to the Council the Health and Safety File prepared in accordance with Interim Advice Note 105/08 - Implementation of Construction (Design and Management) 2007 issued by the Highways Agency (now Highways England) as revised and/or replaced from time to time. The Health and Safety File shall include detailed plans and drawings showing the Works as the same have actually been executed and completed and the Developer shall at his own cost ensure that the Council shall not be prevented by copyright or otherwise from reproducing such plans and drawings or part of them as the Council may require for purposes relating only to the Works and the highway and the Developer shall furnish satisfactory evidence to the Council that this has been done. The plans and drawings furnished under this Condition shall be no less detailed than the plans and drawings submitted under Condition 9.1 unless the Council shall in writing otherwise agree.

30. COMPLETION CERTIFICATE

Subject always to prior compliance with the pre completion requirements (Condition 28) and with Condition 29 the Council shall issue the Certificate of Completion forthwith if the Council is satisfied that the Works (save for such minor outstanding works as the Council shall agree) have been completed in accordance with the Agreement including these Conditions

31. DEDICATION AS HIGHWAY

Upon the issue of the Certificate of Completion unless the Agreement provides otherwise the whole of the land comprised in the Works (so far as not already forming part of the public highway and excluding such part as the Developer and the Council may in writing agree) shall be deemed to have been dedicated as public highway and shall thereafter subject always to compliance with Conditions 34 & 35 be a highway maintainable at public expense.

32. EASEMENTS

32.1 The Developer shall forthwith following the issue of the Certificate of Completion:-

32.1.1 transfer to the Council all those rights and easements (so far as the same do not at that time already subsist in favour of the Council) referred to in Condition 11.1.6; and

32.1.2 grant to the Council any easement which in the Council's opinion is necessary to ensure the permanent and satisfactory drainage or lighting of the Works in respect of any land which is retained by the Developer and such easement shall be in a form previously approved by the Council and the Developer will procure that any person with an interest in the relevant land joins in the deed of easement for the purpose of consenting to and confirming such easement.

32.2 The Council shall not be liable for the payment of compensation or legal or any other costs or fees arising from any such transfer or grant of easement.

33. NOISE INSULATION

The Developer shall within 1 month after the opening of the Works to public traffic supply to the Council an update of the information required pursuant to part 2 of Condition 9.8 (noise survey assessment and modelling- map lists and works) which relates to all eligible properties at the date of the opening of the Works to public traffic.

34. REMEDYING OF DEFECTS AND OUTSTANDING WORKS

34.1 If at any time during the period of two years following the date on which the Council issue the Certificate of Completion:-

34.1.1 any defect in the Works becomes manifest (not being a defect arising solely from normal use by the public as a highway or from accidental or wilful damage by any third party); or

34.1.2 the Developer shall fail to complete any of the outstanding works mentioned in Condition 30 (minor outstanding Works on issue of Certificate of Completion) and the Council notify the Developer in writing of this

then the Developer shall at his own expense cause such defect to be made good or outstanding works to be completed (as the case may be) to the satisfaction of the Council.

34.2 Forthwith on receipt of any notification from the Council further to Condition 34.1 the Developer will agree with the Council the timing of the carrying out of such remedial or outstanding works and unless otherwise agreed shall secure their completion within one

month of receipt of such notification (except in the event of delay arising from some cause not within the Developer's control when the Developer shall be entitled to a reasonable extension of time).

35. STAGE 4 ROAD SAFETY AUDIT

35.1 The Council may require the Developer to carry out a Safety Audit Stage 4 at any time within 36 months from the opening of the Works and to lodge the report with the Council together with the "Designer's response" within 2 months and the Council shall notify the Developer of all works required to be undertaken arising from the Safety Audit recommendations

35.2 In the event that notification of works is given by the Council further to Condition 35.1 prior to the full release of the Bond the Developer shall execute and complete all the works as advised by the Council. The Developer will agree with the Council the time that he will be carrying out such works and unless otherwise agreed shall secure their completion within 1 month of receipt of such notification (except in the event of delay arising for some cause not within the Developers control, when the Developer shall be entitled to a reasonable extension of time).

35.3 In the event that notification of works is given by the Council further to Condition 35.1 subsequent to the full release of the Bond the Developer shall pay to the Council within 28 days of written request from the Council the costs incurred or to be incurred by the Council in carrying out such works.

36. RELEASE OF BOND

36.1 Upon the issue of the Certificate of Completion the Bond shall be deemed to be released by eighty per cent (80%) of its original value;

36.2 The Bond shall be deemed to be fully discharged at the latest of the following:

36.2.1 the date two years after the date on which the Council issue the Certificate of Completion; and

36.2.2 the date on which all defects and outstanding works have been made good and completed as referred to in Condition 34; and

36.2.3 the date on which all works have been completed as referred to in Condition 35.2

36.2.4 the Council have recovered their full expenses in all cases where Condition 5 applies (Council may act in default or emergency);

36.2.5 the date on which the Council have received the transfers or grants further to Condition 32;

36.3 Conditions 36.1 and 36.2 are without prejudice to the Council's absolute discretion from time to time upon application of the

Developer to release the Bond to an extent commensurate with the proportion of the Works that have been executed and completed at such time.

West Area Planning Committee	1 st December 2015
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Application Number:	13/01861/OUT
Decision Due by:	15th October 2013
Proposal:	Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information).
Site Address:	Wolvercote Paper Mill, Mill Road, Oxford (Appendix 1)
Ward:	Wolvercote Ward

Agent:	Mr Nik Lyzba, JPPC Planning	Applicant:	University Of Oxford
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Recommendation:

Committee is recommended to grant planning permission for this development subject to the planning conditions set out in this report and the completion of a S106 Legal Agreement and to delegate to officers the completion of that legal agreement and the issuing of the notice of planning permission.

Reasons for Approval:

1. The proposed redevelopment of the former Paper Mill site makes an efficient use of previous developed land and has been allocated for housing development in the Council's Sites and Housing Plan 2011-2026. The vacant former Paper Mill site and buildings detract considerably from the appearance of the locality and street-scene and its future redevelopment for housing will improve both the visual amenity of the locality and make an important contribution towards objectively assessed housing needs for the area, including much needed affordable housing. Whilst the overall layout, scale and design of the proposed buildings are to be determined at a later stage, the information submitted with the outline application indicates that development of the site can be facilitated whilst safeguarding the residential amenities of neighbouring properties, protecting and enhancing wildlife interests, having no unacceptable impacts on the local environment and providing an attractive environment for new residential occupants, community activities and

businesses. Future development also provides an opportunity to secure new community facilities and small-scale employment space as part of the overall development and new areas of open space of wildlife and recreational value. The principle of residential development is also acceptable in highways and transport terms, will be energy efficient and be designed to include some on-site renewable energy generation and does not create any flooding or other environmental impacts. The development would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.

2. The Council considers that the proposal accords with the policies of the Development Plan as summarised in this report. It has considered all other material matters, including matters raised in response to consultation and publicity. Any material harm that might otherwise arise as a result of the proposal can be offset or mitigated by the conditions imposed.
3. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

Conditions:

1. Development begun within 5 years year Outline PP or 2 years of Reserved Matters.
2. Approved Outline Matters (principle and means of access).
3. Reserved Matters (all matters other than means of access).
4. Specified Approved Plans (excluding illustrative masterplan and associated plans contained within the Design and Access Statement).
5. Submission of formal masterplan and design codes as part of reserved matters
6. Retention and management of trees in accordance with principles set out in Woodland Management Strategy including retention and appropriate management of existing tree belt adjacent Home Close.
7. Building height restrictions.
8. Housing Mix in accordance with BoDSPD.
9. All homes built to Lifetime Homes Standard
10. 5% of new dwellings fully accessible or easily adaptable to full wheelchair use.
11. Delivery of non-residential uses and community facilities.
12. Landscape and Open Space Strategy to be agreed and appropriate arrangements made for future management and maintenance of open space, before commencement of development.
13. All landscaping to be carried out within first planting season following completion.
14. Inclusion of public art on site.
15. Construction Traffic and Environmental Management Plan agreed before development commences.

16. Noise insulation for development built near Mill Stream Weir.
17. Details of any mechanical plant.
18. Details of proposals for dealing with cooking smells and odours arising from any non-residential use.
19. Development to meet the principle and physical security standards of Secured by Design.
20. Lighting Strategy to be agreed before commencement of development.
21. Construction of access in accordance with approved plans.
22. Travel Plan
23. Travel Plan to be implemented in full.
24. Visibility splays.
25. Location of bus stops.
26. Traffic Regulation Order for new parking restrictions in vicinity of new access.
27. Provision of allocated car parking for four cottages in Mill Road within the layout.
28. Development to take place in accordance with FRA – as recommended by Environment Agency.
29. Remediation Strategy to be agreed before development commences – as recommended by Environment Agency.
30. Completion of works in accordance with Remediation Strategy.
31. Watching brief for unexpected any unexpected contamination found and agreed of measures to remediate.
32. Details of Foul and Surface Water Drainage to be confirmed and agreed prior to commencement.
33. 8m buffer to be provided alongside Mill Stream and scheme of management submitted and agreed before commencement.
34. Requirement for repeat biological surveys.
35. Details of Biodiversity Method Statement to be agreed before commencement.
36. Ecological Management Plan to be agreed and appropriate arrangements made for future management and maintenance of open space and ecological habitat, before commencement of development.
37. Archaeological evaluation and scheme of mitigation to be agreed before commencement.
38. Detailed NRIA to be submitted with reserved matters application, including delivery of at least 20% renewable energy on site, in accordance with principles and proposals set out in the Renewable Energy Strategy.
39. Approval of any flues associated with renewable energy boilers to be agreed and limited in terms of emission levels.
40. Provision of Electric Vehicle Charging Points

Legal Agreement

To secure the delivery of on-site affordable housing provision, the doctor's surgery, community facilities, appropriate measures to secure adequate provision, management and maintenance of open space and biodiversity enhancements, bus service procurement, s278 and s38 agreement for highway works the applicant will need to provide an undertaking under the terms of Section 106 of the Town & Country Planning Act 1990.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP17** - Recycled Materials
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- CP23** - Air Quality Management Areas
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE3** - Safeguarded Land
- NE6** - Oxford's Watercourses
- NE11** - Land Drainage & River Engineering Works
- NE12** - Groundwater Flow
- NE13** - Water Quality
- NE14** - Water and Sewerage Infrastructure
- NE15** - Loss of Trees and Hedgerows
- NE20** - Wildlife Corridors
- NE21** - Species Protection
- NE22** - Independent Assessment
- NE23** - Habitat Creation in New Developments
- HE2** - Archaeology
- HE3** - Listed Buildings and Their Setting
- HE7** - Conservation Areas

Core Strategy

- CS1** - Hierarchy of centres
- CS2** - Previously developed and greenfield land
- CS4** - Green Belt
- CS9** - Energy and natural resources
- CS10** - Waste and recycling
- CS11** - Flooding

- CS12** - Biodiversity
- CS13** - Supporting access to new development
- CS15** - Primary healthcare
- CS16** - Access to education
- CS17** - Infrastructure and developer contributions
- CS18** - Urban design, town character, historic environment
- CS19** - Community safety
- CS20** - Cultural and community development
- CS21** - Green spaces, leisure and sport
- CS23** - Mix of housing
- CS24** - Affordable housing

Sites and Housing Plan

- MP1** - Model Policy
- HP3** - Affordable Homes from Large Housing Sites
- HP9** - Design, Character and Context
- HP11** - Low Carbon Homes
- HP12** - Indoor Space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking
- SP63** - Wolvercote Paper Mill, Mill Road

Other Planning Documents

National Planning Policy Framework
 Affordable Housing and Planning Obligations SPD
 Balance of Dwellings SPD
 Waste Bin Storage and Access Requirements for New and Change of Use
 Developments Technical Advice Note

Relevant Site History:

The site has had a number of planning applications submitted over the years, none of which are of particular relevance to the development proposal subject to this application.

