

Agenda



Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 21 June 2022**

Time: **6.00 pm**

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

For further information please contact:

Emma Lund, Committee and Members' Services Officer

01865 252367  DemocraticServices@oxford.gov.uk

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

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

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

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

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

Committee Membership

Councillors: Membership 11: Quorum 5: substitutes are permitted.

Councillor Mary Clarkson (Chair)	Marston;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Louise Upton (Vice-Chair)	Walton Manor;
Councillor Shaista Aziz	Rose Hill & Iffley;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Sajjad Malik	Temple Cowley;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley;

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 21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY

13 - 62

Site Address: St Hilda's College, Cowley Place, Oxford
OX4 1DY

Proposal: Demolition of existing Principal's Lodgings and removal of existing gym building, car park and shed/storage units. Erection of two new student accommodation buildings (72 rooms) and associated collegiate facilities including replacement gym, health and welfare facilities, and offices. Erection of new replacement Principal's Lodgings building and associated landscape improvements and bicycle parking.

Reason at Committee: The proposal is a major development.

Recommendation:

The Oxford City Planning Committee is recommended to:

*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.*

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 13 of this report and grant planning permission; and subject to:
 - the satisfactory completion of a Unilateral Undertaking and 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

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 Unilateral Undertaking and 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 after completion of the Unilateral Undertaking issue the planning permission.

4 22/00679/FUL: Headington Hill Campus, Oxford Brookes University, Headington Hill, Oxford OX3 0BT

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Site Address:	Headington Hill Campus Oxford Brookes University, Headington Hill, Oxford OX3 0BT
Proposal:	Proposed Engineering Building (F1 Class) including landscape, services, cycle parking and associated works
Reason at Committee:	The proposal is a major development
Recommendation:	

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The Oxford City 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 this report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning Services to:
 - finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

5 21/03622/VAR: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT

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Site Address: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 6BT

Proposal: Variation of condition 2 (Deemed in accordance with approved plans) of planning permission 18/00872/FUL (Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment (amended plans)) to allow an additional level within existing built envelope and without altering roofline following asbestos excavation; internal and external reconfiguration including on landscape, internal layouts, floorspace, and architecture and associated operational and design changes.

Reason at Committee: The proposals involve significant material amendments to a major development.

Recommendation:

The Oxford City 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 this report and grant planning permission.

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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.

6 21/03241/FUL: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB

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Site Address: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB

Proposal: Demolition of existing garage and erection of a single storey outbuilding to be used as an ancillary home office and gym. (Amended plans)

Reason at Committee: The applicant is a member of staff of Oxford City Council

Recommendation:

The Oxford City 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 and / or deletions as the Head of Planning Services considers reasonably necessary.

7 Minutes

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Recommendation: to approve the minutes of the meeting held on 24 May 2022 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

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discussion at this meeting.

21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford	Major
21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX	Major
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in
21/03114/CT3: Former Workshop at Lanham Way, Oxford, OX4 4PU	OCHL application
21/03178/FUL: 3 Iffley Turn, Oxford OX4 4DU	Called-in
21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY	Major
22/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR	Major
22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX	Called-in
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00129/FUL: 5 Oxford Castle, New Road, Oxford OX1 4AY	Called-in
22/00131/LBC: 5 Oxford Castle, New Road, Oxford OX1 1AY	Called-in
22/00130/ADV: 5 Oxford Castle, New Road, Oxford, OX1 1AY	Called-in
22/00675/RES: Part Of Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford OX2 8JR	Reserved Matter
22/00289/FUL: 75 Langley Close, Oxford OX3 7DB	
22/00042/FUL: 6 Doris Field Close, Oxford OX3 0DP	Called in
21/03582/FUL: The Deaf and Hard of Hearing	Major

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Centre, 10 Littlegate Street, Oxford OX1 1RL	
22/00841/FUL: Cotswold House, 110C Banbury Road, Oxford, Oxfordshire OX2 6JU	Called-in
22/00949/FUL: Gas Holder Station, Watlington Road, Cowley, Oxford OX4 6LX	Major
22/00863/LBC: Grandpont House, Abingdon Road, Oxford OX1 4LD	Major

9 Dates of future meetings

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

19 July 2022	15 November 2022
16 August 2022	13 December 2022
20 September 2022	24 January 2023
18 October 2022	21 February 2023

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Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

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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Oxford Planning Committee

24th May 2022

Application number: 21/01261/FUL

Decision due by 19th August 2021

Extension of time 26th August 2022

Proposal Demolition of existing Principals Lodgings and removal of existing gym building, car park and shed/storage units. Erection of two new student accommodation buildings (72 rooms) and associated collegiate facilities including replacement gym, health and welfare facilities, and offices. Erection of new replacement Principals Lodgings building and associated landscape improvements and bicycle parking.

Site address St Hilda's College, Cowley Place - see **Appendix 1** for site plan

Ward St Marys Ward

Case officer Felicity Byrne

Agent: Mr Chris Pattison **Applicant:** St Hilda's College

Reason at Committee Major Development

1. RECOMMENDATION

1.1. Oxford City 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 13 of this report and grant planning permission; and subject to:

- the satisfactory completion of a Unilateral Undertaking and 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 Unilateral Undertaking and 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 after completion of the Unilateral Undertaking issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers Phase 2 of St Hilda's College student accommodation provision. The demolition of the President's Lodge and other outbuildings and erection of a new President's house and two student accommodation Block with associated ancillary facilities. Provision of new hard and soft landscaping, provision of refuse storage, cycle and replacement car parking.

2.2. Officers conclude that the principle of student accommodation and ancillary facilities are acceptable in this location. The development would make best and most efficient use of the land to provide purpose built student accommodation for St Hilda's College and release housing back to the open market. The proposal is exempt from an affordable housing contribution because it is sited in an existing college campus. The need for the college accommodation has been robustly demonstrated and together with the constraints of the site means that the location, height and massing of the development is justified.

2.3. The development has been designed with a clear knowledge and understanding of the site, its surroundings and the significance of the St Clement's and Iffley Road Conservation Area (SCIRCA) within which it sits, adjoining Central Conservation Area (CCA) and Christ Church Grade I registered park and gardens. It is considered that the development is of high quality design of both architecture and landscape design. The development would provide a replacement residential accommodation for the President of St Hilda's with an appropriately sized family house facing the river, meeting internal and external space standards. There would be a medium level of less than substantial harm caused to the SCIRCA and setting of the CCA and listed Christ Church registered Park and Gardens. However this would be outweighed by high quality architecture and landscape design and public benefits derived from the scheme. There would be no harm to the character and appearance or setting of the Botanic Gardens.

2.4. There would be an overall reduction in car parking within the College Campus as a result of the development, with parking limited to a replacement space for the dwelling and operational and disabled parking for the student accommodation in accordance with the Local Plan. Cycle parking for the new development would be provided alongside existing cycle parking for Phase I across the whole Campus. Whist cycle parking for Phase II would be less than one for one, given the location within the main teaching campus and sustainable location this is acceptable in accordance the Local Plan Policy.

- 2.5. The development would result in the loss of some trees within the site, however the proposal demonstrates that there would overall be a substantial gain in tree numbers and canopy cover over time. Landscape planting for biodiversity and biodiversity net gain of 5% would be achieved. The building so would be sustainably designed and constructed and achieve a 40% reduction in carbon emissions.
- 2.6. There would be no significant adverse impact on neighbouring residential amenities as a result of overlooking, loss of privacy, overbearing, visual intrusion, noise or overshadowing. Subject to relevant conditions, the development would not result in an adverse impact in terms of flooding & drainage, land quality, noise, air pollution.
- 2.7. In conclusion the development would result in a high quality scheme that appropriately responds to its setting, that would result in public benefits that would outweigh any harm to heritage assets, and that would contribute significantly to the Councils aim of providing more purpose built student accommodation and releasing housing to the general market. Through the imposition of suitably worded conditions the proposal accords with the policies of the Oxford Local Plan 2036, the NPPF and complies with the duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a s106 legal agreement to secure public benefits of the scheme in order to outweigh the harm to heritage assets. A contribution to the County Council of £1,240 towards Travel Plan monitoring can be secured through a Unilateral Undertaking.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL amounting to 72,814.00.

5. SITE AND SURROUNDINGS

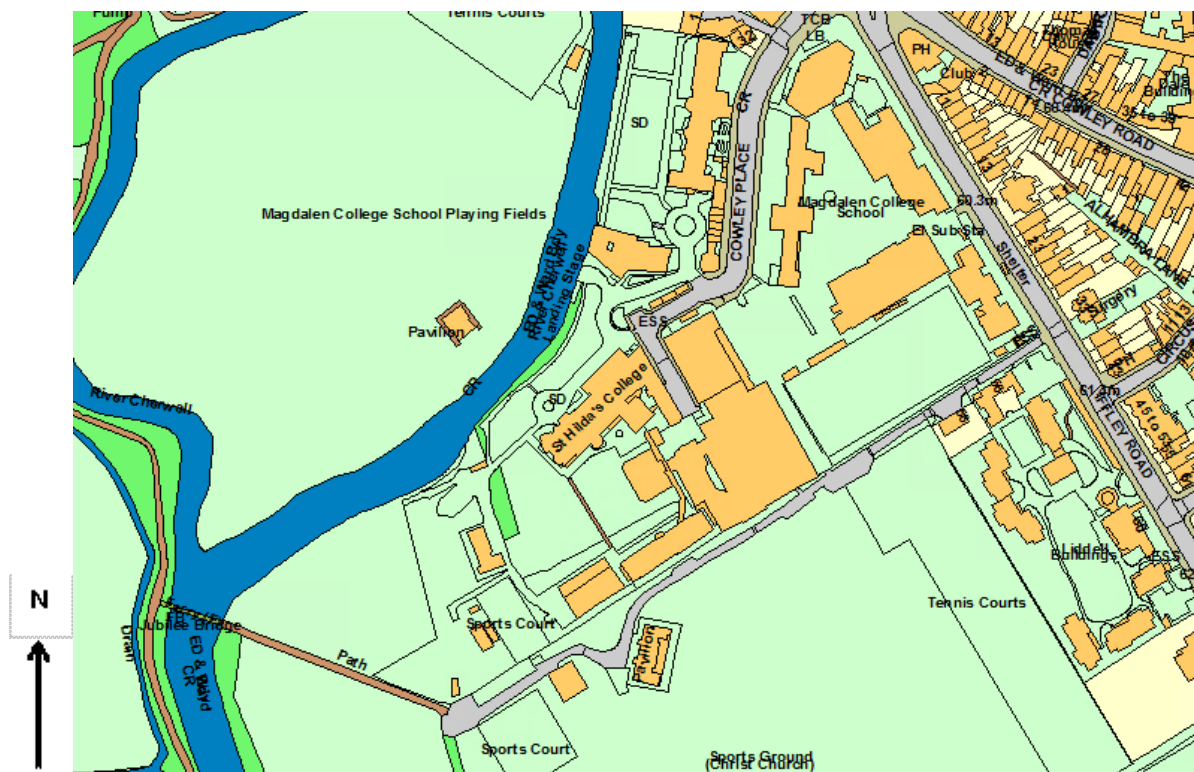
- 5.1. The application site is located at the south western end of St. Hilda's College campus, which is accessed from Cowley Place. The site includes the Principal's Lodgings building, tennis courts (currently used as a car park), temporary single-storey gym building, a number of mature trees and a rose garden. St Hilda's College site is located within the St Clement's and Iffley Road Conservation Area (SCIRCA). The Central Conservation Area (CCA) borders the college site to the north-west with its boundary following the line of the River Cherwell which itself forms the western boundary. Cowley Place forms its eastern boundary.
- 5.2. The Grade I registered park and gardens of Christ Church and the Oxford Botanic Garden are situated to the north and west of St Hilda's. The site is highly visible and prominent in views from these registered park and gardens, with views afforded across the open landscapes and rivers, interrupted only by the

frequently broken line of trees along the river banks. There are a number of large and significant trees within the application site which contribute towards the setting of the campus and the wider area.