Public Consultation:

Statutory Consultees:

Oxfordshire County Council Highways Authority:

Following the submission of additional information, including a revised Transport Assessment, access design etc., the Highways Authority raise no objection to the development or the means of access, subject to a S278 legal agreement which requires the construction of a new mini-roundabout in Godstow Road in accordance with the submitted plans and any planning permission being conditioned to require:

- an agreed Travel Plan, provision to update that Plan after partial occupation of the development and the payment of monitoring fees to enable the Highways Authority to monitor the effectiveness of the Plan;
- a Construction Traffic Management Plan;
- the provision and long-term safeguarding of satisfactory vision splays at the junction of Mill Road and the new access being created;
- the provision of replacement bus stops in Godstow Road (locations to be agreed following consultation with local stakeholders);
- the procurement of an enhanced capacity/frequency of Bus Service 6, between Wolvercote and Oxford after partial completion of the development and;
- the applicant to meet the costs of creating a new Traffic regulation Order which restricts on-street car parking in the vicinity of the new mini-roundabout being provided by the development.

Highways England

Highways England confirms that it has objection or comments to make.

Environment Agency:

Following the submission of additional information, including a revised Flood Risk Assessment, the Environment Agency raise no objections to the development proposed but suggests conditions to require:

- development to be undertaken in accordance with proposed plans and the Flood Risk Assessment submitted with the application
- the submission and agreement of a remediation strategy to deal with the risks associated with contamination of the site;
- completion of any remediation works before first occupation of the development;
- an agreed surface water drainage scheme which ensures soakaways are not constructed into contaminated land (still needed??);
- the provision of and an agreed scheme of management for an 8m buffer zone alongside the Mill Stream to protect an important wildlife corridor;
- the provision of a landscape management plan for all landscaped areas.

Thames Water:

Following the submission of additional information, Thames Water raise no objections to the development proposed but suggests a condition to ensure that surface water discharge arrangements and/or any site drainage connections to a public sewer are not detrimental to the existing sewerage system. It also recommends an informative note in respect of water supply connection.

Historic England

Historic England confirms that it has no comments to make on this application.

Oxford Civic Society

The Society recommends refusal of the application commenting that:

- the development will add to congestion, in particular at the Woodstock Road roundabout;
- the fact that the Paper Mill generated traffic movements in the past is irrelevant to the assessment of traffic impacts now;
- the application assesses the quantitative impacts of traffic arising from the development, but says nothing about the qualitative impacts on the communities likely to be affected, such as Godstow, Lower and Upper Wolvercote and Wytham and their distinctive character;
- the additional traffic on Godstow Road and the Woodstock Road roundabout would exacerbate already unacceptable levels of air quality in the locality and would run contrary to the Council's Air Quality Action Plan;
- the proposals contain no details of measures to make travel by cycling more attractive beyond the immediate boundaries of the site nor how cycling would become the preferred mode of transport for occupants of the development.

Berks, Bucks and Oxon Wildlife Trust (BBOWT)

The Wildlife Trust originally raised a holding objection to the development, but following the submission of additional information, including an Updated Biodiversity Report, it has removed that objection and comments as follows:

- the applicant has identified appropriate measures including the conservation management of Dukes Meadow to compensate for the loss of biodiversity on site as a result of development;
- if permission is granted, the delivery of the compensation measures should be secured through a S106 legal agreement, with sufficient funding and formal Management Plan required to be agreed and;
- Oxford Meadows SAC (particularly Pixey Mead) should be protected from any adverse impacts by conditions that secure reptile and bat mitigation measures and a sensitive lighting strategy as set out in the applicant's updated Biodiversity Report.

Oxford Preservation Trust

The Preservation Trust owns Wolvercote Lakes and comments that the development of the site offers an opportunity to work with the University to join the lakes site with the 'community areas' being created by as part of the application proposals by creating a new footpath between the two sites, across third party land.

CPRE

CPRE supports the use of a brownfield site for new housing and asks that development promotes easy access from the site into the countryside and provides a detailed plan to ensure that the open spaces suggested in the illustrative masterplan are safeguarded.

Cherwell District Council

Cherwell raises no objections to the proposal, subject to a thorough assessment being made to impacts on the highway/transport infrastructure and local ecology.

Wolvercote Commoners' Committee

The Commoner's Committee originally raised a number of concerns regarding the proposed development including:

- access from the site onto Mill Road;
- levels of car parking provision, which it considered to be inadequate;
- the need for greater measures to encourage use of public transport, walking and cycling, including new cycleways out of the village;
- the impact of additional traffic on the local highway network, including along Godstow Road, Mere Road and at the Wolvercote Roundabout and;
- a perceived lack of ambition within the submitted Energy Strategy in terms of making the development as sustainable and energy-efficient as possible.

Following the submission of additional information in 2015, the Commoner's Committee commented further. Whilst the Commoner's Committee does not object to the application it raises the following issues:

- It suggests this is a large development for a small community and should be restricted to 190 dwellings;
- The visual impact of the development on the village needs to be taken seriously. There should be a limit on the storeys of buildings with buildings being no more than 2-storey near Home Close and Godstow Road, with any 3-storey development located nearer the middle and northern edge of the site;
- Support the introduction of a mini-roundabout at the access point;
- Concerned that material submitted with the application under-estimates peak morning traffic flows and also suggests that the traffic survey information perhaps underestimates speeds of traffic emanating from the site, given that surveys were taken from near the slowest point in Godstow Road (near the new mini-roundabout);
- Also concerned about any increase in traffic along Mere Road, given the numbers of children using this road to get to school (both the junior school and Cherwell Secondary School);
- Asks whether the current zebra crossing in Godstow Road could be replaced with a pelican crossing;
- Asks whether the development should help provide a new bus service to Oxford Parkway station to help reduce traffic;
- Welcomes the possibility of new community facilities being provided as part of the development of this site and supports the idea of a new surgery, if it has the backing of the local GPs and the NHS, but suggests that any new surgery provided should be larger than the existing surgery in Godstow Road, to serve the additional population which will result from this development;
- Want the development to be as sustainable and as energy self-sufficient as possible and promotes an increased use of insulation and the use of solar panels as part of the development;
- Notes that soakaways are unsuitable for this site but queries whether the use of impermeable water storage tanks and water pumps to discharge surface

water is the best/most sustainable solution and is concerned to ensure that the drainage solution does not lead to a greater level of flood risk in the village.

Wolvercote Neighbourhood Forum

The Neighbourhood Forum originally raised a number of concerns related to the proposed development including:

- the development is too large, dense and would adversely affect the character of Lower Wolvercote;
- the means of access;
- the potential to increase the risk of flooding in Lower Wolvercote;
- additional pressure being added to an 'already deficient' foul drainage system;
- traffic impacts on the local road network;
- the risk of parking overspill into Lower Wolvercote;
- insufficient measures to encourage cycling;
- noise impacts from the A34;
- density of development compromising the quality of some open spaces;
- the lack of commitment towards a truly sustainable development;
- the need for further thought being given towards renewable energy generation, including hydro-electric;
- the need to consider the impacts of development along cumulatively, along with the impacts from other nearby developments, including the Northern Gateway.

Following the submission of additional information in 2015, the Forum has commented further. Whilst the Forum does not object to the application, it raises the following issues:

- Welcomes the development of 'this derelict brown-field site', but suggests that this is a large development for Wolvercote which will not be easily absorbed and that local residents remain uneasy about the scale of development proposed and in particular, the potential for an increase in traffic on local roads;
- Suggests there is local support for key worker housing and housing suitable for the elderly, as part of the affordable housing requirement;
- Welcomes the possibility of a new health centre on the development site, given the local population increase as a result of this development and that at the Northern Gateway, but suggests that if a new health centre isn't needed on the site, land and funding for other community provision should be secured to enable uses such as a nursery or crèche to be provided;
- Recommends that future developers take account of the HCA publication 'Urban Design Lessons – Housing Layout and Neighbourhood Quality', when drawing up detailed plans;
- Suggest that noise levels from the A34 will affect the northern part of the site and that mitigation should be considered as well as air quality levels monitored;
- Suggests conditions should be imposed to mitigate against any impacts on biodiversity;
- Broadly supports the access solution and prohibition of car parking around the new mini-roundabout;
- Concerned about traffic speeds in Godstow Road and asks whether traffic

- calming measures should be considered in Godstow Road/Mill Road;
- Supports the applicant's proposals to encourage the use of public transport, such as free bus tickets and free initial membership of a car club, but asks that these benefits should be made available to all local residents;
- Concerned that the foul sewerage system may not be able to cope with the development, in light of surface water leakage into the system;
- Concerned that some questions previously asked of the University in respect of flood risk and drainage of water into the river have not been answered;
- Like the Commoner's Committee, queries whether the use of impermeable water storage tanks and water pumps to discharge surface water is the best/most sustainable solution and is concerned to ensure that the drainage solution does not lead to a greater level of flood risk locally.

Oxford Flood Alliance

When the application was submitted in 2013, the Flood Alliance was concerned that the flood zone categorisation of the site appeared incorrect and that the site was at greater risk of flooding than its categorisation suggested. The categorisation of flood risk was subsequently confirmed and the applicant submitted a revised Flood Risk Assessment in July 2015 to support the application. The Flood Alliance has not commented on the revised information.

NHS Trust Development Authority

No comments received.

Natural England

Natural England raises no objections to the development proposed commenting that:

- If development is undertaken in accordance with the details submitted by the applicant, there is not likely to be any significant effect on the interest features for which Oxford Meadows SAC has been classified;
- In terms of air quality, the minor increases in nitrogen and acidification etc. which are assessed to arise as a result of development are not likely to have a significant effect on designated wildlife sites in the locality, including Oxford Meadows SAC;
- The continued groundwater flows from the site towards the Wolvercote Mill Stream, will ensure that in terms of hydrology, there isn't a significant impact on the Oxford Meadows SAC;
- If piling of foundations is proposed a piling risk assessment should be undertaken to ensure that should piling be required, groundwater flows are not affected;
- It would be concerned if proposals included a footpath link from the development site to Pixey and Yarnton Mead SSSI (which it does not);
- If development is undertaken in accordance with the details submitted by the applicant, development will not damage or have any significant effect on the interest features for which Wolvercote Meadows SSSI has been notified;
- It is satisfied that the proposed mitigation measures would maintain the bat population identified in the application material;
- A detailed mitigation and monitoring strategy for badgers should be required

- by condition on any consent;
- Further details of the reptile receptor area are needed;
 - The development should be designed to enhance local distinctiveness and be guided by the Council's Landscape Character Assessment;
 - The Council should also assess the impacts of development on local biodiversity, geo-diversity, landscape character and biodiversity priority habitats and species.

Sport England

No comments received.

Thames Valley Police

TV Police confirms it does not object to the principle of developing the site for housing, but suggests that the illustrative layout would need to be amended in due course to remove excessive permeability through the site; to design in defensible space; to ensure any necessary rear access to plots are designed to reduce the opportunity for crime; to provide natural surveillance of car parking courtyards/areas; to ensure adequate lighting of car parking and areas of public realm and; to meet the physical security standards of 'Secured by Design', such that it achieves Secured by Design accreditation. Indeed, it recommends that any planning permission given includes a condition to require the applicant to demonstrate the measures which will ensure Secured by Design accreditation is achieved.

In their original comments in 2013, TV Police also requested that any planning permission also secured financial contributions towards the purchase of two new dedicated bicycles to help PCSO's and PC's patrol the area and two ANPR cameras.

Individual Comments to Original Planning Application Documentation (2013):

More than 100 detailed representations were received from local residents and individuals in respect of original plans and documentation submitted with this application in 2013. The vast majority of representations raise objections and concerns regarding the development. Many are concerned regarding the scale of development proposed and its impacts on the locality. Many comments concern the traffic and highway implications of development, the assessment of flood risk, the impact on local foul sewer capacity and the ability of local community facilities, such as schools, to cope with the additional population arising from development of the site. Other comments reference the impacts of local wildlife, the relationship between the development site and neighbouring properties, noise and pollution concerns and the opportunities presented by the development to improve local facilities (ie. the doctor's surgery). Many respondents acknowledge the site is allocated for new housing and as a brownfield site, would like to see the site developed, but consider that a lower level of new homes is more appropriate because it would have lesser impacts on the village and locality. Many of the detailed points raised are listed below;

Principle of Development comments:

- Significant objection to the scale of development proposed on the site;
- Support for the use of brownfield land to deliver new housing;
- An acceptance by some of the need for new housing in the area;
- Not the infrastructure or space within the village to cope with the increase in people/households/traffic proposed;
- The character of Wolvercote will be completely transformed by this development;
- This is simply urbanisation;
- The development will change the character of Wolvercote ‘forever’ and ‘for the worst’;
- The scheme should have much less housing and more green space;
- The level of development proposed is far too great;
- Several suggestions that the scale of development should be reduced to 80, 100, or 120 homes, rather than the 190 homes proposed;
- The combined impacts of this development along with the Northern Gateway and other developments planned in Oxford need to be taken into account;
- Together with the Northern Gateway development, this will make Wolvercote a suburb of Oxford rather than a village;
- Not clear that this scheme should benefit from the presumption in favour of sustainable development given the level of car traffic in will generate and the failure to meet Sustainable Homes Code Level 6;
- The site should be given over to recreation and planting rather than development;
- A development of this scale would increase the size of the village by a third;
- Concern regarding the impacts of this development on the Conservation Area;
- The proposals do not conform to the NPPF in that they do not demonstrate that they will deliver any wider sustainability benefits.

Housing Need/Mix comments:

- This scheme offers the opportunity for a ‘Cohousing Scheme’ (a community-led self-build project) as promoted by Oxford Cohousing Group. This would have a lower impact on the environment than a conventional housing scheme and occupiers of the Cohousing Scheme would be keen to ensure that some of the sustainability aspects of the scheme (ie. the Car Club) have a greater chance of succeeding);
- Any planning permission should designate part of the site for self-build housing;
- The mix of larger households does not reflect the trend towards smaller households;
- There should be more 2-bed units on site;
- Like many locals we have been pushed out of Wolvercote by increased rents and house prices and welcome any opportunity for housing for people in Oxford;
- The area desperately needs more housing for teachers, nurses, other emergency services etc. The proportion of social housing is insufficient;
- Building plots should be made available individual and in small batches for small builders etc.

Biodiversity comments:

- An aspiration from some local residents to purchase the peninsula of land between the two Mill Streams to create a nature reserve;
- The development proposals should adequately care for local bats and breeding colonies on and near the site;
- The proposals do not include adequate facilities for temporary bat accommodation whilst development is under construction;
- Any nature reserves created should be properly maintained;
- Suggestion that the Oxford Preservation Trust might be asked to manage any nature reserves created as a result of the development;
- Concern regarding the impacts of the development on various species including otters, water voles, amphibians, reptiles, insects etc.
- More space needs to be left clear of development so as to reduce the impacts on wildlife;
- Areas of environmental interest must not suffer any damage as a result of development;
- Concerned about the impact on adjacent SSSIs;
- There is significant mammal activity on the site including badgers, foxes and deer.

Open space, landscaping and countryside access comments:

- The proposal would be greatly improved if it included pedestrian access onto Pixey Mead;
- There should be no access to Pixey Mead from the development site;
- There should be a clear plan for managing all existing landscaping to be retained and new open spaces/landscaping created;
- The tree belt, including leylandii adjacent home Close should be retained;
- The recreation area to be provided in the north of the site will suffer from air and noise pollution;
- There are insufficient details regarding how the public open space in the north of the site is to be used;
- The new recreation area being provided should be linked to Wolvercote Lakes;
- There should be a path linking the development with Airman's Bridge, alongside the Mill Stream;
- There is a tree group in the village who would like to be involved in any arboreal plans for the site;
- Concern regarding impacts on Port Meadow and Wolvercote Common.

Highways & transport comments:

- The access design is unacceptable;
- Concern that the new junction will become a bottleneck/accident black-spot in the village;
- A single access point to this development could pose a problem for emergency vehicles and for the level of traffic expected to be generated from the site;
- Sight lines are poor and car parking in the vicinity of the new access will force vehicles into the centre of the road;
- Significant concerns regarding the additional traffic/congestion generated by

the development both in the village, along Godstow Road, accessing the school in Mere Road and in particular, at the Wolvercote Roundabout,;

- Traffic calming measures should be considered in the village as a result of the development;
- Concerns that increased congestion and traffic will impact on highway safety for pedestrians, cyclists and other road users;
- Concerns regarding the safety of children and parents crossing Godstow Road to visit the children's play area and some suggestions that a new crossing is needed to ensure safety;
- The traffic information submitted is optimistic and under-estimates likely traffic from the development. Further traffic assessments are required;
- Rush hour traffic could be brought to a halt;
- Bus services are already overcrowded during rush hours and could not cope with increased demand;
- The current route of the bus service through Rosamund Road, Clifford Place and Home Close should be maintained;
- When there is snow on the road, buses cannot travel into the village;
- Thought should be given to an additional bus stop for the 300 bus along Woodstock Road;
- Additional traffic and more speeding cars would adversely impact on local highway safety, particularly along Godstow Road;
- There is insufficient car parking proposed in the development – parking will overflow into surrounding streets;
- It will lead to more car parking on-street in Wolvercote;
- It will lead to more car parking on Mill Road;
- The level of car parking must conform to the Council's standards;
- Concern that additional car parking on-street would eventually lead to the introduction of a resident parking permit scheme;
- There should be a direct feeder road from the development site onto the A34, rather than traffic routing through the village;
- The proposal for a Car Club with only two dedicated spaces is insufficient. More than two cars should be provided and a heavily discounted membership is needed to encourage people to use it;
- Some concern that a Car Club would encourage greater car use at a local level;
- Concern that irrespective of measures proposed to encourage sustainable travel, most people will travel to and from the site by car;
- The assessment of traffic impacts by the applicant is inadequate;
- Traffic surveys undertaken by local residents suggested to correlate reasonably to those submitted by the applicant, though some concern that not all issues have been taken into account and leads to some under-estimate of likely traffic generation;
- Several concerns raised regarding factual inaccuracies in the transport documentation submitted;
- Rat-running/ through-traffic through the village is already significant;
- There is also an increase in traffic at weekends, generated by the pub trade and access to Port Meadow;
- How can the Council countenance more development in the village when it is recognised that the bridge over the railway line is inadequate to cope with the volume of heavy traffic it receives now;

- The two 'blind bridges', Airman's Bridge and the one by The Trout Inn on Godstow Road should have traffic lights installed to help ease traffic congestion coming from the site;
- Could the disused part of Godstow Road be re-opened to make travel through the village safer?;
- The traffic lights on the railway bridge already lead to congestion;
- The developer should be asked to fund a replacement two-lane bridge over the railway;
- Further car parking surveys should be carried out before the development is allowed to progress;
- Any garages provided must be of sufficient size;
- Secure cycle parking is needed for the new homes built;
- A secure cycle compound should also be provided in Mill Road to offer secure storage and encourage cycle use by existing occupiers;
- Concern that residents of new properties to be built in Mill Road will park on-street rather than in allocated spaces within the site;
- Insufficient cycle parking is proposed for users of the surgery, community facilities and employment units;
- Better/safer/additional provision for cyclists and pedestrians need to be made along Godstow Road and Mere Road;
- Providing a new bus stop on Godstow Road to replace that on Home Close will result in the loss of on-street car parking for adjacent residents;
- A new traffic study is needed;
- Concern regarding the impact of heavy traffic during construction and the ability of the bridges to cope with it;
- Concern that any increase in on-street car parking may put the bus service at risk;
- Extra traffic will lead to pressure for extra car parking restrictions in the village.

Flood and Surface Water comments:

- References to the extreme flooding in 2007 and its impact on the village;
- Concern that this development would increase local flood risk in the village;
- Local watercourses, culverts and ditches need to be maintained properly to prevent future flooding of the site and adjacent properties in Home Close etc.;
- Any scheme permitted should include an adequate flood prevention strategy/ measures and make adequate arrangements for maintaining them;
- Any flood risk strategy should be for the whole village, not just this site;
- Concerned regarding any increased risk of flooding to properties in Home Close and Rosamund Road;
- The need for housing locally doesn't outweigh the flood risk;
- The use of Mill Stream to help drain floodwater away will have a significant impact on properties in Webbs Close;
- It is unclear whether Port Meadow can hold sufficient floodwater in major flooding events. In 2007, the worst flooding was caused by flowback from the Meadow;
- Uncertainty regarding the effectiveness of sustainable urban drainage systems;
- The Environment Agency needs to reassure the Planning Committee that this development will not increase flood risk locally;

- A site-specific flood-risk assessment is essential;
- The Flood-Risk Assessment does not reflect the requirements of the NPPF;
- The flood mitigation and surface water drainage measures suggested do not comply with the NPPF;
- Any surface water control and flood prevention measures requires 3rd party agreements which should be in place before detailed planning applications are considered;
- The Hydrology Survey is incomplete;
- Materials used in the development for roads and paths etc. should be permeable to allow surface water to be naturally absorbed into the ground;
- Concern that during a serious flood event it would not be possible to evacuate the site safely via the single access point onto Mill Road;
- The quality of groundwater is very important to the Oxford Meadows SAC - any flood storage on the site should be confined to 'made-up' land so as not to interfere with water running through gravels to the stream and river;
- The quality of groundwater should be monitored for a significant period of time after the development and the developer required to remedy any drop in quality;
- Concern that any surface water run-off into the Mill Stream may contain contamination – children often swim in the stream here.

Foul drainage comments:

- The sewer serving Godstow Road backs up during heavy rain and you can often smell sewage in the area;
- The outdated sewers and drains serving Webbs Close already back up regularly and render them temporarily unusable;
- There is a lack of sewerage capacity and the existing sewer needs to be upgraded to cope with this additional development;
- There needs to be definite proposals to upgrade the local sewers;
- A new sewage pumping station is needed;
- The applicant must fund an assessment of local sewerage capacity/survey of the condition of local sewers;
- Any permission should be subject to conditions that fully implement the recommendations of Thames Water.