5.3. There are a number of listed buildings both within the site and within close proximity including the Old Hall, the Library, the wall and gate piers which run parallel to Cowley Place, the piers and gates to the South Building, and the Garden Building. The South Building, the Principal's Lodgings, the Jacqueline du Pre music building, and the Wolfson Building are also considered to be buildings of local heritage significance.

5.4. Most of the application site is located within Flood Zone 1 with areas of Flood Zone 2, 3a and 3b located towards the south west and the river. The applicant has identified a Victorian sewer which cuts across the site from the northwest to south east.

5.5. See location plans 1 and 2 below:



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Ordnance Survey 100019348

Location plan 1 showing St Hilda's College



Location plan 2 showing red line of the site within St Hilda's College

6. PROPOSAL

6.1. The proposal is for the development of 'Phase II' of the new student accommodation at St Hilda's College. The application proposes the demolition of the Principal's Lodgings (comprising student accommodation) and small outbuildings, and removal of the tennis court area. Erection of a new Principals Lodgings dwelling, two buildings providing student accommodation (72 rooms in total) and associated collegiate facilities including replacement gym, health and welfare facilities, and offices, together with cycle parking and shared and soft landscaping.

6.2. An application was made to Historic England (HE) for listing of the Principal's Lodging, which has delayed the consideration of this planning application. HE assessed the building and considered that it did not have the special interest required for designation.

7. RELEVANT PLANNING HISTORY

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

17/02537/FUL - Proposed demolition of existing buildings and redevelopment comprising: erection of new building to provide student accommodation (59
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bedrooms), porters lodge, middle common room, fellows' accommodation and academic and administrative offices; erection of new pavilion building; removal of existing porch to old hall building and provision of replacement; creation of new pedestrian access from Cowley Place; replacement bin and bicycle parking. Decision 29th March 2018.

17/02538/LBC - Removal of MCR, Storage Buildings and Porters Lodge connected to Hall Building; erection of new bin and bicycle store to Hall Building. Removal of wall adjoining South Building entrance piers and gates; erection of new wall connecting new Boundary Building to South Building entrance piers and gates. Decision 29th March 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	119--136	DH1 - High quality design and placemaking DH6 - Shopfronts and signage DH7 - External servicing features and stores RE1 - Sustainable design and construction	
Conservation/Heritage	189-208	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets	
Housing	60-77	H2 - Delivering affordable homes H8 - Provision of new student accommodation H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	81-91		
Natural environment	91-101, 174-182	RE3 - Flood risk management G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity	Biodiversity TAN Green Spaces TAN

		geo-diversity G8 - New and enhanced Green and Blue Infrastructure	
Social and community	92-103		
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Car and Bicycle Parking TAN
Environmental	, 152-, 169- 183-184	RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Sustainable Design and Construction TAN
Miscellaneous	7-12	S1 -Sustainable development S2 - Developer contributions E2 - Teaching and Research RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment RE7 - Managing the impact of development V8 - Utilities V9 - Digital Infrastructure	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11th November 2021 and an advertisement was published in The Oxford Times newspaper on 27th May 2021. A second round of public consultation was undertaken and site notices were displayed around the application site and an advertisement was published in The Oxford Times newspaper on 11th November 2021. Further consultation was undertaken and site notices were displayed around the application site on 23rd February 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. First round consultation: No objection subject to S106 contribution of £1,240 towards Travel Plan monitoring and conditions. Comments can be summarised as:

The Phase 2 site is accessed internally by an existing vehicular roadway and pedestrian paths across the College Lawn. The whole College is accessed via Cowley Place, which is a priority give-way to those entering the site;

The site is in a sustainable location with good access to public transport and within

walking/cycling distance to local amenities and the city centre;

The area is within a Controlled Parking Zone and therefore any potential for over-spill parking from the site will be restricted;

A construction traffic management plan is required by condition;

Car parking has been reduced by 18 spaces and parking limited to accessible and operational parking;

Due the nature of the surrounding streets, all student drop-off/pick-up will need to be from within the site. A Student Accommodation Management Plan is therefore required to ensure no severe impact on the highway network;

276 cycle parking spaces are currently in available across the College against 245 existing rooms. Application on phase 2 which proposes 32 cycle spaces for the 72 rooms would bring the total to 308 spaces for 317 rooms. Details of the stands to be conditioned.

9.3. Further consultation: Previous comments still apply.

Oxfordshire County Council (Lead Local Flood Authority (LLFA))

9.4. First and Second Round consultation: objection, comments can be summarised as:

- An impermeable area plan demonstrating the extent of the area and stating the area, including 10% urban creep is required;
- Pipe numbering and pipe gradients to be shown on drainage plan, and permeable paving
- Hydraulic calculations to include the whole surface water network, including all storm events;
- Justification for pumped surface water solution proposed;
- Explanation for run-off from the asphalt road required. Additional water quality measures could be implemented before the run-off enters the drainage system;
- Surface water flow exceedance plan required;
- Surface water pipe is outside the site boundary and crosses third party land. Their consent is required and should be evidenced. A is technical approval for connection to public sewer;
- Ground investigation report not provided showing the infiltration testing results

9.5. Third round consultation response on the submitted updated Flood Risk Assessment and Drainage Strategy: No objection subject to conditions requiring a sustainable surface water drainage (SuDs) scheme for the development and submission of evidence of implementation of the SUDS.

Thames Water Utilities Limited

9.6. First round: With regard to foul water sewerage network infrastructure capacity and surface water network infrastructure capacity, Thames Water (TW) would not

have any objection to the planning application, based on the information provided. The proposed development is located within 15 metres of a strategic sewer therefore a condition requiring a piling method statement is required. The fowl sewer runs from the north and down the eastern boundary of the site. TW recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such TW has no objection. New networks should be designed to avoid surcharge or cause flooding. The Applicant should consult the LLFA. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. An informative should be attached regarding minimum pressure which should be taken into account in the design.

9.7. No further comments received from further consultation.

Natural England

9.8. First round: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which Magdalen Grove SSSI the site has been notified and has no objection. St Hilda's College Meadow Local Wildlife Site falls within the application boundary.

9.9. Further consultation: No objection the amendments are unlikely to have significant impacts on the natural environment than as originally proposed.

Environment Agency

9.10. No objection subject to conditions securing construction in accordance with the Flood Risk Assessment and Mitigation Measures and submission of details of a Buffer Zone Scheme. They advise that the FRA and Drainage Strategy submitted states that surface water from roof areas will be collected in a tanked cellular storage system and discharged into an onsite surface water sewer that outfalls into the River Cherwell. There is an outfall on the Thames Water survey maps, but currently no connection from the redeveloped area to it. The EA therefore needs to know how the Applicant intends to connect it up and where the pipes will run. If another outfall on the river is intended then the Applicant will need to amend the red line boundary to include that area. In relation to biodiversity, whilst the redline boundary may already be further than 10m from the top of the bank of the watercourse there are no measurements provided on the plans. The blue line boundary shows the river buffer is within the ownership boundary of the applicant. A buffer scheme is therefore needed to ensure that no development will take place within the 10m from the top of bank of the Cherwell and biodiversity will be protected during construction. Further consideration should be given to the ecological value of the river corridor in this buffer and how it might be enhanced. These issues can be addressed via the Buffer Zone condition.

C20th Century Society

9.11. Objection to the demolition of the Principal's Lodgings, comments are summarised as:

The Principal's Lodgings is considered to be a non-designated heritage asset, making a valuable contribution to the St Clements and Iffley Road Conservation Area. Constructed in 1954-55 by the Richardson and Houfe partnership (1946-1964). Richardson is known particularly for Manchester Opera House (1912) and the Financial Times Building, London (1958). This was one of several projects that he executed in the grounds of St Hilda's, not all of which survive. His style was distinctive from his contemporaries. A unique classicism taking initiative from Regency and Victorian precedent and demonstrating an 'intelligent evolution'. The Lodge offers a glimpse in to post-war evolution of College building in Oxford. The building provides a counterpoint to Smithsons' Grade II-listed Garden Building (1968-70). It demonstrates changes in architectural taste and is significant in representation the College's choices at the time and this should be respected as part of its rich architectural diversity.

The Lodgings building is a stripped-back example of post-war Neo-Georgian architecture. It is two storey, constructed in light-yellow stretcher-bond brick, with a hipped slate roof and ornate lattice porch. It was extended sympathetically in 1980. In particular, we draw attention to the interiors of the Lodgings as evidence of its architectural significance. The interiors include many well-preserved and interesting details, including herringbone flooring, cornicing, a distinctive curved landing and classical alcoves astride the lounge fireplace. The Lodgings is accordingly recognised by William Fawcett in the Twentieth Society's Journal No. 11 (Oxford and Cambridge) as having been executed in an 'inventive idiom'. He also establishes a similarity with the work of Raymond Erith, who too built for the university. Interestingly, the building is the progenitor of an almost direct imitation at Weston Patrick House, Hampshire, built by Richardson alone in 1956. The Society considers the Principal's Lodgings to be a Non-Designated Heritage Asset. Paragraphs 197 and 148 of the National Planning Policy Framework should be considered.

The Society therefore objects to the demolition of this building and urges the refusal of this application. The Society considers that the proposed new buildings could be carefully sited around the existing lodgings and the historic NDHA retained. The Society commends the conversion and re-purposing of the Principal's Lodgings to provide student accommodation. Such reuse would have environmental benefits as well as preventing the loss of a valuable NDHA by a major architecture partnership of the last century.

Historic England

9.12. Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF:

9.13. This application would involve the demolition of the Principal's Lodging at St Hilda's college and its replacement with two accommodation buildings, the

Meadow building and the Villa building. Development on the scale proposed has the potential to have an impact on the College, which contains buildings of architectural and historical interest, and on the wider cityscape of Oxford.

The significance of the St Hilda's site and role in the wider city scape:

- 9.14. St Hilda's was founded as a ladies' school in the late 19th century and attained College status in the 1920's following a period of sustained growth. The school was initially accommodated in Cowley Place, an 18th century riverside villa, which was greatly enlarged by the College. As the College grew it expanded southwards, occupying and extending another riverside villa, the late 19th century Cherwell Hall. During the course of the 20th and early 21st centuries these two villas have become surrounded by college buildings, completely changing their context, which is now that of a busy and intensively developed academic campus.
- 9.15. The College is of historical interest due to the story it helps tell of the development of education for women at Oxford. Some of the College buildings are of high architectural value in their own right, most notably Dean and Woodward's additions to Cowley Place, Sir Edwin Cooper's library of 1934 and Alison and Peter Smythson's Garden Building of 1968-70, both of which are listed grade II.
- 9.16. Alongside these architectural highlights are a number of neo-Georgian buildings which are of lesser architectural quality or historic interest but still contribute positively to the character of the College. These are the Principal's lodgings (1954-5) and the Wolfson Building (1960-1), both of which were designed by Albert Richardson of Richardson and Houfe. Richardson is a notable 20th century architect, best known for his Financial Times Building in London (1958, listed grade II* and the first post-war building in England to be listed). It is proposed to demolish the Principal's Lodging, which has been assessed for listing and was not considered to have the special interest required for designation. The 1980 extension has seriously compromised the architectural impact of the building, which relied largely on its simplicity of form and symmetry.
- 9.17. Nevertheless, it is of some, albeit limited, historical and architectural interest as it is typical of Richardson's more modest domestic work at this time, having many similarities with Weston Patrick House in Hampshire (1956) and the story it helps tell of the conservative nature of architecture at St Hilda at a time when other colleges were beginning to embrace modernism is interesting, all the more so given the contrast with the nearby Garden Building, which is only 14 years younger. St Hilda's falls within the St Clements and Iffley Road Conservation Area. The conservation area as a whole is characterised by closely packed domestic housing strung out along a number of roads converging on Magdalen Bridge. St Hilda's College and Magdalen School form an academic enclave within the conservation area with little visual, functional or historical connection to the rest of it. Possibly for this reason the College is not considered in any detail in the Conservation Area Appraisal.
- 9.18. The development site's contribution to the significance of the conservation area is therefore bound up largely with that of the College itself. Although not

identified as such in the Conservation Area Appraisal we consider that the building has enough historical and architectural interest to be counted as making a positive contribution to the conservation area. We note that the building is not included on the Oxford Heritage Asset Register, though it may never have been formally assessed for inclusion.