Community facilities comments:

- Concern regarding the impact on local schools and their ability to cope with extra pupils along with a suggestion that an extension to the school is needed;
- There should be funding contributions towards local schools;
- Suggested that the local school is already over-subscribed;
- Support for a new surgery and concern that the existing doctor's surgery could not cope with the extra people resulting from this development;
- A new medical centre would attract people from significantly beyond Wolvercote and bring additional traffic;
- There is a recycling centre at the top end of Mill Road. Opportunity should be taken to incorporate a properly designed replacement into the development;
- More car parking will be needed for the proposed doctor's surgery and community centre, to serve patients/visitors and particularly older and mobility

- impaired people who are more likely to visit these facilities by car;
- There is a lack of local amenities and shops in the village. The development could provide an opportunity for additional local retail businesses;
- Suggestion for an on-site pharmacy with the doctor's surgery;
- Funding should be sought to help renovate the Baptist Chapel schoolroom and kitchen;
- More indoor meeting places, play spaces for children, crèche and nursery facilities are needed to cater for the increased population;
- New facilities are needed for sport such as sports courts, new pitches, possibly a swimming pool and additional community space for the arts;
- The new community facilities appear dispersed. They should be provided under a single roof;
- Local people should be involved in the management of any new community halls and open spaces;
- The community hall shown on the illustrative masterplan looks like an afterthought;
- Is the existing children's play area to be removed and replaced by a new one in the development?

Energy and Sustainability comments:

- Conditions should be imposed to ensure the highest levels of sustainable development (Code for Sustainable Homes Level 5 or 6);
- The development should be part of a lower carbon Wolvercote;
- The site should aim to be a net exporter of energy;
- Energy generation should be individually and community-owned;
- Why is there not the ambition to commit to anything more than the minimum renewable energy generation requirement?;
- The weir should be used to generate hydro-electricity;
- Energy efficient and non-polluting lighting should be provided;
- An air-quality assessment based on actual rather than modelled figures is needed;
- The air-quality assessment is not fit for purpose;
- Concern about the impact of additional vehicle emissions of local air quality;
- The development will add to air pollution levels that already exceed EC guidelines.

Design comments:

- Development should reflect local character of the village;
- The design of development appears to take no account of the character of the village;
- The development should be designed 'to restore some of the charm' to the northern side of Mill Road, which was lost when the paper mill was redeveloped in the 1950s;
- The development should be designed to reflect the heritage of the original Mill buildings;
- The height of any new buildings in Mill Road should complement/ not be any higher than the existing buildings in Mill Road;
- 3-storey development is too high for this site;

- 3-storey development would be contrary to the principles set out in the Council's Conservation Area Appraisal;
- No development should be allowed above 30ft high;
- Almost all development should be 2 storey in height;
- We need to see details before we can comment further;
- The width of the proposed buffer on the illustrative masterplan between the development and the properties in Home Close is inadequate;
- The density of development is completely inappropriate for the village;
- Not sure about 'the square';
- Much is said about the 'green gateway' into the site, but there are few practical suggestions to properly integrate the development into the village;
- The legacy of development here is something we should aim to be proud of;
- The plans don't show the architectural style proposed. That style shouldn't be 'brutal' or 'pastiche', but should be in keeping with the character of the village;
- The design appears to separate Mill Square from the rest of the site. If affordable housing is separated, will this foster 'mixed and balanced communities'?
- People need quality housing, not housing designed to meet minimum standards;
- The development will increase the opportunity for crime locally.

Loss of Privacy/Amenity comments:

- Concern regarding the loss of a 'green edge' and loss of privacy to properties in Home Close;
- Concern about loss of trees and screening they provide for properties in Home Close. Any trees cut down in this location should be replaced by semi-mature trees rather than whips;
- The new gardens proposed by this development are too small;
- Adequate bin storage for households needs to be provided;
- Concern regarding the additional noise and pollution created by the development and additional traffic;
- Concern regarding the adverse impacts during construction;
- Any construction traffic should be parked on the site and not on local streets;
- The quiet residential environment of Mill Road will be completely changed by this development;
- The development should include noise screening from the A34.

Contamination comments:

- Concern regarding historical contamination of the site;
- Where will the contamination from the site end up?
- Can any planning permission ensure adequate remediation is undertaken prior to occupation?;
- The details of contamination must be known and arrangements for its disposal agreed before any permission is granted;
- Concern that the disturbance of contaminated land will inevitably pollute the surrounding land and river;
- Concern that any affordable housing will be built on the most polluted areas of the site;

- Levels of pollution need to be investigated further.

Local Business Impacts and New Employment Use:

- Concern at the loss of car parking outside the White Hart Inn and the potential impact on business as well as its use by local residents;
- Difficulty in using the access to the White Hart Inn;
- There should be active encouragement of home-based and locally based enterprise and provision of workspace and support services for local businesses and start-ups;
- Not enough provision for new local employment is included in the proposals.

General/Other comments;

- Any infrastructure improvements should be at the developer's expense;
- The University's recent developments show it has little consideration to the community that surrounds them;
- Do not let the University spoil the village as they have the views across Port Meadow;
- Concern that the electricity and gas supply/networks cannot cope with additional development;
- The baseline assumptions in the EIA are wrong/ the EIA is not fit for purpose/ a new EIA is required;
- The absence of a Health Impact Assessment is disturbing;
- Before allowing development the Council should secure a bond from the developer which is only paid back to the developer if the development is satisfactorily completed;
- Local households should be given a reduction in Council Tax whilst this development is under construction;
- The Council should give substantial weight to the views of the Neighbourhood Forum.

Individual Comments of Further Documentation (2015)

In July 2015, further information was submitted by the applicant to help assessment of the application. This included further details on flood risk and surface water drainage proposals, a Sewer Impact Study by Thames Water, a Transport Statement and revised access proposals, a draft Travel Plan, a revised Illustrative Masterplan, a Biodiversity update report and a Statement of Community Involvement. The new information was published for public comment and further 17 individual representations were received. The main points made were:

- Objections maintained to the scale of development proposed, increased traffic implications, additional congestion and other impacts on village and the local area;
- Concern that the revised access for a mini-roundabout remains dangerous and unacceptable;
- Concern for the safety of people walking to the pub, given the proximity and design of the new access;
- The scheme won't include affordable homes for local people;

- Ability of the railway bridge to cope with increased traffic;
- Highway safety concerns around the new access and crossing Godstow Road;
- The Thames Water Sewer Impact Study is inadequate;
- Inadequate assessment of flood risk;
- Impact on the local schools;
- Assessment of traffic and transport implications inadequate;
- On-site car parking for new medical facilities are inadequate;
- Development doesn't appear to integrate well into the existing village;
- The design of the new development needs to fit with the character of the village;
- Height of development should be restricted;
- Development should be carbon neutral and be a net exporter of energy it generates;
- Support for redevelopment of this derelict site;
- Not enough car parking spaces proposed;
- The developer must be required to provide the community facilities they propose;
- The character of the White Hart, which is listed, will be adversely affected;
- New community facilities and better links to existing facilities are needed to cope with this development;
- S106 contributions should secure traffic management measures, local highway safety measures, sustainable travel and increased use of public transport, new community facilities, play-spaces and expansion of the school;
- Sensitive lighting needed;
- Additional studies are needed to assess environmental impacts;
- The landscaped buffer zone between the development and properties in Home Close needs to be retained and managed – it serves as an important buffer, a flood defence and protection against noise;
- Concern regarding impact on air quality;
- No confidence in modelling of impacts;
- As some on-street car parking is to be lost as a result of the new mini-roundabout, can replacement parking for existing residents be provided within the development?;
- Concern regarding noise levels and impacts on future occupiers;
- The site should be kept as a wildlife haven.

Pre-Application Consultation:

The applicant has undertaken significant pre-application consultation on its proposals for the paper mill site.

In January 2013, the applicant undertook a series of Community Design Workshops to help inform preparation of an illustrative masterplan and subsequent submission of a planning application. The workshops were held in the Red Lion PH, in Lower Wolvercote and were advertised through the distribution of 1700 leaflets locally. Over 150 people attended the workshops. Pre-workshop meetings were also held with a number of local stakeholders including the Wolvercote Neighbourhood Forum, representatives from the City Council, Oxford County Council the local PCT, doctor's practice and the Environment Agency. Feedback from these workshops and meetings informed the initial submission of this planning application in July 2013.

Further public events were held by the applicant in February 2015 in the White Hart PH to update local people, organisations and interested parties on the application proposals and to seek comments on the revised access proposals for a mini-roundabout. Over 100 individuals attended the update events and a wide range of comments received, reflecting similar issues to those raised in response to formal consultation on the planning application. Pre-event meetings were also held with officers and representatives of the Neighbourhood Forum to discuss access and transport issues in particular.

Key Determining Issues:

- The Principle of Development
- The Illustrative Masterplan
- Nature and Mix of Housing
- The Non-Residential Components of Development
- Open Space Provision
- Other Community Infrastructure Requirements
- Residential Amenity and Relationship to Surrounding Development
- Highway Safety and Sustainable Travel
- Flood Risk
- Foul Water Drainage
- Biodiversity
- Archaeology
- Contamination and Remediation
- Energy Strategy and Other Environmental Issues
- Economic Issues

Officers Assessment:

Site Location and Description

1. The application site comprises some 7.33 hectares of land in Lower Wolvercote.
2. Located on the north-western side of the village, this site borders the A34 to the north, Home Close to the east, the Wolvercote Mill Stream to the west and Mill Road to the south (**Appendix 1**).
3. The site was previously occupied by the Wolvercote Paper Mill. Most of the buildings which comprised the former Paper Mill have been demolished in recent years, but the office block fronting onto Mill Road still remains, along with one or two smaller ancillary buildings and significant areas of hardstanding and footings from the buildings previously demolished. At the height of its operation, the paper mill would have been a significant employer, but the site has been vacant and derelict for a number of years.
4. The site also includes several mature tree belts, woodland, a reservoir parallel to the Mill Stream and a significant area of open land in the northern part of the site, bordering the A34.

Proposal

5. The site was allocated for housing development in the Council's adopted Sites and Housing Plan 2011-2026 and this application seeks outline planning permission to further establish the planning principles and requirements against which detailed development proposals can subsequently be considered. The applicant, Oxford University is intending to market the site in due course.
6. Outline planning permission is sought, including agreement to the means of access for up to 190 residential units, along with the provision of new employment space, community facilities, public open space and ancillary services and facilities. The developable part of the site comprises some 4.87 hectares. The remaining 2.46 hectares is Green Belt.
7. Given that the application is in outline form, all other matters are reserved for future consideration, other than access. The applicant has confirmed however, that the development will include 50% affordable housing in accordance with the Council's policy. The means of access is also submitted in detail and following on from discussions and agreement in principle with the Highways Authority, proposes to introduce a new mini-roundabout at the junction of Mill Road and Godstow Road leading directly into the site.
8. In terms of non-residential space, the application proposes 303sq.m of space to accommodate a new doctor's surgery, if required, a new civic building of 110sq.m and some 108sq.m of B1(c) light industrial floorspace. The application suggests that this space could employ a small number of people on the site (at least 5).
9. The 2.46 hectares of Green Belt is to remain undeveloped, and managed as public open space.
10. The existing reservoir on the site is proposed to be retained and enhanced, and new open spaces are proposed to be created alongside the Mill Stream. The applicant also proposes to plan for the enhanced management of Dukes Meadow (the meadow located immediately north-east of the application site, and immediately north of Home Close and Rosamund Road), as mitigation for the impacts to wildlife habitats on the site that have been identified during consideration of the application.
11. The application is also accompanied by the following reports/documentation:
 - An Illustrative Masterplan;
 - A comprehensive Environmental Impact Assessment (EIA);
 - A Planning, Design and Access Statement;
 - An Arboricultural impact Assessment;
 - An Energy Strategy;
 - A Landscape Strategy;
 - A Woodland Management Report;
 - A revised Flood Risk Assessment including details of draft surface water drainage proposals;
 - A Sewer Impact Study (undertaken by Thames Water)

- A revised Transport Assessment;
- A draft Travel Plan;
- Biodiversity Update Report and Survey;
- A statement of Community Involvement.

The Principle of Development

12. The National Planning Policy Framework [NPPF] and Oxford Core Strategy Policy CS2 encourage the reuse/redevelopment of previously developed land.
13. The application site is previously developed land and is allocated for residential development by Policy SP62 of the Sites and Housing Plan. As such, the principle of residential development on the site is already accepted by the Council, subject to the details of development meeting the Council's more detailed planning requirements. The Paper Mill site is also one of the larger sites allocated for housing development in the Sites and Housing plan, and is therefore a crucial component in the Council's supply of new housing.

The Illustrative Masterplan

14. The NPPF considers that good design is a key aspect of sustainable development. This means that the level of development within any scheme should suit the site's capacity and respond appropriately and realistically to the site constraints and its surroundings. This is reflected in Oxford Local Plan Policy CP6, which requires development to make best use of the site's capacity in a manner compatible with the site and the surrounding area.
15. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. These principles are further supported by Policies HP9 and HP10 of the Sites and Housing Plan.
16. As part of the outline application, the applicant has submitted an illustrative masterplan. The illustrative masterplan is not intended to be formally agreed as part of any permission given, but is intended to help the Council assess the ability of the site to accommodate the level of housing and components of development in an acceptable manner. Following discussions between officers and the applicant, a revised illustrative masterplan was submitted in July 2015.
17. The revised illustrative masterplan suggests a variety of densities and character areas could be created within the development, providing an interesting and varied environment for incoming households. Suggested densities range from 22.3 units per hectare, up to 43.6 dwellings per hectare. Average density across the site is 39 units per hectare. This reflects the variety of densities within Lower Wolvercote, with the more traditional and/or flatted parts of the village reaching densities between 40-45 dwellings per hectare and some of the more suburban

streets, such as Home Close and Rosamund Road being built between 25-30 dwellings per hectare. In this context, officers are satisfied that the site can accommodate 190 new homes, whilst sensitively reflecting the character and density of development in the locality.

18. The illustrative masterplan indicates the intention to locate areas of lower density housing towards the Mill Stream and neighbouring the existing properties in Home Close. This idea is well conceived, as is the suggestion to deliver higher densities towards the centre of the site and around the entrance to the site in Mill Road, to reflect the tight-knit character of terraced cottages in that part of the village.
19. The development of a square within the site is also an interesting and valid idea, which brings both design legibility to the scheme, and a focus for the community facilities and low-level employment use and activity proposed.
20. In relation to layout, only point of real concern in respect of the illustrative masterplan, is the relationship between the 'Meadow Lane' character area and the properties in Home Close. The illustrative masterplan shows that the intention for this area is to create a lower density development of detached homes. In principle, this sits comfortably with the properties it backs onto in Home Close. However, the illustrative masterplan also indicates the potential for comparatively shallow back gardens of new properties backing onto Home Close. Even if acceptable 'back-to-back' distances between properties can be achieved here, due of the generous length of gardens in Home Close, the gardens of new properties in this part of the site will also need to take account of the shadowing effect of the very tall and mature tree planting along the boundary here, to ensure pleasant and useable garden spaces are provided to the new development being built. It is important that this tree belt be retained to help soften the edge of new development here, but also access will be needed to enable sound management of the tree belt. Both the formal masterplan to be submitted at reserved matters stage and planning conditions attached to any planning permission, will need to deal with these matters.
21. The detailed design of housing of course, is reserved as a matter for future consideration, but it is considered appropriate that the height of any new development should be restricted to buildings no more than 2.5 storey in height, except where it would be useful to create an individual 3-storey building or block, to create extra legibility within the design of development. The predominance of building heights should be two-storey, to reflect the predominant character of the existing village. A condition should be imposed on any planning permission to be clear on these restrictions.
22. As this is such an important development for Wolvercote, it is considered appropriate that the submission of any reserved matters application, is informed by a further local public consultation exercise to consider the formal masterplan and design codes, which will need to be submitted at the reserved matters stage.

Nature and Mix of Housing

23. Policy CS23 of the Core Strategy requires proposals for residential development to provide a mix of housing that complies with the mix prescribed within the Balance of Dwellings Supplementary Planning Document (BoDSPD). This site is recognized as a 'strategic' scale site in the BoDSPD and for a site of this size it suggests that the mix of housing unit sizes should be as follows:
- 1-bed: 6 to 16% of all units provided;
 - 2-bed: 20-30% of all units provided;
 - 3-bed: 20-30% of all units provided;
 - 4+bed: 6-17% of all units provided.
24. Whilst no housing mix is proposed in this outline application, officers consider that the mix suggested by the BoDSPD should be applied to this site, and would expect future reserved matters applications to conform to that mix. This requirement will be dealt with by condition.
25. Policies CS24 of the Core Strategy and HP3 of the Sites and Housing Plan are also clear that planning permission for new residential development on sites with a capacity to deliver 10 or more dwellings, must be provided with a minimum of 50% of homes as affordable dwellings. Policy HP3 further makes it clear that the mix of affordable housing tenure on sites of this scale, 80% of affordable homes provided should be social rented, with the remaining 20% as intermediate tenures. For the avoidance of doubt, the applicant has confirmed that the applicant is content to meet the Council's affordable housing requirements and has not submitted a viability assessment to argue otherwise. The requirement to provide 50% affordable housing and the 80/20 social rent/intermediate tenure mix will be secured through a S106 agreement in accordance with the Council's Affordable Housing and Planning Obligations SPD.
26. There have also been some suggestions from those who have commented on the application, that over and above the 50% affordable provision agreed, the development should also include some provision for self-build and perhaps key-worker housing. Neither of these components form part of the current planning application and the Council's policies do not require either to be part of this development. However, the applicant will no doubt release the site onto the open market in due course and self-builders and/or developers who come forward, may decide to include self-build opportunities or key worker housing at that stage. It is not considered reasonable for the Council to 'require' self-build or key worker housing as part of the development.
27. Policy HP2 of the Sites and Housing Plan also requires all new dwellings to meet Lifetime Homes standard and that at least 5% of all new dwellings provided should be either fully accessible or easily adapted to full wheelchair use. Officers consider that any planning permission should be conditioned to ensure the development meets these requirements.

The Non-Residential Components of Development

28. Three non-residential elements of development are proposed by the applicant to form part of this development:
- 303sq.m of space to accommodate a new local doctor's surgery;
 - 108sq.m of space for B1(c) light industrial/office employment use and;
 - 110sq.m civic building.
29. The illustrative masterplan shows that each of these components would be located within the 'Mill Square' to be created as part of the development concept.
30. When allocating this site for residential development, the Sites and Housing Plan encourages the possibility of exploring a level of employment close to the 50 jobs that were lost when the Paper Mill site closed and is particularly interested to see delivery of some small-scale employment units on the site. In relation to the light industrial use/office use proposed, the applicant estimates that only a small number of people might be employed (5+ employees) within the new B1(c) employment space to be developed. Whilst this a low number by comparison to the former Paper Mill use, the level of employment space being created reflects the balance that needs to be struck between the best use of this site for housing, for which there is an acute need locally and the aspiration to re-introduce an element of employment back onto the site. Officers consider that although relatively small-scale, the level of employment use proposed is acceptable. There may also be opportunity to create further employment from the site, as detailed below.
31. In respect of the doctor's surgery, whilst there has previously been interest in moving the existing 'satellite' surgery in Godstow Road onto the development site, at this stage, there is no clear indication that the surgery or health authority have concluded to take this forward. Further discussions will be needed between the developers who eventually purchase the site and the local doctor's practice and clinical groups to see whether this is the preferred option. However, in terms of any outline planning permission, a S106 should secure the development of surgery space. In the event that the doctor's practice chose not to relocate to the space provided, it is considered that the space should be used to create additional employment. The space could therefore be converted into further B1 (c) light industrial/office space, offering the potential for further local employment, or even into a small crèche. It is estimated that further B1(c) type businesses occupying this converted space, could employ in the region of a further 15-20 people, if the surgery does not come forward. Similarly, a crèche might employ 5-10 staff. The S106 can be used to secure this preference for conversion to B1(c) of crèche use of the surgery space provided, in the event that there is no occupation by a doctor's surgery within a set period of time, say 2 years from the completion of the surgery space.
32. If the surgery is relocated into the site, it will be a matter for the doctor's practice to fit out the surgery space to its requirements and at their costs.
33. In respect of the creation of new 'civic' meeting space, although there are already a number of existing community spaces, it is considered appropriate

that this site does include some space where local people can meet. It is equally clear however that there are already a number of local community buildings locally and discussions with the Neighbourhood Forum have indicated some uncertainty as to whether a new 'formal' civic building is needed. Officers consider therefore that whilst it is appropriate that a 'community' building is secured as part of this development, some flexibility should be enabled to cover its potential use, and that it may not necessarily need to be a formal community space in the accepted sense, so long as the building does function as a community 'meeting space'. In this sense, the building could for example, be used as a 'community café' serving both residents in Wolvercote and visitors to Port Meadow etc. If members are content with this type of 'community' use, the S106 can be written to enable this type of flexibility for an eventual 'community' use.

Open Space Provision

34. The illustrative masterplan indicates the potential to create several new areas of open space as part of the development including:
 - 2.46 hectares of new open space including land known as Duke's Meadow, immediately north of the development area, as informal recreation/play space and the creation of new wildlife habitats;
 - Creation of informal open space and a nature reserve along the Mill Stream frontage;
 - Creation of a new amenity green or 'green gateway' as you enter the site;
 - Retention of the existing water reservoir which runs parallel to the Mill Stream and the creation of a walk around it and;
 - Development of a new children's play area within the developed area.
35. Whilst the formal masterplan to be submitted at the reserved matters stage will need to confirm the open space elements to be provided with the final scheme, officers consider that the final masterplan should include each of the five key elements described above and suggest that the S106 agreement should be used to secure the incorporation of these elements in the final masterplan.
36. Because the final masterplan has yet to be decided, and notwithstanding the Landscape Strategy and Woodland Management Report submitted with the outline application, it is also considered appropriate that any planning permission is conditioned to require that an amended Landscape and Open Space Strategy accompany a final masterplan at reserved matters stage. That strategy should set out the detailed design and development of all open spaces including within the final masterplan and development.
37. In addition to the requirement to provide new open space on site, any open spaces must be properly maintained and therefore the S106 will need to secure an agreed management mechanism and/or adequate commuted sums.
38. Members should also note that the level of new greenspace proposed as part of this development, is significantly in excess of the expectations set out in Policy

CS21, which is to be commended.

39. Finally, some respondents have suggested that any open space created is linked to other open land or public open space locally such as Wolvercote Lakes and Pixey Mead (to the west of Mill Stream). In relation to Wolvercote Lakes, managed public access to Dukes Meadow, which will be facilitated by this development could reasonably include a permissive access into the Wolvercote Lakes site and this should be encouraged, through the final management plan agreed for the Dukes Meadow site. However, further public access to Pixey Mead is not supported by Natural England, due to the adverse impact further access could have on its habitat.