9.19. The site is also significant due to the role that it plays within the cityscape of Oxford, one of the most beautiful cities in the world. The most important aspect of this is its relationship to the adjacent Grade I Registered landscape of Christ Church Meadow.

9.20. Christ Church Meadow is an important designed landscape with medieval origins. Ornamental walkways were established around the perimeter of the water meadow by the 1570's which were intended to give academics a peaceful and contemplative environment in which to exercise. Much of the attractiveness and peacefulness of this environment was due to its tranquillity and natural characteristics. These qualities endured until the late 19th century, when it was compromised to an extent by extensive building along Cowley Place, including those now forming St Hilda's College. However, despite extensive development along this edge of the Meadow its tranquil and green character endures. This is because these buildings do not have a great presence in views from the Meadow as they are set in large and generously landscaped grounds, are partially screened by trees and are no more than four storeys. Therefore great care is needed when developing on the College site to ensure that the tranquillity of the Meadow are not further eroded.

9.21. The proposed development is also close to the Grade I Registered Botanic Gardens. The Gardens are principally significant as an early example of a garden dedicated to the study of plants for medicine and science dating from the 17th century. It has always been formally laid out with a series of beds and walkways within a walled garden. The height of the walls would have prevented views out Christ Church Meadow and most City buildings, giving it a very deliberate sense of enclosure and isolation from its surroundings.

Impact of the scheme on historic Oxford:

9.22. The proposed demolition of the Principal's Lodging would entail the loss of a building that the Council may consider to be a non-designated heritage asset. Furthermore, as a building that makes a positive contribution to the St Clements and Iffley Road Conservation Area its demolition would inevitably entail a degree of harm to this Conservation Area. However, we consider that the degree of harm to the Conservation Area is low given the limited intrinsic interest of the building and the minor role that it plays within the townscape, given its limited visibility.

9.23. Initial concerns about the scale of the accommodation buildings (Meadow and Villa) in relation to the adjacent Christ Church Meadow have been allayed through site visits and photomontages that illustrate how the new buildings would appear through the year (with differing leaf cover). Whilst the new buildings are likely to have more presence than what exists the remaining tree cover would filter views of the new accommodation blocks from the pathways around the meadow. The scale of the buildings are comparable with adjacent buildings at St

Hilda's including the Jacqueline Du Pre and grade II Garden Building and in our view will be read as part of the St Hilda's College site and not encroach on the meadow's setting. Views from the Botanic Garden site are likewise limited to the pathways outside the walls. While the new buildings would be visible from these paths, in between and through the filter of existing trees, the significance of the garden largely depends on what can be seen and experienced from within rather than what can be seen from outside the enclosure. Therefore, despite the increase in scale, the proposals would not in our view harm the grade I landscapes of Christ Church Meadow or the Botanic Garden nor the character and appearance of the conservation areas in which they sit.

Exterior materials and the Meadow building:

- 9.24. The latest design iteration of the Meadow building has sought to address concerns raised through the Oxford Design Review Panel about scale and mass by breaking the visual volume down, replicating a green tile cladding over the whole of the building with a lighter brick for the 3-storey element and darker green for the 4th floor. However, we think this is a disappointing design change as the result is less exciting as architecture. Furthermore, we doubt that the change will be effective in breaking up the mass of the building. In the main views it might be seen from, looking east near the botanic garden, the Meadow building will be set behind the new Principal's Lodge, which is also proposed to be a pale brick. The result is that the layering effect sought is less pronounced, and even undermined by the change in materials on the Meadow building. We preferred the more exciting earlier version on the basis that we don't think the latest iteration really achieves anything substantial in terms of reducing impact on important views.

Landscaping

- 9.25. The proposed landscaping aims to assimilate the mass of the new student blocks into the site by raising planting up to the buildings (through hedging, green screen boundaries and new trees). This would, in our view, help to ensure the new larger buildings become integrated with the meadow landscapes surrounding and beyond as it matures, as well as helping to achieve a really high-quality space on the site.

Conclusion:

- 9.26. The demolition of the Principal's Lodging would result in the loss of a building which the Council may consider a non-designated heritage asset and would result in a degree of harm, albeit at a low level, to the St Clements and Iffley Conservation Area. The College have set out a reasonable justification for this harm, in that there is a need for student accommodation and we acknowledge that the proposed scheme is the least harmful way of providing this on site. The Council will need to weigh the public benefits of providing this accommodation against the harm entailed by the demolition of the Principal's building in accordance with paragraph 202 of the NPPF. Overall, the quality of the proposed architecture is, in our opinion, high and would add to the Oxford built environment (particularly if the Meadow building reverted to a green tile exterior), likewise the

proposed landscaping is sensitive and would enhance what exists and help create high quality new spaces.

9.27. Further second consultation response: We welcome the reintroduction of green cladding to the 3 storey element of the proposed Meadow building. As indicated in the Further Information Summary page 8, the cladding on the 3-storey elements of the Meadow would not have a deep textured profile as is proposed on the 4th floor and parapet, and this will help ensure a visual differentiation between these two parts of the building.

Public representations

9.28. Comments were received from Christ Church College and Oxfordshire Architectural and Historical Society. In summary, the main points were:

- St Hilda's proposals are driven by a desire to create a certain number of student rooms with little or no consideration or sympathy for the way they will be seen from Christ Church Meadow or impact on the significance of the latter
- Significant increase in building footprint in the College (over 50%)
- New Principals lodging would be more visible and the elevation facing the river has an intrusive chimney, with no screening; Lodging should be turned by 90 degrees
- The Meadow building would be bulky 3-4 storey building; the height and massing would have an adverse impact on the views from the Meadow.
- Footprint is driven by function efficiency of providing maximum number of rooms located around a central circulation core. This results in large, unarticulated blocks whose height and massing sits uncomfortably within the sensitive landscape.
- the proposed roof articulation of the Villa and Meadow Buildings appear as an applied form and the effect risks making the buildings more visible and further compromising the view. The folded façade treatment of the top storey of the Meadow Building, specified as a faceted bronze aluminium cladding with a profiled top, risks appearing as a 'super graphic' visible from a considerable distance.
- Reference to the 'crown' of Phase I is tenuous and artificial. Objections to Phase I have been confirmed by the negative visual impact on the Meadow of the Tower as built.
- The reflective nature of the glazed ceramic cladding for the 4-storey element of the Meadow Building risks making the building more visible within its setting than an opaque non-reflective material.
- Reflective window and roofing material would increase visibility. A natural roofing product should be used
- HIA is inadequate as it fails to take account of the adverse impact in views from the Meadows; it would not be a minor incident in the view.
- object to the proposal to demolish the Principal's Lodgings

- The heritage report states that Sir Albert Richardson was one of the best and most important British architects of the first half of the 20th century then argues building is not one of his best works, and has been altered, and so is dispensable.
- The heritage report demonstrates the building fits within Richardson's corpus of work that is finite and irreplaceable
- This is a handsome house, showing a sensitivity, quietness and refinement entirely lacking in the proposed replacement buildings. The extension of 1980 was tactfully done and does not spoil the original building. The classic 'Richardson roof', lattice porch and windows are distinguished. Internally, it is clear that there are several delightful features, such as the elegant staircase, fireplaces and alcoves. There may be more such significant features that have not been photographed in the application documents.
- The photographs of the Lodging when the trees were in leaf could mislead the claim that the building makes little contribution to the setting of the college.
- no proper consideration of the embodied carbon in the existing lodgings, nor of the true carbon and energy cost of demolition and of building from scratch
- The proposed new buildings at St Hilda's are of little merit.
- The Meadow block with a serrated roof, clad in ceramics, would be unduly assertive and at odds with its surroundings; a monolithic box-like structure which is overbearing in scale and massing.
- The design, including the heavily-framed boxed-out windows seems to be appearing frequently across Oxford.
- The brick cladding is inauthentic (non-load-bearing) and tends to look 'fake'
- The proposed new Principal's Lodgings look to be a very poor replacement

Officer response

10. LLFA commented in its first consultation response that consent from the third party landowner in respect of the surface water pipe outside the site is required and should be evidenced as part of the application submission, as should the technical approval for connection to the public sewer. Neither is necessary for the determination of a planning application and as such is not required at this stage.

11. PLANNING MATERIAL CONSIDERATIONS

11.1. Officers consider the determining issues to be:

- Principle of Development:
- Affordable Housing
- Design and Heritage
- Landscape and Trees

- Amenity
- Transport
- Flood Risk and Drainage
- Biodiversity
- Land quality
- Air Quality
- Archaeology
- Sustainable Design and Construction
- Noise
- Planning Obligations

a. Principle of Development

- 11.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the newly adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SMNP).
- 11.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.
- 11.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 11.5. The large number of students resident in Oxford has an impact on the availability of general market housing. Provision of purpose built student accommodation in suitable locations can help to reduce the demand from students on the general housing stock. Policy H8 of the OLP sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which is on or adjacent to an existing university or

college campus or academic site, hospital or research site, city or district centres, or an allocated site. The policy also sets out other criteria for new student accommodation development including restricted occupation to full-time students enrolled in courses of one academic year or more; agreed term time and out of term time management regimes; out of term time use by non-students; indoor communal amenity space for larger schemes; operational and disabled parking only. Any loss of student accommodation is resisted unless new student accommodation is re-provided.

11.6. St Hilda's are seeking to increase the provision of undergraduate student accommodation on site. Phase I (now completed) increased the total number of undergraduate rooms to 245 on site (from 193 rooms). Phase II would provide an additional 73 rooms taking the total on-site to 318, with 44 bedrooms off-site, equivalent to 91% of their 400 undergraduates. This number would meet 100% of the demand for on-site undergraduate accommodation at the College. Other College sites have been reviewed but are constrained, have already been recently maximised and are not suitable for undergraduate accommodation.

11.7. The provision of student accommodation on St Hilda's campus site is considered an acceptable use in principle in accordance with H8 of the OLP. The proposal would make best & most efficient use of land owned by St Hilda's to provide undergraduate student accommodation for existing students at the College, thereby releasing family housing stock back on to the market and would contribute towards the University of Oxford target of 1,500 students who live outside purpose built student accommodation (as of April 2022) in line with H9 of the OLP.

11.8. The National Planning Practice Guidance (NPPG) requires that student accommodation should now be considered as contributing towards the supply of housing, based on the amount of accommodation it releases onto the housing market. Based on the ratio of one house released on the open market per 2.5 student rooms provided by a new development (based on the nationally used Housing Delivery Test standard) the equivalent of 29 houses would be released back onto the general housing market as a result of the student accommodation.

11.9. The development provides adequate indoor communal amenity space (in addition to the existing College Campus facilities) and generous outdoor space also. The students would be on full time courses of a year or more. The College has a car free policy for students and the application site has been developed as a car-free site for students. Conditions imposed could secure use as student accommodation and occupation by those on full time courses together with out of term time use, a management regime and a mechanism for preventing students bringing cars to Oxford. In conclusion subject to conditions, the proposal would accord with Policy H8 of the OLP.

b. Affordable Housing:

11.10. Policy H2 of the OLP36 sets out affordable housing provision from new developments. In relation to student accommodation it states that developments of over 25 student units (or 10 or more self-contained student units) would trigger

a financial contribution towards affordable housing, unless it meets the exemption tests:

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

11.11. The development lies within an existing St Hilda's campus therefore meets the tests for exemption and would not be required to contribute towards affordable housing under policy H2 of the OLP.

c. Design & Heritage:

11.12. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 126). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 130).

11.13. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 200).

11.14. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 201).

11.15. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 202).

11.16. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character or appearance of any conservation area. In the Court of Appeal, *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National Trust, 18th February 2014, Sullivan LJ made clear that to discharge this

responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations substantial enough to do so.

- 11.17. Policies DH1 and DH3 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 201-202 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 11.18. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 11.19. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 11.20. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.

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

The site and heritage significance

11.22. St Hilda's College is sited to the east of the River Cherwell, along Cowley Place within the St Clement's and Iffley Road Conservation Area (SCIRCA). The Central Conservation Area borders the college site to the north-west, with its boundary following the line of the river. The grade I registered park and gardens of Christ Church and the Oxford Botanic Gardens are situated to the north and west of St Hilda's, in the floodplain character zone of the Central Conservation Area Appraisal (draft). The development site has a large number of trees along the site boundaries but is visible in various views from these registered park and gardens, with views afforded across the open landscapes and rivers, interrupted only by the frequently broken line of trees along the river banks.

11.23. Adjoining the site to the south west is a meadow field which is currently incorporated into the St Hilda's site boundary and is part of the floodplain. Lying to the south are the Christ Church sports grounds and sports pavilion. Both of these areas lie outside of the conservation area boundaries, but are significant to the setting of the development site and the conservation areas.

11.24. The college site comprises five grade II listed structures; the Old Hall, the Library, the wall and gate piers which run parallel to Cowley Place, the piers and gates to the South Building, and the Garden Building. The South Building, the Principal's Lodgings, the Jacqueline du Pre music building, and the Wolfson Building are considered to be buildings of local heritage significance which make a positive contribution to the character and appearance of the site and the conservation area, and provide evidence and understanding of the historic development of the college. The Principal's Lodgings, Wolfson Building and the recently demolished MCR and Porters Lodge were all designed by Richardson and Houfe between 1950s-1970s.

11.25. The college campus, in terms of its context, layout and form, differs from many of the earlier traditional city centre colleges which have classical, quadrangle forms. Situated on the outskirts of the city centre core, St Hilda's has developed more organically, with the college (founded in 1893) occupying former residential buildings / villas already on the site, and the built form following the lines and curve of the river and southern site boundary in a linear arrangement. The landscape context is a key characteristic of the college site; the mature trees both within and beyond the site, the riverside setting, and the meadows and floodplains beyond are all significant elements of the landscape context which contribute to the settings of the buildings and conservation area. The built form that is present within the College is characterised by the older buildings with traditional forms with pitched roofs with chimneys, gables and dormers and the newer Phase I development with a mix of flat and pitched roofs, tower with 'crown' detailing and articulated facades in a contemporary architectural design.

11.26. The application site has the character of a transitional zone between the more substantial higher built form of the College to the east (towards Cowley Place) and the water meadows and river to the west. The low rise buildings and increase in mature trees indicate the gradual progression of the site towards the meadows and floodplain.

Layout, Design and appearance

11.27. This development forms Phase II of Colleges masterplan for development and would provide 73 rooms for undergraduate students. The developable area for the development is constrained by the floodplain, the river to the north, existing buildings and lawn of the College and major utility infrastructure to the east of the existing Principal's Lodgings, the adjoining meadow to the west (owned by Christ Church but maintained by St Hilda's) and a large number of trees within the gardens. The proposed development is therefore restricted to a relatively small area based around the location of the existing Principal's Lodgings and temporary building, tennis courts/car parking area which lie to the south of it. It comprises three new buildings in a line within the developable area: a new Principal Lodgings dwelling; the 'Meadow Building' and the 'Villa Building', see figure 1 below. Again a contemporary architectural form and style is proposed.

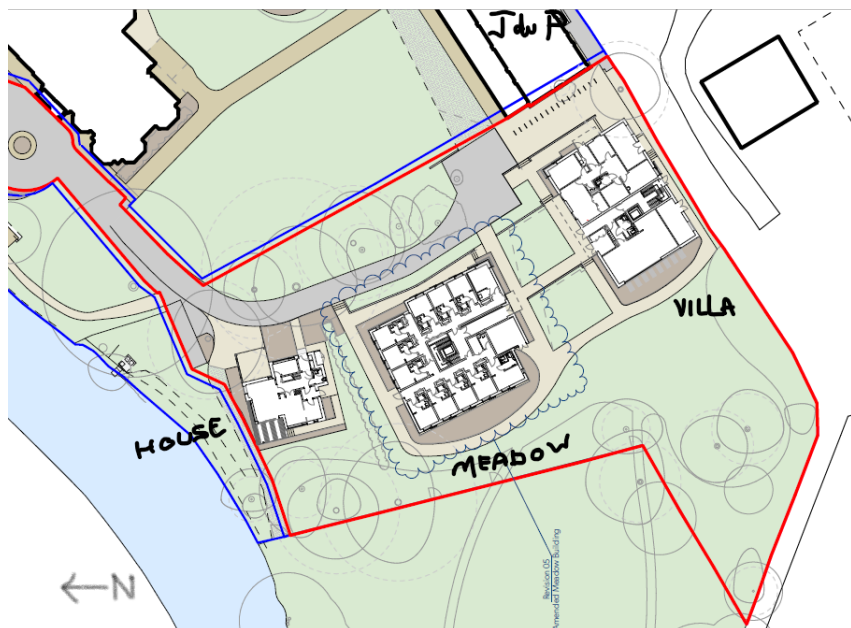


Figure 1 showing extract of site layout plan

11.28. The Principals Lodgings sits adjacent to the river at the northern part of the application site and has been designed in the form of a 3 bed dwelling measuring approximately 14m wide by 11.6m deep (overall), 8m to ridge and 4m to eaves in buff brick with main pitched slate roof and dormer windows, and additional singles storey flat roof elements measuring approximately 3.5m high (maximum). It has its own private garden to the west and an integrated parking space which screens the car from river views. It would have an expressed external chimney and a large picture window facing onto the river to make the most of the view. Windows and doors would be in anodised bronze and a cedar or larch louvered

canopy would provide shading over the large patio doors and raised decked area at ground floor. Figure 2 below shows an extract from the DAS which shows the architectural response for this building and visualisation from the river:



Figure 2: the President's Lodge architectural response and visualisation (DAS extract)

11.29. The central 'Meadow Building', sits in the location of the existing Principals' Lodging and has been designed to respond to the Meadow to the west and form the third side of a Quod around the main upper lawn area. The building provides 42 student rooms over three and four floors and would be entirely clad in green tiles. The façade would be punctuated by bronze framed windows, including larger corner windows to kitchen areas. Sliding bronze louvre shutters within the windows would provide shading and privacy; the shutter would slide in front of recess in ceramic cladding, allowing more of the cladding to show through. The building would measure approximately 23m wide by 21m deep, approximately 10m to top of the third floor flat roof, 13.5m to the top of the fourth floor flat roof and 15m high to top of the undulating parapet at roof level. At fourth floor/ roof level the ceramic cladding would create a zig-zag top parapet profile, measuring approximately 1.5m high (maximum), and feathered in their spacing to allow light through and fade the top of the building. Plant and photovoltaics would sit behind on the flat roof behind the parapet, which would act as screening. The building has been positioned around the existing mature Cedar tree to ensure its retention. Figure 3 below shows the architectural response for the Meadow building and visualisation of the south elevation:

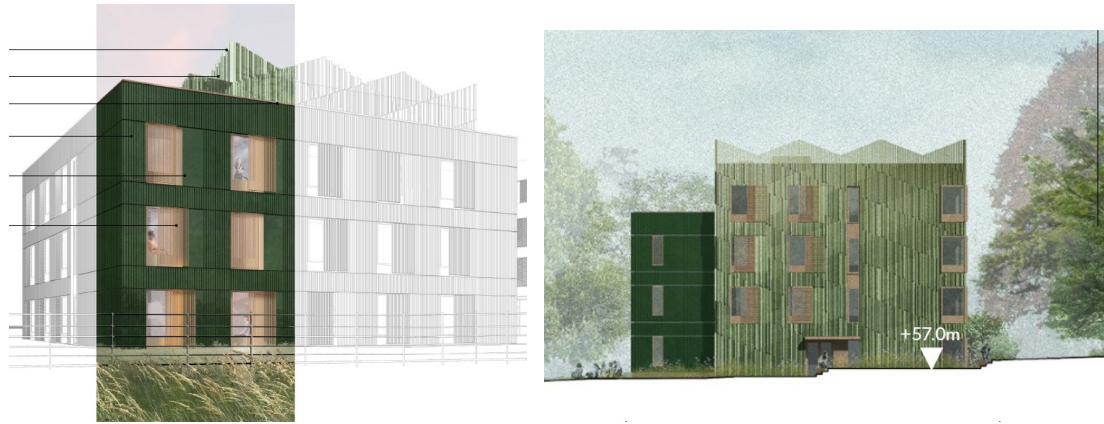


Figure 3: the architectural response for the Meadow building and visualisation of the south elevation (DAS extract)

11.30. The third building, the 'Villa Building', sits to the south of the Meadow Building and adjacent to the Jacqueline du Pre building east of it. It has been designed to reflect the architectural form to the Meadow building, except without the green cladding, to create a conversation between the two buildings whilst also responding to the Jacqueline du Pre building, albeit slightly higher. It provides ancillary student facilities, including music room, and 30 student rooms over four floors in buff brick with a flat roof and undulating metal parapet, measuring approximately 16m wide, 23m long and 14m high. The fourth floor would be clad in faceted bronze anodised aluminium cladding with profiled top edge, to match finish of Phase 1's aluminium façade. This cladding also reflects the zinc seamed roof of the Jacqueline du Pre Building adjacent. The same windows would be used for Meadow Building set within a buff brick façade. Figure 4 below shows the architectural response for the Villa building and visualisation of the north elevation:



Figure 4: the architectural response for the Villa building and visualisation of the north elevation (DAS extract)

11.31. The height and massing of the student blocks is derived from the need to provide a quantum of student rooms for the College within a relatively small and constrained area. It has not therefore been possible to replicate the transitional characteristic nature of the buildings that currently exists. However the layout

would maintain visual and physical links with the adjoining meadow beyond via the gaps between the new buildings and emphasised through the proposed landscaping scheme. There would be a distance of approximately 8.5m between the new Presidents house and the Meadow Building and approximately 15m between Meadow and Villa Buildings. The latter would be approximately 10m away from the Jaqueline du Pre Building.