Other Community Infrastructure Requirements

40. A development of this size also brings implications for other community facilities and infrastructure. Many of the responses to consultation refer to these needs, in particular, additional transport requirements such as bus services, new cycleways, the need to extend local schools, the need for more shops and leisure facilities locally.
41. Clearly in respect of many of these issues, the development is required to pay the Community Infrastructure Levy (CIL) and many of those additional needs will be provided for with the help of that funding. The Reg. 123 list for example, indicates that CIL contributions will be spent on extensions to existing primary and secondary schools, for day centre care, new sports facilities strategic transport and infrastructure improvements, including the Wolvercote Roundabout improvements currently taking place and improved cycle routes and around the city centre. Further contributions towards these types of facilities cannot therefore be sought a 'second time' through S106.
42. Members may also wish to note that the expansion of Wolvercote Primary School is already underway, partly in expectation of the additional pupil numbers that will arise from this development.
43. However, there are some locally specific transport measures that are necessary as a result of this development which can and should be secured through S106. These issues are dealt with in the transport section below.
44. Some respondents have also suggested that this development should provide for additional local shops. Whilst this is not considered to be something the Council can require on a development of this size, it could be that a new community café, if developed within the 'community space' secured through S106, will provide an opportunity to add to 'retailing' facilities locally.
45. Officers also consider that the site should include some provision for public art.

Residential Amenity and Relationship to Surrounding Development

46. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the amenity of the local residents, the character

of the locality and provide an acceptable level of residential amenity for incoming occupiers.

47. In the case of the development proposed, the illustrative masterplan indicates a sensitive approach to development, with higher density development towards the centre of the site and lower density development towards the edges. This broad principle should be similarly reflected in the final masterplan.
48. In terms of the amenity of neighbouring occupiers, when designing the final scheme for this site at reserved matters stage, particular regard needs to be taken to the relationship of development with neighbouring occupiers in Home Close and Mill Road.
49. As set out earlier in this report, it will be necessary to ensure that adequate back-to-back distances are maintained between properties in Home Close and new properties that back onto them. Indeed a slightly greater back-to back distance may be required here taking account of the fact that development site is slightly higher than the properties in Home Close and if built too close, or too high, would appear overbearing. This matter can only be evaluated once a reserved matters application is submitted, but it is considered prudent for any planning permission to include an informative note to remind developers how important this issue will be when drafting their detailed plans.
50. Properties in Mill Road are mostly traditional 'tight-knit' cottages. The cottages create an intimate street scene, and along with the entrance to the site, are included within the Lower Wolvercote Conservation Area. It is therefore important that the design of development and access into the site plays special heed to reflecting and indeed enhancing the character of this part of the Conservation Area. It can do this not just in terms of design, but also by helping to remove some of the on street car parking which presently occurs in Mill Road where cottages have no off-street car parking at present. The terrace of four cottages on the northern side on Mill Road in particular, have no off-street car parking space, and if allocated their own space immediately rear of their cottage, within the site, this could make a significant improvement to the appearance of the Conservation Area.
51. Of course, the construction noise and disturbance which will occur for some time as a result of development taking place on the site, also needs to be carefully managed and a condition will need to be imposed requiring a Construction Traffic and Environmental Management Plan to be agreed, before any development commences.
52. In terms of residential amenity of incoming occupiers, while most issues need to be looked at when detailed plans are received at the reserved matters stage, it is important that a certain issues are considered at this stage, in particular the potential noise disturbance.
53. In terms of noise, and beyond any noise that might occur through construction, officers have also considered the impacts of noise being generated by the nearby A34 and the Mill Stream Weir.

54. In relation to the A34, there have been some suggestions that this development should contribute towards possible noise attenuation along the A34, to restrict noise levels towards the development and the village. However, neither the Environmental Health Officer, the County Council nor the Highways Agency have suggested that this is needed or appropriate, so there is no justification to seek such a requirement.
55. In relation to the Mill Stream Weir, while most people would consider the noise from water travelling through the weir to be pleasant and attractive, dwellings built close to the weir should be designed to enable this noise to be shut out if needs be. This issue can be covered by condition.
56. Equally, it will be necessary to condition the details of any mechanical plant and proposals for dealing with any cooking smells or odours arising from any non-residential elements of activity developed within the scheme.
57. The Police have also requested that the development should meet the principles and physical security standards of Secured by Design and that appropriate lighting is provided to ensure that any parking areas and areas of public realm are appropriately lit. These matters can be covered by conditions.

Highway Safety and Sustainable Travel

58. Whilst this is an outline planning application, the applicant is also seeking detailed approval for its means of access. The design of that access has been amended in response to comments received during public consultation and following discussions with the highway authority and a revised access arrangement was submitted as a formal amendment to the application in July 2015.
59. The revised access arrangement introduces a new mini-roundabout at the junction of Mill Road and Godstow Road and gives priority traffic movement entering the development site by creating Mill Road as a T-junction onto the new access road. New footways will run along either side of the new access and further footway widening and extensions are proposed along Godstow Road and Mill Road. As part of the design of the new access, 'sensory kerbing' is to be included at crossing points around the mini-roundabout, along with new bollards and car parking restrictions that will ensure safety and smooth travel about the access.
60. Having been fully involved in the design proposals for the revised access, the highway authority confirms it has no objections to the new design and will require the applicant to enter into a S278 Agreement to undertake the agreed works within the public highway.
61. The highway authority has also looked in detail at the applicant's original and updated transport assessment and confirms that it has no objections to the level of traffic likely to be generated from the site and its impact on the surrounding road network. In this respect, the highway authority has also considered

whether or not there is a need for further traffic calming measures to be delivered locally as a result of the development, but has concluded that no additional traffic calming measures are necessary, other than the calming that would be introduced by the new mini-roundabout. It also considers that the general speed of traffic in the village remains low, and that there is no evidence to suggest that speeds will be affected by this development. Indeed, it suggests that the introduction of any new traffic calming features could have an adverse impact on the bus service and would be difficult to introduce effectively without impacting on the existing space given over to on-street car parking, which itself helps to traffic calm the local road network.

62. In terms of sustainable travel from the site, the applicant has submitted a draft Travel Plan as part of their application which sets out challenging but achievable targets to reduce car journeys and significantly increase the share of potential journeys undertaken by public transport and cycling. The highways authority recognizes the draft Travel Plan as a sound starting point for increasing non-car modal share for journeys to and from the new development, but considers further refinement and detail is needed and wishes to see a final Travel Plan agreed before first occupation of the development. When agreed, the developer will be expected to implement the Plan for 5 years after full completion of development. In broad terms, the sustainable travel measures to be included in the final Travel Plan will be:

- Procurement by the applicant of additional capacity/frequency of Bus Service 6 between Wolvercote and Oxford, so that service increases from 4 to 6 buses an hour in the morning and evening peak periods (this to be in place before occupation of 50th dwelling);
- An amendment to the existing route of Bus Service 6, taking it into the site rather than looping around Rosamund Road and Home Close, providing a new bus stop within the site and a pair of replacement bus stops for residents of the Home Close area, on Godstow Road;
- Bus taster passes/trial bus tickets for new residents on first occupation;
- Funds towards a Car Club to serve the development, including one year membership for one resident per household and reserved car parking spaces for car club parking;
- The appointment of a dedicated Travel Plan Co-ordinator;
- The distribution of Travel Information Packs to all new households within the development along with the promotion of information to encourage sustainable travel locally;
- Co-ordination of measures in the Travel Plan with the Wolvercote Primary School Travel Plan;
- Personalized travel planning for incoming households;
- Physical measures within the internal street design to encourage cycling and pedestrian movement within the site and;
- Secured cycle parking in accordance with the Council's adopted standards.

63. Taken together, officers consider that the applicant is taking all reasonable measures to deliver a sustainable development in terms of travel to/from the new development. The agreement of a final Travel Plan and the measures

arising from it will need to be secured by condition and S106 agreement.

64. Members will also note that several respondents to consultation have made comments or further suggestions relating to highway or transport matters. Those suggestions include the potential of a new crossing in Godstow Road, a replacement bridge over the railway line, better provision for cyclists along Godstow Road and Mill Road, the possibility of the developer providing a secure cycle compound in Mill Road and an additional bus stop along Woodstock Road for the 300 bus service. However, the highways authority has not suggested that any of these measures would be required as a result of the development proposed and it would therefore be unreasonable of the Council to require them. Of course, CIL funds will in future be spent on securing wider improvements to Oxford's transport network and some of those funds will be delivered as a result of any planning permission given on this scheme.
65. A further respondent suggests that more than two car club car parking spaces should be put forward as part of this scheme. The need for additional dedicated spaces however, is something that can be considered in the final Travel Plan agreed on condition of any outline consent.
66. Finally, a number of respondents have suggested that the 399 car parking spaces nominally proposed as part of the development, is insufficient to serve the development and would lead to additional on-street car parking in the locality. Officers do not agree, however, the exact number of car parking spaces appropriate for this development will be dependent upon the details of development proposed at reserved matters stage. If for example, the development includes an element of sheltered housing, it may be appropriate that a lesser level of car parking is provided within the site. This matter is best left for determination at reserved matters stage and should not be conditioned at this stage.
67. Members may also wish to note that the applicant will be required to enter into a S38 agreement to enable adoption of that part of the road layout used for the new bus route into the site.

Flood Risk and Surface Water Drainage

68. The site has been allocated in the Sites & Housing Plan following a wider strategic flood risk assessment (SFRA) and it is therefore not necessary to test the appropriateness of developing the site for residential purposes. Government guidance in the NPPF also makes it clear that 'sequential' and 'exception' testing of sites when determining planning applications does not need to be applied to allocated sites where this approach will have already been undertaken in the SFRA.
69. In any event, the application is accompanied by a site-specific flood risk assessment. The assessment confirms that the site is mainly located within Flood Zone 1 'low probability' of flooding, and all new development is proposed within Flood Zone 1. When flooding has occurred on the site in the recent past, this has been as a result of the weir not being opened to the extent needed. To

address that issue, the Environment Agency is currently operating the weir on behalf of the landowner, until such time as a formal agreement is put in place to secure the Agency's responsibility.

70. In terms of surface water drainage, the proposals confirm that it is not feasible to use soakaway/infiltration drainage for the disposal of surface water run-off at the site due to shallow groundwater and potential contamination risk. They therefore propose to discharge surface water drainage run-off via an underground system, including attenuation storage, which will discharge at a rate no greater than the greenfield run-off rate to Wolvercote Mill Stream. The system being designed also has the potential to reduce current levels of flood risk to properties in Home Close.
71. The level of flood risk and the outline surface water drainage strategy have both been assessed by the Environment Agency who raise no objections to the outline planning proposals, subject to a number of conditions being imposed.
72. Given the Environment Agency's support, officers are content that the nature and scale of development proposed has been assessed and can be designed to be safe from flood risk, will not increase flood risk and indeed could reduce flood risk elsewhere. Subject to the imposition of conditions being suggested by the Environment Agency, the proposals are therefore judged to accord with Policy SP1 of the Sites & Housing Plan and Policy CS11 of the Core Strategy.

Foul Water Drainage and Water Supply

73. A number of local residents have raised concerns that the existing foul drainage system is already overloaded and could not easily cope with any further discharge from new development on this site. Having heard these concerns, Thames Water was asked to undertake a Sewer Impact Study to confirm whether or not sufficient capacity existed within the foul drainage system to deal with levels of discharge expected from this development. To study concludes that sufficient capacity exists to serve the development, but suggests that the developer should take measures to ensure that external groundwater and surface water cannot enter the foul drainage system. The applicant has confirmed that the new sewer system will be designed to ensure that is the case and this will be conditioned accordingly.
74. Thames Water also recommend an informative be placed on any planning permission setting out the principles to be adopted for surface water discharge and water supply.

Biodiversity

75. The application was submitted with a detailed ecological assessment as part of the EIA and has subsequently been updated by a Biodiversity Update Report dated May 2015, and further survey work specifically related to badger activity in the locality.

76. Much of the site contains habitat characteristic of vacant, previously developed land with fairly extensive areas of self-seeded, scrubby woodland and ephemeral/perennial vegetation covering the site. The woodland area includes a number of broadleaved tree species, including sycamore and ash and extends into the broadleaved plantation wood that occupies part of the A34 embankment.
77. The Mill Stream and reservoir support open water habitats and river margin vegetation, whilst Dukes Meadow in the northern part of the part (which is to remain undeveloped), comprises unimproved grassland representative of lowland meadow, which is a BAP priority habitat and is designated as a Site of Local Interest for Nature Conservation (SLINC).
78. The information submitted with the application indicates that the site is rich in a number of species, including breeding populations of slow-worm, common lizard and grass snake. It also contains an active badger sett and an artificial sett, in anticipation of previous redevelopment proposals, a maternal roost of common pipistrelle bats, supports a range of breeding birds and otters are known to use the waterways adjoining the site.
79. The application site is also within 200m of the Oxford Meadows SAC.
80. Development of the site will remove more than half of the existing habitats within the site. Most of those removed are of low ecological value and their loss has only minor adverse impact. The most important habitats including Mill Stream and the ecologically important areas of woodland are to be retained. It is proposed that badgers will be relocated to the artificial sett and access maintained to existing foraging areas to neutralize any impact on the group as a result of relocation. The pipistrelle bat roost would be closed, but replacement bat roost features would be incorporated into new buildings within the development, foraging routes maintained and lighting designed to be of minimal impact. Habitats lost within the site currently supporting the breeding populations of slow-worm, common lizard and grass snake would also need to be replaced.
81. Following detailed discussions between the Council and the applicant, it is proposed that the net loss of biodiversity from the site can be offset by the creation of new habitats and on-going management of those habitats within Dukes Meadow, immediately north of the development area. Dukes Meadow is an extensive area and lies partly beyond the application site. Some of those habitats needed (ie. for reptiles etc.), are to be created on land outside the application site, on immediately adjacent land, which is similarly within the control of the applicant. In principle this is an acceptable solution and one supported by Natural England, the Wildlife Trust and the Council's officers, however, further details and survey work needs to be undertaken to confirm the detailed solution and management arrangements (including commuted sums for ongoing management if necessary) for all new habitats being created. These matters can be dealt with by condition and/or S106 agreement.

82. The Environment Agency has also requested that a condition be imposed to maintain an open buffer of about 8 metres alongside the water course, to help protect access for wildlife.

Archaeology

83. A Heritage Assessment has been submitted to accompany the planning application. Whilst there are no designated archaeological assets within the site, the assessment identifies the potential for prehistoric remains, including Palaeolithic material, Bronze Age features, Iron Age settlement. The assessment also indicates the potential for medieval mill remains, denuded medieval 'ridge and furrow' and other features of local interest, including remains of the 20th Century Paper Mill associated with the Oxford University Press.
84. The National Planning Policy Framework is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It is also clear that where appropriate, local planning authorities may require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
85. In this case, given the potential for varied archaeology to be present, it is recommended that any permission is subject to conditions requiring an archaeological evaluation to take place in accordance with a written scheme of investigation approved by the Council and the implementation of any scheme of mitigation to be similarly approved by the Council. That investigation will include trial-trenching, recording, analysis and publication of any findings.

Contamination and Remediation

86. The EIA identifies a number of contaminants present within the site that would need to be removed or remediated before development can take place. Officers consider that a detailed Remediation Strategy should be agreed with the Council and implemented as required, before any development takes place. A watching brief will also be needed during construction to deal with any unexpected contamination which may arise during the course of development. These matters can be adequately dealt with by condition.

Energy Strategy and Other Environmental Issues

87. At outline application stage, it is not feasible for the applicant to prepare a detailed Natural Resource Impact Analysis (NRIA) to confirm all measures to be used to ensure the development is built to be as environmentally sustainable as possible. However, as part of an Energy Strategy, an initial NRIA has been included with the outline application, and in particular, focuses on how the development might best plan to meet the Council's requirement to deliver part of its energy needs from on-site renewable or low carbon technologies.

88. The Council's policies look to require new development to provide for at least 20% of its energy needs from on-site renewable or low carbon technology. The Energy Strategy submitted with the application looks at a number of options for generating renewable energy on-site and concludes that the best options for generating renewable energy on site will be through a combination of methods, including a single district heating system or small scale biomass district heating system for apartment buildings, combined with either Solar PV or heat pumps for larger dwellings. Together, these technologies will be able to meet the 20% renewable energy generation requirement of the Council's policies.
89. Some respondents to the planning application have suggested that the scheme should seek to deliver higher levels of renewable energy generation, however, there is no basis in Council policy for a higher requirement. Others have suggested that hydro-electric renewable energy should also be considered by using the weir and mill race. This has been looked at by the applicant, but largely dismissed as a suitable option given the level of new infrastructure involved and the adverse impacts it could have on the likely masterplan for this sensitive part of the site.
90. A more detailed NRA will be required by condition to accompany a reserved matters application and confirm all measures to be used to ensure the development eventually built will be as sustainable as possible. Any planning permission should also be conditioned to deliver renewable energy on-site in line with the proposals set out in the submitted Energy Strategy.
91. In terms of other environmental considerations, the development must also consider the air quality implications that arise from the development or those that could impact on it. As part of the EIA, an Air Quality Impact Assessment has been included which concludes that the impact of the proposed development on local air quality is negligible and that air quality should not pose a constraint to redevelopment of the site. The Council's Air Quality Officer concurs with this view and raises no objection.
92. However, officers also consider that a separate assessment is required to ensure that any flues associated with renewable energy boilers are adequate to ensure against any local impact of air quality. This can be dealt with by condition.
93. The Council's Air Quality Action Plan 2013 also commits to ensure that new developments make appropriate provision for low emission vehicle infrastructure (i.e. electric vehicle charging points), and officers consider that such provision should be made within this development. The number of charging points sought will be determined at reserved matters stage, but it is recommended that provision is made at a level of 1 charging point per unit for houses with dedicated car parking and 1 charging point per 10 spaces of unallocated car parking (i.e. for flats/apartments). This matter can be dealt with by condition.

Economic Issues

94. The National Planning Policy Framework (NPPF) makes it clear that the ongoing delivery of sustainable development is a fundamental requirement of delivering economic growth and prosperity. The NPPF is also clear that the planning system should act to encourage new development and that new investment in development should not be over-burdened by excessive planning requirements.
95. The principle of development on this site is firmly established through the Council's development plan and, the details submitted at this outline stage of indicate the intention for future development to be sustainable and to comply with the Council's policies. The delivery of this site is also fundamentally important to the Council's ongoing supply of much needed housing including affordable housing, for many people who work locally.
96. Development itself will bring important construction jobs in trades etc. and there is likely to be additional local consumer spend in the economy both during construction and when occupied.
97. The development is also planned to provide new employment space for ongoing local employment, the potential for some additional employment within the community space and new doctors surgery and could lead to additional employment locally as a result of increased patronage on bus services or other facilities, such as local schools.
98. Finally, the development will deliver significant financial contributions to help provide new public services and infrastructure through the provision of CIL, investment in new affordable housing, contributions required through S106 requirements (highlighted earlier in this report) and through the use of New Homes Bonus receipts etc. that will arise as a consequence of this development being built in due course.
99. Whilst none of these factors are by themselves reasons to agree outline planning permission for this development, economic factors are legitimate planning considerations and also reflect the commitment to what will be a significant economic investment in the locality.

Conclusion:

100. The proposed redevelopment makes an efficient use of previous developed land and will facilitate the demolition of a vacant and underutilized site which has been allocated as an important site for new development in the Council's development plan.
101. The site and remaining buildings are of a poor appearance and condition and detract from the appearance of the locality and street-scene. Their removal and replacement to new development represents an important opportunity to improve the appearance of the area.
102. Whilst the detailed design of the scheme is largely reserved for future

consideration, it is clear that the development can be delivered in a sustainable manner without any unacceptable impacts to the locality.

103. The development will bring much needed new housing including affordable housing to the area, along with new employment, open space and improved local facilities.
104. It can also be designed to a high standard and to meet all the Council's adopted planning policies and requirements.
105. The proposal is acceptable in highways terms and energy efficiency and does not create any biodiversity, environmental or flooding impacts. The development therefore accords with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and the Sites and Housing Plan 2011-2026.
106. It is recommended that outline planning permission be given subject to conditions and a S106 legal agreement to secure affordable housing and other planning requirements set out in this report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and various requirements being secured through a S106 legal agreement. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Contact Officer: Trevor Saunders

Extension: n/a

Date: 18th November 2015

Order Name: Oxford City Council - Hawkswell Gardens (No.2) Tree Preservation Order, 2020

Decision Due by: 05 April 2021

Site Address: Land At Hawkswell Gardens Near The Junction With King's Cross Road Oxford

Ward: Summertown Ward

Reason at Committee: Objection received

1. Recommendation:

1.1. West Area Planning Committee is recommended to confirm without modification the Oxford City Council – Hawkswell Gardens (No.2) TPO, 2020.

2. Background:

2.1. Oxford City Council – Hawkswell Gardens (No.2) TPO, 2020 was made on 06 October 2020.

2.2. It protects a copper beech tree, T.1, and a cedar tree, T.2, on land at Hawkswell Gardens near the Junction with King's Cross Road, Oxford (refer location plan below).

2.3. The reasons given for making the Tree Preservation Order (TPO) are at paragraph 4 of this report below.

2.4. Hawkswell Estates Limited (HEL), a management company which owns all of the soft landscaped areas at Hawkswell Gardens, made a request for the beech tree to be protected by a TPO, because of concerns that its branches, which overhang the garden of a newly constructed house at 1 King's Cross Road (granted planning permission under 18/03009/FUL), might be cut back under common law to the boundary such that it would be detrimental to its appearance and amenity value of the tree overall. HEL had been contacted by the developer asking for action to be taken to "...prune it back as much as possible" because when in leaf the tree will be "...extremely overpowering and oppressive".

2.5. HEL also owns the cedar tree the southern side of the road (as shown on the location plan in the appendices to this report). The branches of this tree overhang the gardens of neighbouring properties in Lonsdale Road, so that it too is at risk of having overhanging branches removed under common law.

2.6. Officers considered that rather than making an order to protect just the copper

beech tree alone, taking action to protect both trees is a more coherent approach to protecting visual amenity in the area. So, the cedar tree is included in the TPO that has been made.

2.7. An objection has been received in respect of the protection of the cedar tree from 85 Lonsdale Road.

2.8. The TPO took immediate effect on 06 October 2020, but is provisional for 6 months and must be confirmed before 06 April 2021 to be made permanent. The Council must take account of the objection received in reaching its decision.

3. Location Plan:



4. Reason for making the Order:

4.1. To protect, in the interests of public amenity, a copper beech tree, T.1, and a cedar tree, T.2, that stand in prominent roadside locations either side of the entrance road to Hawkswell Gardens from King's Cross Road, Summertown, Oxford. The trees are visually attractive, offering a range of ornamental attributes and environmental services which vary according to the seasons and therefore make a valuable contribution to the appearance and character of this part of the local suburban environment. It is expedient in the interests of amenity to make the Tree Preservation Order because the trees overhang gardens of neighbouring properties and are at risk of having branches cut back to the boundary to the detriment of their appearance and amenity value.