11.32. It is considered that the size and massing of the buildings is justified and the layout is appropriate within the site. The green Meadow Building would be unusual and striking, and would appropriately respond to the adjoining meadow whilst providing an interesting juxtaposition to the existing buildings at the College. The green would also help to mitigate the visual impact of the building by blending into the verdant green of the trees in views from outside the site within the Christ Church Meadows. The overall height of the building has been kept to the minimum needed for internal floor levels whilst still providing an undulating parapet, screening of proposed photovoltaics (PV) and any mechanical plant, and also being proportionate to the to the rest of the building itself. When viewing the development in the context of the wider College campus and completed Phase I, the proposed development would provide an appropriate 'book end' to the College Campus. As commented by HE, these buildings would be comparable in scale to the existing buildings at St Hilda's. Further details of the proposed external PV and roof plant equipment including siting and materials could be secured by condition to ensure they would not be visible in views.

11.33. The buildings have been design to be accessible both internally and via the external landscaping. The Principal's Lodge complies with internal space standards and provides an adequate private garden. A Health Impact Assessment (HIA) has been submitted with the application and satisfactorily demonstrates, together with other relevant submitted documents, that the site has been positively designed throughout for health and well-being and would create a strong, vibrant and healthy community in accordance with RE5 of the OLP.

11.34. It is considered that the proposed design and appearance of the development would be of high quality, subject to securing appropriate materials and ensuring this is delivered throughout the construction process. This could be secured by condition.

Views

11.35. A Landscape and Visual Analysis has been submitted which has assess the impact of views both in close range and high level views. The site is largely screened by the existing mature trees and shrubs that form the boundary of the site. The existing Principals Lodgings can be seen from Christ Church Meadows and Botanic Gardens through a gap in the trees. Glimpsed views can be seen from Ferry Walk, Jubilee Bridge again though the trees. Views are more apparent in winter months. Although not a public view, from Christ Church Recreation Ground the Principals Lodgings is screened by existing trees and is partially visible. It sits in the backdrop to an existing two storey sport facility building and associated nets and floodlights within the sports field. The mature

trees and low level, modest scale of the Principals Lodging and smaller temporary building contribute to its transitional character.

- 11.36. The LVIA demonstrates that the visual impact of the development would be the greatest from the Botanic Gardens, Christ Church Meadows (Ferry Walk & Jubilee Bridge) and Christ Church Recreation Ground. The continuous mature tree line running along the riversides and the lack of built form, form the strong landscaped character of this edge of the conservation area and the setting of the grade I RP&Gs and the Central conservation area, conveying a sense of the rural edge.
- 11.37. From the Botanic Gardens (beside the river) the development would infill an existing gap in the tree line, resulting in the loss of an area of sky. The existing trees and vegetation along the riverside would be retained, although an existing beech hedge set back within the site (approx 10m) would be removed. As the height of the buildings are below the top of the tree canopies (cedars), and with the profiled parapets and appropriate materials and landscaping, it is considered that the impact on this view would be minimised so as not to cause visual distraction or harm to the setting of the Botanic Gardens and Central CA.
- 11.38. In views closer to the site from within Christ Church Meadows along Ferry walk, the development would be totally screened during summer months the Meadow and Villa Buildings being more apparent during winter months through the trees because they are taller and larger in massing than the existing building on site. It is considered that the green ceramics of the Meadow Building would enable the building to recede and blend in in views and depending on the final finish may not be overtly reflective. Due to given the mature trees along the boundary the impact within views would be not nearly as evident as Phase I which has a greater impact on views from within the Christ Church Meadows. It is acknowledged and accepted that the development would not replicate the transitional nature in this location and the character of this part of the conservation area.
- 11.39. The view from within Christ Church Recreational Ground is not a public view point and therefore has less significance than the other viewpoints. The southern boundary of the site also forms the boundary of the SC&IRCA. Within the view are a variety of mature trees and low level built form of the existing Presidents Lodge and two storey pavilion/ recreational building in the sports ground, indicating the tapering and transitional nature of the site. The new Villa building would form a back drop to the existing recreational building and new tree and shrub planting is proposed along this southern boundary to mitigate the visual impact.
- 11.40. In other longer and closer range views assessed from St Mary's Tower, Thames Path, South Park, Crescent Road and Iffley Road, the development would be largely screened by mature tree canopy cover, and it is considered that the impact would be minor / negligible.

Harm to Heritage assets

11.41. Historic England considers that there may be a degree of harm to the St Clements and Iffley Road Conservation Area as a result of its loss but that this would be low given the limited intrinsic interest of the building and the minor role that it plays within the townscape, given its limited visibility. Whilst the new buildings are likely to have more presence the tree cover would filter views of the new buildings from the pathways around the meadow. HE also consider that the scale of the buildings are comparable with adjacent buildings at St Hilda's including the Jacqueline Du Pre and grade II Garden Building and in their view would be read as part of the St Hilda's College site and not encroach on the meadow's setting. In HE's view the impact on views from within the Botanic Gardens wall is more important the pathways outside and that visibility changes depending on where you stand and tree screening. They consider that despite the increase in scale, the proposals would not harm the grade I landscapes of Christ Church Meadow or the Botanic Garden nor the character and appearance of the SCIRCA & CCA in which they sit.

11.42. Officers consider that the loss of the existing Principal's Lodgings and loss of the transitional character and significance, due to the overall height and scale of the Meadow and Villa Buildings, would result in less than substantial harm to the special character and appearance of the SCIRCA in which they stand and also the setting of the CCA and Christ Church Meadows. This would be a medium level of less than substantial harm to the significance, character and local distinctiveness of the SCIRCA

11.43. Notwithstanding the harm that would be caused by the loss of the existing Principal's Lodgings, it is considered that the positioning of a new Principals Lodge closer to the riverside edge would not cause harm to the character and appearance of the conservation areas or the settings of the Registered Park & Garden Christ Church Meadow or Botanic Garden.

Justification and Public Benefits

11.44. In accordance with the statutory test, the NPPF and Policies DH1, DH2 and DH3 of the OLP, as less-than-substantial harm has been identified, the presumption against planning permission can only be outweighed by substantial material considerations, and therefore it falls to consider any public benefits that may outweigh that harm in this case. In carrying out this balancing exercise, great weight should be given to the conservation of these designated heritage assets. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives and do not always have to be visible or accessible to the public in order to be genuine public benefits. The following public benefits have been identified:

- In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would amount to the equivalent of 29 houses. This would constitute a public benefit and given the need for housing in Oxford this is afforded a high level of weight in this case;
- Provision of purpose built student accommodation for St Hilda's and wider

University of Oxford to capitalise on its reputation as a centre for excellence in a collegiate-based education to the benefit of the City, regional and UK economy. This is afforded a moderate level of weight in this case;

- Increased biodiversity and substantial tree canopy cover through new planting and is afforded a moderate level of weight in this case; and
- Increased public access to and increased knowledge of St Hilda's College and the adjoining meadow via appointment visits and tours. This is afforded a moderate level of weight in this case and could be secured through a s106 agreement.

11.45. As discussed above, a medium level of less than substantial harm would be caused to the heritage significance. There is considered to be a clear and convincing justification of need for the development in this location, which has been suitably mitigated through the design. Overall it is considered that the level of public benefits derived from the development would outweigh the level of less than substantial harm caused. As such the proposal would accord with the NPPF and Policies DH1 DH3 and DH4 of the OLP36.

d. Trees and Landscaping

11.46. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

11.47. Given the other constraints on the site, it is not to be feasible to provide the required quantum of development without removing some existing trees and hedges. A hornbeam and Himalayan Birch are of higher quality trees to be removed. The hornbeam is a large tree that stands near to the boundary with Christ Church Sports Ground and has some significance in the wider landscape, but has significant structural defects (including main stem cavity), that limit its safe life expectancy. The Birch is attractive but not significant in views from outside of the application site. It is considered that the impacts of tree removals should not be significantly detrimental to public amenity in the area, or to the character and appearance of the St Clement's and Iffley Road Conservation Area, and can be expected to be adequately mitigated by new tree planting as shown on the submitted 'Soft Landscape Plan'. This plan includes comprehensive tree, hedge and other soft landscaping proposals which include tree species that are appropriate to the particular site conditions and landscape character of the area. 8 new trees are proposed including 3no. silver birch, 3 no. small leaved lime, 1 no. copper beech and 1 no. sweet gum. A mixed species native hedge is proposed along the boundary with Christ Church Sports Ground.

11.48. The submitted Tree Canopy Cover Assessment (TCCA) provides evidence that development will provide a net gain of tree canopy cover within the application site over time. There will be an initial loss of approximately 411m²

tree canopy cover within the application site resulting from the removal of existing trees, but the new tree planting proposed will provide approximate 99m² of replacement tree canopy cover initially. It is predicted as these new trees grow there will be a net gain of tree canopy cover after 21 years, so that after 30 years the new trees will provide 712m² of tree canopy cover, which is a 65% increase.

11.49. Subject to conditions securing the soft landscape and tree planting; protection of trees during demolition, construction and enabling works; final detailed design of hard surfaces and underground utility services and drainage; final Tree Protection Plans and Arboricultural Method Statements; and a Tree Protection Monitoring Plan, it is considered that the development accords with Policies G7 and G8 of the OLP.

e. Amenity

11.50. Policy H14 seeks to ensure reasonable privacy, daylight and sunlight (internal and external) for existing and future residential occupants and developments that are overbearing would be refused. In assessing the impact of a development orientation, existing and proposed boundary hedges/ walls/ fences/ trees etc. and whether a development would significantly compromise the privacy of new and existing homes is taken into account. Policy H15 requires that dwellings provide good quality living accommodation for the intended use and comply with national space standards. Policy H16 ensures adequate outdoor space for new dwellings.

11.51. The development is located at the south western tip of the College Campus surrounded by Christ Church Meadows to north and west and sport pitches to the south and southwest. The only building neighbouring is an associated sports building. There would therefore be no impact on any adjoining residential neighbours and the development accords with H14.

11.52. In terms of amenity for future occupiers, the new Villa Building has windows in the southern elevation overlooking the sports pitches. The number of bedroom windows has been kept to a minimum due to the impact of light spillage from the floodlighting. The development would provide adequate amenity space and communal rooms, within and as part of the wider campus, in accordance with H8. The new Principal's House would have adequate internal and external private garden space. Overlooking from the student accommodation has been minimised and the garden is screened by an existing hedge. As such it accords with HP14, HP15 and HP16.

f. Transport

11.53. Policy DH7 of the OLP sets out requirements for bike and bin stores and external servicing features should be considered from the start of the design process. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road

network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are generally required for development of this type and size.

- 11.54. Policy M3 sets out the Council's policy for motor vehicle parking. 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 an 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. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking as existing on site and a reduction will be sought where there is good accessibility to a range of facilities. Expansion of existing operations on existing large sites should provide a comprehensive travel plan for the whole site, demonstrating opportunities to enhance and promote more sustainable travel to and from it.
- 11.55. Policy M5 Planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7. A lower than the minimum standard may be acceptable for new student accommodation that is located close to the institution where most of its occupants will be studying and/or where it is adequately demonstrated through a transport assessment that there is existing unused cycle capacity available, in appropriate locations and of an appropriate design standard on site, to accommodate the increased number of bedrooms.
- 11.56. The site is in a sustainable location and the proposed development would be car free for students in accordance with Policies H8 and M3 and could be secured through by condition. One replacement car parking space for the new President's house is proposed. As this is redevelopment of an existing site and there would be a reduction in parking (18 spaces), this is considered acceptable. Parking otherwise would be limited to operational and disabled parking. As such the development accords with Policy M3.
- 11.57. Servicing and delivery to the development would be via the access point for Phase I from Cowley Place in the same way Phase I and has been the case for the College for a long time. However, students drop-off and pick-up needs to be managed in the same way as approved for Phase I to ensure there would be no significant adverse impact on the highway network. This could be secured by condition.
- 11.58. Currently there are a total of 276 cycle parking spaces within the College for the 245 existing rooms. The development would provide an additional 32 parking spaces, adjacent to the Villa Building, for the proposed 72 rooms. In total there would be 308 spaces for 317 rooms cycle parking spaces for students within several cycle stores and open stands located across both Phase I and Phase II proposed. Whilst this is below the minimum 1:1 ratio, the development is on the main campus where student study, is in a sustainable location near to shops and services, and therefore acceptable in accordance with M5 which allows a lesser provision in such cases. Details of the stands could be secured by condition and as such the development accords with Policy M5.

g. Flood risk and Drainage

- 11.59. The site lies within flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Details of this may form part of the FRA or a drainage strategy. In relation to surface and groundwater flow and groundwater recharge any development that would have an adverse impact on groundwater flow will not be permitted in accordance with policy RE4. The City Council will, where necessary, require effective preventative measures to be taken to ensure that the flow of groundwater will not be obstructed. Developers are encouraged to separate foul and surface water sewers on all brownfield sites delivering new development. A Foul and Surface Water Drainage Strategy must be provided for all new build residential development of student accommodation of 250 study bedrooms or more. This development falls below this threshold.
- 11.60. The Environment Agency has raised no objection subject to conditions requiring the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures contained in it.
- 11.61. The LLFA originally raised objection to the development on technical grounds together with requirement of details of infiltration calculations. An updated FRA and Drainage Strategy was submitted in May 2022 and the LLFA re-consulted. The LLFA have subsequently removed their objection subject to conditions requiring submission of a detailed surface water drainage scheme and record of implementation. It is considered that the development would not result therefore in an increased risk of flooding subject to a finalised sustainable drainage design. In addition to the LLFA conditions it is considered appropriate to also include a condition requiring a Sustainable Drainage (SUDs) Maintenance Plan (SDMP) to ensure the SuDs continue to be effective. As such the development would accord with RE4 of the OLP.

h. Biodiversity

- 11.62. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator.
- 11.63. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species

Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.

11.64. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:

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

11.65. A Preliminary Ecological Appraisal (PEA) report (December 2020), Bat Survey Report (July 2020), Biodiversity Offset Calculations (December 2020) and a Biodiversity Enhancements Plans 1 and 2 (December 2020) produced by Lockhart Garratt were submitted with the application. Given the ages of the survey data, an updated PEA (May 2022) has been submitted which shows that at there has been a reduction in ecology on the site since 2020. No evidence of protected species was found on site. The updated PEA considers that the buildings were devoid of any obvious potential bat roost features and no evidence of bats was found. Officers are satisfied that a robust assessment has been completed and no further survey work is required. The PEA recommended that the roof is soft-stripped as a precautionary method, which is considered appropriate and could be included within a Construction Environmental Management Plan (Biodiversity) condition. The information submitted demonstrates that through the proposed landscape soft planting and tree and hedgerow planting a combined net gain of 73% (habitat and hedgerow) on site would be achieved. A number of ecological conditions would be required to ensure protected species and habitats are protected including a Construction Environmental Management Plan for biodiversity, a Landscape and Ecological Management Plan, Ecological Enhancements, lighting design strategy.

11.66. With regard to the St Hilda's Local Wildlife Site (LWS) information has been included with in the updated FRA & Drainage Strategy submitted in May 2022. The assessment considers that the development is unlikely to have an adverse impact on the hydrology behaviour associated with the meadow; the FRA and drainage strategy has sought avoid the flood plain and adopt porous sustainable drainage techniques to mimic the existing arrangement as closely as possible. Officers concur with the assessment and are satisfied that the development would unlikely harm the LWS.

- 11.67. The Environment Agency commented that development that encroaches on watercourses can have a potentially severe impact on their ecological value. Whilst the redline site boundary may already be further than 10m from the top of bank of the watercourse, there is no clear measurements provided on the plans. The blue line boundary shows the river buffer is within the ownership boundary of the applicant. The EA therefore request a condition requiring a 10metre wide protective buffer zone around the watercourse to safeguard it from the development.
- 11.68. Officers are satisfied that the potential presence of protected habitats and species has been given due regard and that a net gain in biodiversity would be achieved, and subject to conditions listed, the development would accord with G2 of the OLP. Due regard has be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

i. Land Quality

- 11.69. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.
- 11.70. A revised Remedial Strategy report (5th Nov 2021) has been submitted with the application following concerns about the need for protection of tree root zones in areas of the site where a soil remediation cover system was proposed to mitigate against contamination risks in soil. This area is specifically at the new Principal's Lodgings to the north of the site. This revised strategy is now considered acceptable in terms of mitigating potential contamination risks to human health.
- 11.71. The revised remedial approach using above ground planters in areas where tree root protection is required is considered an acceptable compromise. The remaining areas would adopt the 600mm clean cover soil system as recommended in the remedial strategy. All clean soils would need to be pre-tested prior to importation to site. As such, and in accordance with the revised remedial strategy, conditions are required to ensure that the approved remedial measures are validated appropriately through submission of a validation report together with a watching brief condition is included in case any unexpected contamination is encountered during development. Subject to these conditions the development would accord with RE9 of the OLP.

j. Air Quality

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

air quality is minimised or reduced. Existing and new occupants will be accounted for and any additional negative air quality impacts identified from new development will require mitigation measures to ameliorate these impacts during operational and construction phases. Sensitive uses, such as residential, should be located away from poor air quality areas, be designed to reduce impact and mitigated through air quality measures where necessary. Major developments that carry a risk of exposing individuals to unacceptable levels of air pollution must be accompanied by an Air Quality Assessment (AQA). Where an AQA demonstrates harm to air quality, permission will not be granted unless specific measures are proposed and secured to mitigate those impacts.

11.73. The application is accompanied by an AQA and a Dust Mitigation Plan. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Pollutant concentrations at monitoring locations representative of the application Site, show compliance with the annual mean NO₂ AQO in recent years. The results indicate that concentrations at proposed receptor locations within the site boundary are well below relevant air quality objectives for NO₂ concentrations. According to the energy statement, Heating and hot water at the Proposed Development will be provided via gas boilers. All the boilers will be ultra-low NO_x complying with Oxford City Council's planning guidance of <40mgNO_x/kWh. The overall number of parking spaces would be reduced as a consequence of the proposed development. As such, there would be no increased trip generation as a result of the Proposed Development and thus no potential air quality impacts associated with road traffic emissions. Policy M4 (Provision of Electric charge points) of the OLP 2036 requires a minimum of 25% of parking spaces to be provided with charging points on non-residential developments. The dust mitigation plan document should be read in conjunction with the site's CTMP and CEMP, so that the air quality impacts of these activities can be fully mitigated to the status of negligible. A condition requiring construction in accordance with the dust mitigation measures plan could ensure this.

11.74. It is considered that there would be no adverse impact on sensitive receptors on the basis that conditions above are imposed and as such the development would accord with policies RE6 and M4 of the OLP.

k. Archaeology:

11.75. Policy DH4 states that within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical within a Heritage Assessment and, if applicable, a full archaeological desk-based assessment and the results of evaluation by fieldwork.

11.76. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which

are designated as heritage assets will be considered against the policy approach in policy DH3.

- 11.77. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.
- 11.78. An archaeological desk based assessment and Archaeological Evaluation Report, following field investigation undertaken, were submitted with the application. The Archaeological Evaluation failed to identify any significant archaeological remains and therefore no further archaeological work in relation to this application. As such the development accords with Policy DH4 of the OLP.

I. Sustainable Design and Construction:

- 11.79. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.
- 11.80. An Energy Statement has been submitted with the development. The student accommodation buildings will be certified to the Passivhaus Classic Standard. The Principal's Lodgings will also be designed and built using Passivhaus principles. Passivhaus requires super airtight construction, triple glazing, high levels of insulation and heat recovery ventilation. Waste-water heat recovery will be used to minimise hot water demand. High efficiency condensing gas boilers for the Meadow and Villa Buildings and air source heat pump in the Principal's Lodgings are proposed. A 41% carbon reduction over the baseline would be achieved.
- 11.81. The use of gas boilers within the development has been clarified by the College who advise that is that the heat pump is very expensive and the technology not as proven. The College instead has invested in Modern Methods of Construction such as cross-laminated timber to ensure the frame is carbon neutral. The building would be Passivhaus and would require minimal heating, mainly at the outset to even out the temperature. The College will swap out the boilers once it is certain of the technology for example water based heat pumps as these could be swapped out very easily in this case. The College has focussed on ensuring a fabric first policy i.e. reducing the embedded carbon associated with the structure.

11.82. Notwithstanding the proposed use of gas boilers, the scheme it is considered that the development would be of a sustainable design and construction, which includes high fabric standards, super airtight construction, efficient building services and the use of waste-water heat recovery. The proposed development also exceeds the 40% target for carbon reduction. Subject to a condition securing construction in accordance with the Energy Statement, the development accords with RE1 of the OLP.

m. Noise:

11.83. RE8 of the Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts and those that would generate a lot of noise in sensitive locations. Mitigation measure will be sought via conditions to reduce the impact during operation or use and/ or during demolition and construction periods.

11.84. The site is located off Cowley Place and is predominantly surrounded by sports fields to the northwest and southeast, with open grass fields located directly west. Iffley Road, which is a relatively busy A-road. The nearest noise sensitive dwellings are considered to be the existing on-site student accommodation. The nearest un-associated residential dwellings are considered to be the dwellings at the Liddell Building, located along Iffley Road.

11.85. An Acoustic Assessment, together with mitigation measures, has been submitted with the application. The significant potential noise sources associated with the scheme are the building services plant only including condenser units, air handling units and ASHP units.

11.86. The submitted acoustic assessment of the facade sound insulation performance for all elevations of the proposed development are sufficient and adequate glazing sound reduction specifications proposed. The site is considered suitable for residential use development and on the basis that the proposed mitigation measures are incorporated, the proposed plant items would comply with the relevant noise limits. This can be secured by condition. Other conditions relating to construction and demolition works, a restriction on noise from plant to prevent noise creep, and notification of commencement of development are also suggested in order to prevent an adverse impact on neighbouring amenity. As such the development would accord with RE8 of the OLP.

n. Planning Obligations:

11.87. It is considered that the following matter should be secured through a section 106 legal agreement with the City Council:

- A Public Access Strategy detailing events and arrangements for member of the public to gain access to the College and grounds, including the meadows,

in the interests of securing the public benefits of the development.

11.88. A Travel monitoring contribution of £1,240 to the County Council could be secured through a Unilateral Undertaking.

12. CONCLUSION

12.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

12.2. The NPPF recognises the need to take decisions in accordance with section 38(6) but also makes clear that it is a material consideration in the determination of any planning application. The main aim of the NPPF is to deliver sustainable development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

12.3. It is therefore necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with those policies.

12.4. It is considered that the development would provide for a clear and identified need for student accommodation for St Hilda's College and wider University of Oxford. The significance of the heritage assets has been understood and the development would preserve and enhance the conservation areas in general. The harm to the SCIRCA and setting of the CCA and listed Christ Church Meadows as a result of demolition of the existing Presidents Lodging and new larger buildings would result in a moderate level of less than substantial harm. The location and quantum of development, its scale and massing is clearly and convincingly justified. It is also considered that the level of public benefits of the development would outweigh the harm in this case namely: contributing towards the provision of housing, providing student accommodation on College land thereby releasing housing to the general market, high quality architecture and increased public access to the College and grounds.

12.5. It is considered that the loss of trees would be adequately mitigated by new tree planting and the comprehensive high quality landscape and tree planting scheme. Tree Canopy cover would be replaced and exceeded over time. There would be a net gain in biodiversity and no harm to any identified protected species. The development would be of sustainable design and construction principles achieving a 40% carbon reduction requirement. There would be no adverse flood risk & drainage, land contamination or air quality impact. Adequate cycle parking would be provided.