5. Representations Received:

5.1. One objection in respect of the protection of the cedar tree from 85 Lonsdale Road: summary of key objections raised;

- Tree has been identified as being in distressed condition and not in best of health in the past and the location is not suitable for healthy life of this species;
- Tree is of substantial size, such that it imposes a substantial threat to the superstructure and foundations of adjacent built structures, which include a garage and an open-electricity sub-station;
- Tree will require significant maintenance in the future to avoid damage to property and potential safety issues.

6. Officers Assessment:

6.1. **Amenity:** Both the copper beech and cedar trees are large (approximately 18m and 15m tall, respectively), mature specimens that stand in prominent roadside locations either side of the access road into Hawkswell Gardens from King's Cross Road, Summertown, Oxford. The trees are both visually attractive, offering a range of ornamental attributes and environmental services which vary according to the seasons and they therefore make a valuable contribution to the appearance and character of the local suburban environment.

6.2. **Suitability:** Neither the copper beech nor the cedar currently show any indication of any significant structural defects, or physiological ill-health, that would make them unsuitable for a TPO. The size and proportion of the trees is currently well suited to their location. The Council has received no evidence of the growth of the trees being the cause of any damage (direct or indirect) to any of the various built structures that are near to them. Although their branches overhang adjacent gardens it is considered that they do not unreasonably restrict the use and enjoyment of these outdoor amenity spaces. Any risk of branches from the cedar falling onto the garage, or into the open electricity sub-station and causing significant damage can be reasonably managed by regular routine inspection and maintenance works. As things stand it is expected that both trees can make a valuable contribution to amenity in the area for at least 20 years, the copper beech for considerably longer.

6.3. **Expediency:** It was expedient to make the Tree Preservation Order because the trees overhang the gardens of neighbouring properties and are at risk of having branches cut back to the boundary to the detriment of their appearance and amenity value.

6.4. **Response to the objection received regarding the protection of cedar tree, T2:**

- **The tree has been identified as being in stressed condition and not in the best of health in the past, and the location is not suitable for healthy life of this species;** while the relatively confined rooting environment of the highway verge might be considered sub-optimal for the growth of a cedar tree, this particular specimen appears to be well adapted and is currently growing successfully, showing no signs of any significant physiological ill-health. It is reasonable to expect that the health and structural condition of the cedar tree will be monitored from

time to time by the owner, who has a duty of care to ensure that people and property around the tree are not harmed by it.

- **The tree is of substantial size, such that it imposes a substantial threat to the superstructure and foundations of adjacent built structures, which include a garage and open sub-station;** no evidence has been made available to the Council of any existing damage being caused to adjacent built structures by the cedar tree. Trees can cause damage directly, as a result of the pressure that is applied to structures that are in direct contact with their trunk, roots, branches etc, which increase in size over time with growth. Or indirectly, as a result of roots taking moisture from the soil which has potential to shrink when it is dried out e.g tree-related clay subsidence. It is difficult to predict the risk that a tree might cause damage as it grows because it depends on a number of (often unknown) variable factors.
- However, British Standard 5837:2012 includes some guidance on minimum distance between young trees, and new plantings, and various types of structure to avoid direct damage as the trees grow. So, to avoid direct damage to lightly loaded structures, such as garages, it is recommended that trees that have potential to grow to have a stem diameter in excess of 600mm, should be located at least 1.5m away. The stem diameter of the cedar tree is approximately 650mm, but at its nearest the trunk is approximately 1.70m from the garage wall, so that the tree was probably planted approx. 2.0 m from the garage building . On this basis it is considered that the risk of direct damage to the garage in the future is low.
- The risk of indirect subsidence damage depends largely on the potential of the soil to shrink (it's 'shrinkability') when dried by tree roots amongst other factors. The shrinkability of the soil is not known in this location, but as there appears to be no evidence of damage to the wall by subsidence (typically cracking) currently, or historically, then given the size and age of the tree relative to the adjacent wall of the garage building, it seems unlikely that the soil is shrinkable. In which case the risk of indirect damage would be very low.
- **The tree will require significant maintenance in the future to avoid damage to property and potential safety issues;** if confirmed, the TPO allows the owner of the tree, or any other interested party, to apply for consent to undertake works to the tree at any time. So, if the health or condition of the tree declines significantly for any reason, at any time, the owner can apply for TPO consent to carry out appropriate remedial works,. Similarly, if there is technical evidence that the tree is damaging a surrounding built structure, or is likely to cause damage in the future, the TPO allows an application for TPO consent to be made to take appropriate remedial action. On-going routine maintenance works, such as removal of defective branches that are at risk of breaking and falling, or pruning to lift the crown of the tree over the road and adjacent properties to give adequate clearance, can also be undertaken with TPO consent. Applications for such consent will be considered by the Council on their merits at the time they are made. If consent is refused – or granted with conditions – an applicant can seek compensation for any loss or damage which occurs as a result of that decision. An applicant

can also appeal against a refusal of consent or imposition of a condition.

6.5. Other issues: The land on which the trees stand is privately owned by the HEL management company. However, it is understood that the land is also designated Highway (HMPE), so that the Highway Authority has some responsibility for the management for it and the trees growing on it. While it is not usually considered to be expedient to make a TPO to protect trees which are entirely owned and managed by the Highway Authority as they are generally considered to be under good arboricultural management of the Highway Authority (in Oxford undertaken on behalf of Oxfordshire County Council by Oxford Direct Services Tree Team), these trees are privately owned.

7. Conclusion:

7.1. For all the reasons in this report, and taking account of the objection received in respect of the protection of the cedar tree, T.2, it is considered to be expedient in the interests of amenity for the Council to use its powers to confirm the Oxford City Council – Hawkswell Gardens (No.2) TPO, 2020, without modification, to protect the copper beech and cedar trees growing on land at Hawkswell Gardens near the junction with Kings Cross Road.

8. Human Rights Act 1998

8.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to confirm this TPO. They consider that the interference with the human rights of the owner of the trees and the owners and occupiers of neighbouring properties under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others and the control of his/her property in this way is in accordance with the general interest.

9. Section 17 of the Crime and Disorder Act 1998

9.1. Officers have considered, with due regard, the likely effect of the TPO on the need to reduce crime and disorder as part of the decision of whether to confirm the order, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to confirm the TPO, officers consider that the decision will not undermine crime prevention or the promotion of community.

Background Papers:

Contact Officer: Kevin Caldicott

Extension: 2149

Date: 23rd February 2021

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Appendix 1 – Location Plan

Hawkswell Gardens (No.2) Tree Preservation Order (TPO)



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Remote meeting

Minutes of a meeting of the West Area Planning Committee on Tuesday 9 February 2021

www.oxford.gov.uk



Committee members present:

Councillor Cook (Chair)

Councillor Gotch (Vice-Chair)

Councillor Hollingsworth

Councillor Howlett

Councillor Iley-Williamson

Councillor Tanner (for Councillor Corais)

Councillor Tarver

Councillor Upton

Councillor Wade

Officers present for all or part of the meeting:

Jennifer Coppock, Senior Planner

Sally Fleming, Planning Lawyer

Robert Fowler, Planning Team Leader

Andrew Murdoch, Development Management Service Manager

James Paterson, Senior Planning Officer

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Corais sent apologies. Substitutes are shown above.

70. Declarations of interest

General

Cllr 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.

Cllr 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.

Cllr 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.

Cllr Wade stated that as a member of the Oxford Civic Society, she had taken no part in the organisation's 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.

Specific applications

Minute 71: 19/02816/FUL

Cllr Tanner stated that whilst he had called in this application he had not made his mind up on the matter and came to the meeting with an open mind

Minute 73: 20/02434/VAR

Cllr Wade said that she had relatives in education at the Dragon School but the application had no direct effect and she was approaching it with an open mind.

71. 19/02816/FUL: Land Between 45 And 51 Hill Top Road, Oxford

The Committee considered an application for planning permission for the demolition of the garage and construction of one 4-bed dwelling and one 5-bed dwelling (Use Class C3); provision of amenity space, car parking and bin and cycle stores; and associated landscaping and boundary treatments (amended plans) at Land Between 45 And 51 Hill Top Road, Oxford.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve application 19/02816/FUL** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report, and grant planning permission subject to:
 - the satisfactory completion of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms set out in the report; and
2. **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; and
 - finalise the recommended unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - complete the Section 106 unilateral undertaking or agreement referred to above and issue the planning permission.

72. 20/02768/VAR: 16 East Street

The Committee considered an application for planning permission for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 19/00249/FUL (Demolition of existing workshop (Use Class B1) to erect a two storey yoga workshop (Use Class D2). Provision of cycle spaces (amended description) to allow changes to fenestration, rooflights, roof structure and flood void arrangement at 16 East Street, Oxford, OX2 0AU.

In presenting the report, the Planning Officer explained that the applicant had now discharged condition 5 of the original planning permission, 19/00249/FUL. Officers therefore proposed to update condition 5 in Section 12 of the report to read:

“The proposed development shall take place in accordance with the submitted letter of intent, confirming a contract between the applicant and contractors for the demolition of the existing building and construction of a building shell, (dated 13/1/21) approved under application reference 19/00249/CND4”

Reason:- to ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area, in accordance with Policies DH1 And DH3 Oxford Local Plan 2036.

The Planning Officer informed the Committee that work had commenced on demolishing the existing building as all of the pre-commencement conditions attached to the original permission had been discharged.

Vernon Orr and Bianca Elgar (local residents) spoke objecting to the application. They referred to the consultation process and questioned the validity of the application’s supporting paperwork.

Adrian James (the architect and agent) spoke in support of the application.

In reaching its decision, the Committee considered all the information put before it, including answers to the points raised by the speakers. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer’s recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve application 20/02768/VAR** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report, with the amended wording for condition 5, and grant planning permission; and
2. **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.

73. 20/02434/VAR: Dragon School, Bardwell Road, Oxford,OX2 6SS

The Committee considered an application for planning permission for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 17/02419/FUL (Erection of new Music School, construction of link to Lynam Hall, landscaping including the formation of a new courtyard, garden area to Lane House and entrance courtyard) to allow an extension to the north west staircase and plant room, the provision of air-source heat pumps and alterations to fenestration. Increase in

height of parapet wall, removal of fire escape and seating box to the north elevation. Alterations to the fire escape ramp to the south elevation and alterations to the link structure to Lynam Hall. Reduction in roof mounted PV solar panels and rooflights (amended description) at the Dragon School, Bardwell Road, Oxford, OX2 6SS.

The Planning Officer corrected the last sentence in paragraph 6.12 of the report to read: *The proposed units measure approximately 1.5m in width and 1.5m in depth with a slight increased height of 10cm.*

James Roach and Lucy Smith (representing the applicant) attended to answer questions from the Committee.

In reaching its decision, the Committee considered all the information put before it. After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The West Area Planning Committee resolved to:

1. **approve application 20/02434/VAR** for the reasons given in the report and subject to the required planning conditions and informatives set out in section 12 of the report and grant planning permission; and
2. **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.

74. Minutes

The Committee resolved to approve the minutes of the meeting held on 19 January 2021 as a true and accurate record.

75. Forthcoming applications

The Committee noted the list of forthcoming applications.

76. Dates of future meetings

The Committee noted the dates and that the March and April meetings would start at 3.00pm.

The meeting started at 3.00 pm and ended at 3.50 pm

Chair

Date: Tuesday 9 March 2021

When decisions take effect:

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

Details are in the Council's Constitution.