- 12.6. In terms of any material considerations which may outweigh these development plan policies, the NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy SR1 of the OLP 2036 repeats this.
- 12.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy SR1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 12.8. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 12.9. 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.

13. CONDITIONS

Time

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

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

Plans

2. Subject to conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy SR1 of the Oxford Local Plan 2016-2036.

Materials

3. Prior to the commencement of development excluding demolition and enabling works a schedule of materials together with samples shall be submitted to and approved in writing by the Local Planning Authority. The

following sample panels shall be provided on site:

a) Large scale sample panels of all new brickwork and stonework demonstrating the colour, texture, face bond, mortar and pointing for the new development shall be erected on site.

b) Large scale sample panels of all new ceramic cladding, metal claddings and screens, and roof materials demonstrating the colour, texture, reflectivity shall be erected.

The development shall be completed in accordance with the approved materials schedule and sample panels unless otherwise first agreed in writing which where feasible shall remain on site for the duration of the development works.

Reason: To ensure high quality development and in the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

Occupation

4. Subject to conditions 5 6 and 7, the student accommodation hereby permitted shall only be occupied by full time students attending courses of one academic year or more at an academic institution in Oxford, and by no other person or persons. The accommodation shall be occupied in accordance with the details submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt. The development has been designed for the specific principle use as student accommodation. It is not suited to other long term residential uses without substantial alterations given the limited internal space per unit and lack of amenity space to comply with policy and in accordance with Policy H8 of the Oxford Local Plan 2036.

5. During term time the development hereby permitted shall be used for student accommodation as specified in the submitted application and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for academic and educational visitors, conference delegates, and cultural visitors to Oxford. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To ensure that the premises and occupiers are properly managed at all times and to mitigate any adverse impact on amenities, highway and parking in accordance with RE7, RE8, M2 and H8 of the Oxford Local Plan 2036.

Transport

6. Prior to occupation, details of a tenancy agreement that includes a clause under which the study bedrooms shall be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city shall be submitted to and approved in writing by the Local Planning Authority. The study bedrooms shall only be let in accordance with the approved tenancy agreement.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies RE7, M2 and H8 of the Oxford Local Plan 2036.

7. A Student Accommodation Management Plan should be submitted for approval by the Local Planning Authority in advance of occupation of the student accommodation. This should set out control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of term are appropriately staggered to prevent any adverse impacts on the operation of the highway. The approved management plan shall be implemented upon first occupation of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

8. Prior to commencement of development including demolition and site clearance a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following matters:-

- the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
- times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- hours of working;
- travel initiatives for site related worker vehicles;
- signage for construction traffic, pedestrians and other users of the site;
- piling methods (if employed) and controls on vibration;
- earthworks;
- hoardings and security fencing to the site;
- noise limits;
- control of emissions;
- Dust mitigation measures including site specific dust mitigation measures identified in the IAQM Guidance on the assessment of dust from demolition and construction within the Air Quality Assessment;

- waste management and disposal, and material re use;
- wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
- contact details of the Project Manager and / or Site Supervisor;
- layout plan of the site;
- materials storage including any hazardous material storage and removal.
- Engagement with local residents and neighbours

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

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

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

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2016-2036.

10. The car parking spaces shall be laid out and constructed in accordance with the submitted plans and retained as such at all times thereafter.

Reason: To ensure an acceptable level of car parking in accordance with policy M5 of the Oxford Local Plan 2016-2036.

Sustainable Design and Construction

11. The development shall be implemented in strict accordance with the approved Energy Statement. Prior to the full occupation of each phase of the development evidence shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement to achieve the target performance.

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

12. Notwithstanding the approved Energy Statement, details of all Photovoltaics and mechanical plant including siting, size, design and finished appearance shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the visual impact of the development in the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade

I listed Registered Park and Gardens in accordance with Policies RE1, DH1 and DH3 of the Oxford Local Plan 2016-2036.

Trees/Landscape

13. The development shall be constructed in accordance with the submitted soft Landscape Plan 10805-LD-PLN-405 ISSUE. A, unless otherwise first approved in writing by the Local Planning Authority.

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

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

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

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

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

16. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

17. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction -

Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

18.

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

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

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

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

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

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

Biodiversity

21. The development shall be undertaken in accordance with the ecological enhancements outlined within the Biodiversity Enhancements Plans 1 and 2 produced by Lockhart Garratt (December 2020). Any deviation from the plans must be agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework and Policy G2: Protection of biodiversity and geo-diversity of the

adopted Oxford Local Plan 2036.

22. The development shall be undertaken in accordance with the safeguards and recommendations provided within Section 5 of the Bat Survey Report produced by Lockhart Garratt (July 2020). The recommendations include pre-works checks for the presence of bats and a lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority to ensure no light-sensitive wildlife are harmed during the construction or operational phases.

Reason: To protect species of conservation concern from harm in accordance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

23. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a. Risk assessment of potentially damaging construction activities;
 - b. Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
 - d. The location and timing of sensitive works to avoid harm to biodiversity features;
 - e. Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
 - h. Use of protective fences, exclusion barriers and warning signs;

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

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

24. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed;
 - b. Ecological trends and constraints on site that might influence management;

- c. Aims and objectives of management over the long term period;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g. Details of the body or organization responsible for implementation of the plan; and
- h. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

25. No development shall take place until a scheme for the protection of a 10 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent of the buffer zone (minimum of 10m from the top of bank)
- details demonstrating how the buffer zone will be protected during development
- details of the management of the buffer (at a minimum the management will not change from current)
- details of the connection of the new drainage to the Cherwell outfall and its location through the site and the buffer

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Land Quality

26. Prior to the commencement of the development a Phase 3 remediation strategy shall be submitted to and approved in writing by the local planning authority to ensure the site is suitable for its proposed use. In particular this is with regard to the identified contamination in garden area soils at the site.

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.

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

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

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

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Utilities

29. No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with V8 of the Oxford Local Plan 2036.

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

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with V8 of the Oxford Local Plan 2036.

Electric Vehicular Charging

31. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure that is expected to be installed on-site shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle infrastructure shall be formed, and laid out before the development is first in operation, as approved, and shall remain in place thereafter.

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

Drainage

32. Prior to the commencement of the development, a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- Detailed design drainage layout drawings of the SuDS proposals including
- cross-section details;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy RE 2 of the Oxford Local Plan 2016-2036.

33. Prior to first occupation, a Sustainable Drainage (SUDs) Maintenance Plan (SDMP) in accordance with Section 32 of CIRIA C753 shall be submitted to and approved in writing by the Local Planning Authority. The SDMP must be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics and shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed

and ensure the sustainable drainage system will continue to function in perpetuity. The approved SDMP shall be implemented prior to occupation of each phase and shall thereafter be maintained in accordance therewith unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is maintained in perpetuity and to avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy RE 2 of the Oxford Local Plan 2016-2036.

Heritage/Architecture

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

The archaeological historic building recording should consist of a level II building survey (Historic England, *Understanding Historic Buildings: A Guide to Good Recording Practice*, 2016) undertaken prior to the demolition works. The recording should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens in accordance with policies DH1, DH3 and DH4 of the Oxford Local Plan 2016-2036.

35. Notwithstanding the approved drawings, prior to commencement of each phase of the development the following large scale drawn design details 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 only:

- building facades and fenestration including large scale drawings at least 1:10 scale of all roof, wall and window junctions, and fenestration details to include cross sections showing glazing bars, sills, heads, louvres, reveals and surrounds.

Reason: To ensure high quality development and in the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens in accordance with policies DH1 DH3 of the Oxford Local Plan 2016-2036.

36. Prior to occupation a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include

technical specifications and hours of illumination for both internal and external lighting systems that take account of the impact on biodiversity and its transitional rural landscape setting and the character and appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of biodiversity and the visual appearance within the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens in accordance with policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

37. The roof top collapsible security railings for maintenance works shall remain in their collapsed position at all times when no maintenance works are taking place.

Reason: To ensure high quality development and to reduce the visual impact of the development in the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands and the setting of the City Centre Conservation Area and grade I listed Registered Park and Gardens in accordance with policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

14. APPENDICES

Appendix 1 – Site location plan

15. HUMAN RIGHTS ACT 1998

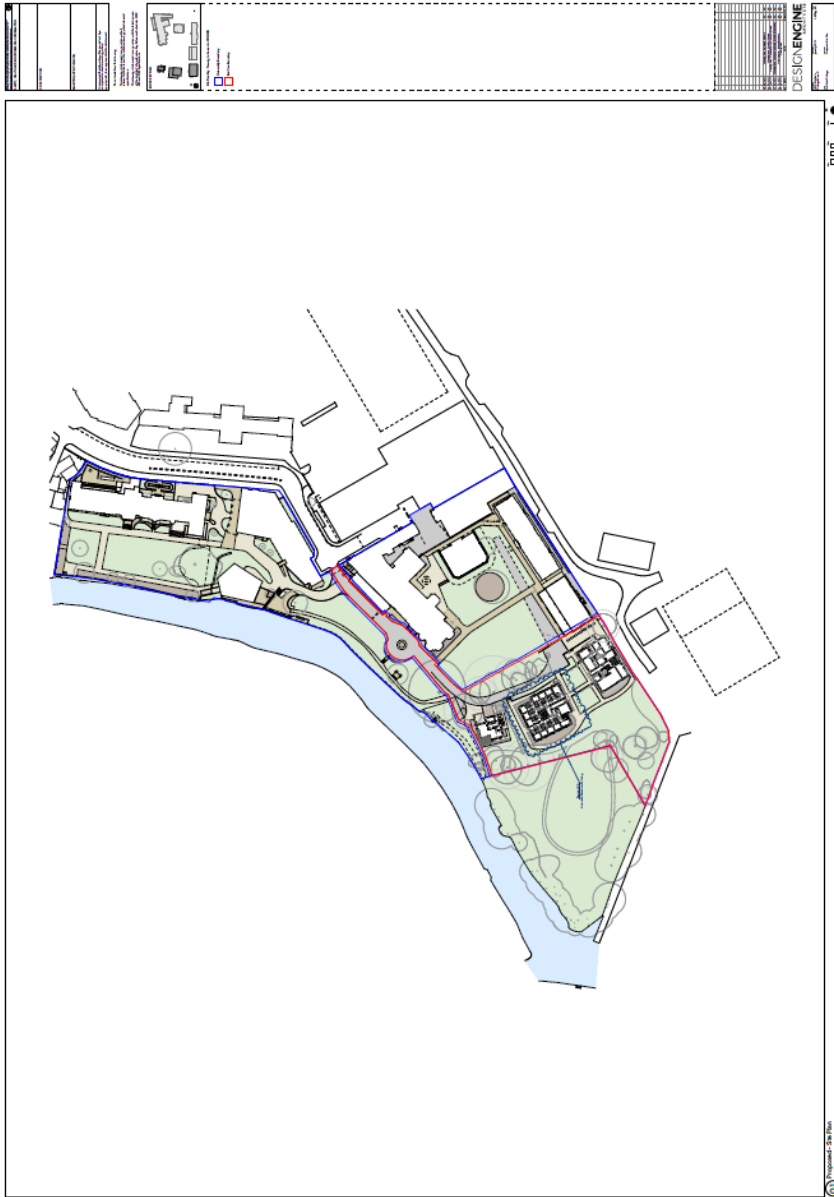
- 15.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

16. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1

Location Plan



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Application number:	22/00679/FUL		
Decision due by	29th June 2022		
Extension of time	N/A		
Proposal	Proposed Engineering Building (F1 Class) including landscape, services, cycle parking and associated works		
Site address	Headington Hill Campus Oxford Brookes University, Headington Hill, – see Appendix 1 for site plan		
Ward	Headington Hill And Northway Ward		
Case officer	Michael Kemp		
Agent:	Mr Chris Pattison	Applicant:	Oxford Brookes University
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

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

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

- Finalise the recommended conditions and informatives 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 the erection of a two storey teaching and workshop building consisting of 2247sqm of floor space (GIA) which would be used by Oxford Brookes University, specifically their School of Engineering. The building would be sited in the north east corner of the Oxford Brookes Headington Hill Campus on an area of the site currently used as a staff and visitor car park.

2.2. The development would align with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill Campus as the proposals would provide a new academic and teaching facility, whilst also according with Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford

Brookes Headington Hill Campus. As the proposals would involve the replacement of academic space located elsewhere on the Oxford Brookes estate it is unlikely that the development would directly facilitate an increase in student numbers. In any event the number of students living in non-university accommodation does not exceed 4000 students, therefore it is considered that there would be no conflict with Policy H9 of the Oxford Local Plan.

- 2.3. The proposals would result in the loss of 112 car parking spaces, Policy M3 of the Oxford Local Plan promotes a reduction in parking on non-residential sites where there is good accessibility to existing facilities. The site is in a very sustainable location in relation to public transport access and is considered to be very accessible by walking and cycling. The reduction in parking spaces would contribute to an overall reduction in vehicle movements, which would be beneficial in terms of the local road network, whilst the presence of a CPZ within the surrounding area limits potential for overspill parking in the surrounding streets. The plans also include a policy compliant level of cycle parking. The proposals are considered to be acceptable in transport sustainability terms and comply with Policies M1, M2, M3 and M5 of the Oxford Local Plan.
- 2.4. The proposed building would be of a high design standard, which would mitigate the impact of the development, when experienced within the context of the surrounding area and as experienced in the context of the Headington Hill Conservation Area and the Grade II* listed Headington Hill Hall. The siting of the building and its additional presence as experienced within the setting of these designated heritage assets would result in a low level of less than substantial harm to both the Conservation Area and Listed Building. When considered under the balancing exercise required under Paragraph 202 of the NPPF, this harm would be demonstrably outweighed by the public benefits of the development, particularly the provision of new academic accommodation and the sustainability benefits arising from the removal of a high number of parking spaces on the site.
- 2.5. From an amenity and environmental perspective it is considered that the development would not have any demonstrable adverse impacts when considered against all relevant policies contained within the Development Plan, Headington Neighbourhood Plan and NPPF.

3. LEGAL AGREEMENT

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

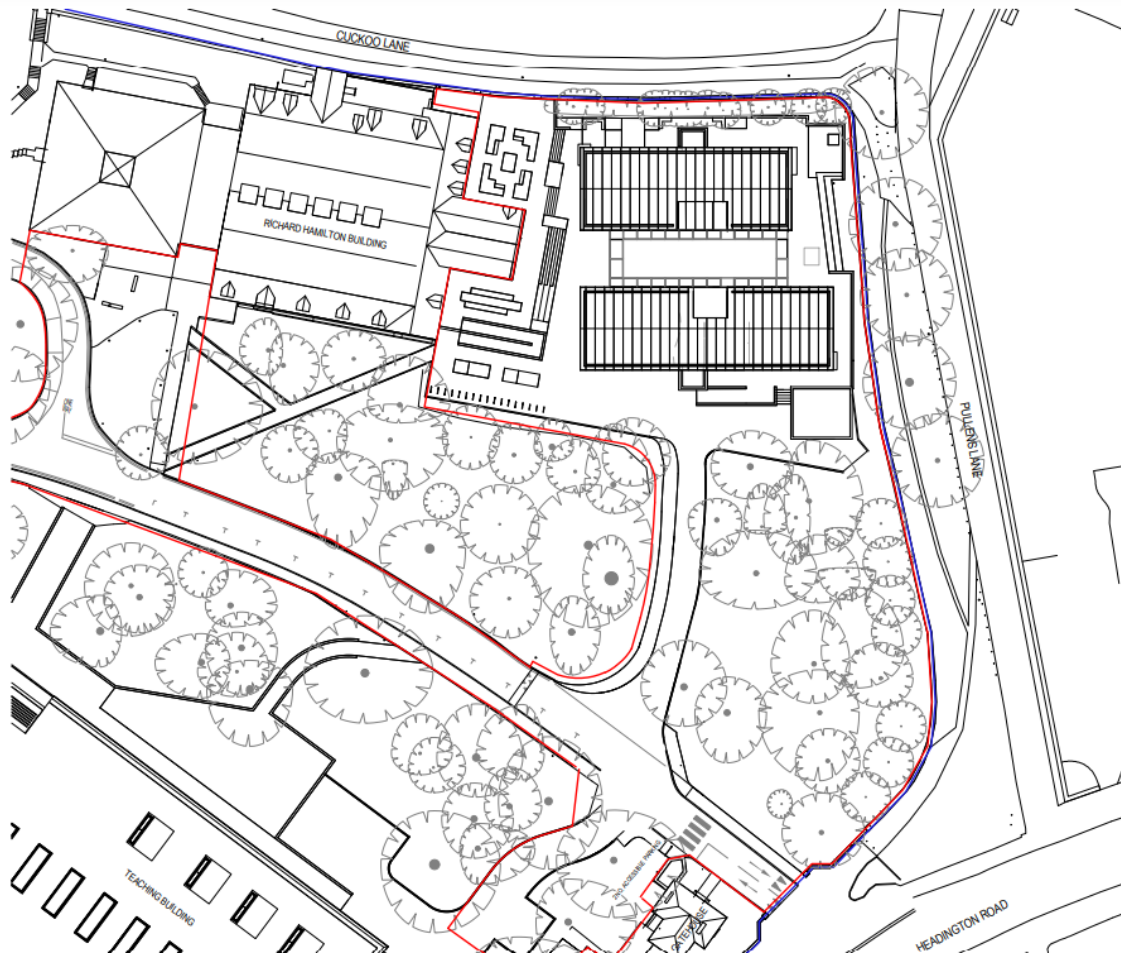
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £66,780.84

5. SITE AND SURROUNDINGS

- 5.1. The site is located in the Headington Hill Conservation Area and falls within the wider setting of the Grade II* listed Headington Hall. This part of the Brookes Campus consists of a range of buildings falling under academic uses associated with the University, as well as student accommodation uses to the west and north west at the Clive Booth Student Village.

- 5.2. The application site itself comprises an area of hard surfaced car parking, soft landscaping and an access road. The site is adjacent to the Richard Hamilton Building, a two storey vernacular stone building which is used as a teaching building by Oxford Brookes. The site area contains a large number of mature trees, particularly to the south of the site of the proposed building. There are also trees located along the eastern boundary with Pullens Lane and northern boundary with Cuckoo Lane. Vehicular access to the site is from London Road adjacent to the gatehouse building at the front of the Headington Hill Campus.
- 5.3. The site is enclosed by a high stone boundary wall to the east which separates the site from Pullens Lane. Beyond Pullens Lane to the east is the grounds of Headington School. Beyond the site to the north is Cuckoo Lane, a pedestrian path leading from Pullens Lane to Clive Booth Hall and Marston Road. The land beyond Cuckoo Lane is used as allotments.
- 5.4. The site lies to the north of the former Helena Kennedy Centre. Approval was granted in August 2018 for the demolition of the Helena Kennedy Centre and its replacement with a new two storey building, to be used by Oxford Brookes for academic/teaching purposes. The former Helena Kennedy Centre has since been demolished, although work has yet to commence on the replacement building and are subject of a current planning application relating to revisions to the approved plans (21/03622/VAR refers).
- 5.5. The site block plan is included below:



6. PROPOSAL

6.1. The application proposes the erection of a two storey teaching and workshop building measuring 2247sqm in GIA which would be used by Oxford Brookes University, specifically their School of Engineering. The building would be sited in the north east corner of the Oxford Brookes Headington Hill Campus on an area of the site used as a staff and visitor car park. The building would be sited between the two storey Richard Hamilton Building and the eastern boundary wall of the site which adjoins Pullens Lane.

6.2. The building would be split into three blocks, comprising two pitched roof gable ended workshop buildings linked by a flat roofed two storey central bay. The external elevations would be clad in green coloured copper, punctuated by prominent sections of glazing. The main entrance to the building would be sited on the west elevation of the building facing the Richard Hamilton building. The building would measure 11 metres in height to the ridge of the pitched elements of the building, whilst the building would measure 7.2 metres to the eaves. The largest of the three adjoining blocks would measure 11.7 metres in length.

6.3. Surrounding spaces would be landscaped, with a mix of new hard and soft landscaping including the planting of additional trees. All of the existing parking on this part of the site would be removed. Access would be retained between this

part of the site and the existing link road through the Headington Hill Campus, though this would be primarily for pedestrians, and occasional service vehicle access.

7. RELEVANT PLANNING HISTORY

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

<p>63/13463/A_H - Erection of building for office and storage accommodation. Permitted 11th June 1963.</p>
<p>64/13463/A_H - Erection of building for offices and storage accommodation. Permitted 14th July 1964.</p>
<p>67/19523/A_H - Extension to existing warehouse to provide additional office accommodation on ground floor with store over. For Pergamon Press. Permitted 28th November 1967.</p>
<p>68/20342/A_H - Change of use from warehouse into office accommodation. For Pergamon Press.. Permitted 25th June 1968.</p>
<p>68/20396/A_H - Conversion of part of warehouse into multi-purpose flat and staff canteen. Permitted 9th July 1968.</p>
<p>68/20460/A_H - Conversion of part of warehouse into office accommodation and computer room. For Pergamon Press. Permitted 23rd July 1968.</p>
<p>73/00397/A_H - Extension to provide new reception and toilet facilities. For Pergamon Press.. Permitted 18th May 1973.</p>
<p>85/00538/NFH - Extension of existing office accommodation into two pavilion blocks. Permitted 8th November 1989.</p>
<p>90/00078/NFH - Roof modifications to approval NFH/0538/85 (extension of office accommodation into two pavilion blocks). Minor alterations to elevation (amended plans). Permitted 30th October 1990.</p>
<p>92/00540/NFZ - Change of use from residential and business use to use for educational purposes by Oxford Brookes University HEC. Permitted 20th April 1993.</p>
<p>94/00360/LH - Conservation Area consent for demolition of existing timber clad extensions. For Pergamon Press. Permitted 28th September 1994.</p>
<p>94/00361/NFH - Construction of new entrance canopy and extensions. Insertion of new external doors into existing window openings(Amended Plans). For Pergamon Press. Permitted 28th September 1994.</p>
<p>18/00872/FUL - Demolition of existing Helena Kennedy building, and erection of</p>

replacement academic building for the Faculty of Technology, Design, and Environment (amended plans). Permitted 24th August 2018.

20/01986/FUL - Temporary retention of half of the Willow Building for a period of 5 years. Permitted 29th January 2021.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan:
Design	126-136	DH1 - High quality design and placemaking DH7 - External servicing features and stores	CIP1 - Development respect existing local character CIP3 - Innovative design
Conservation/ Heritage	189-208	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets	GSP4 - Protection of the setting of the site CIP2 - Protecting locally important views CIP4 - Protecting important assets
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GSP3- Conserving and enhancing biodiversity
Transport	104- 113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric	TRP1 - Parking at major employment sites TRP3 - Travel plans TRP5 - Promotion of cycling

		charging points M5 - Bicycle Parking	
Environmental	119-125; 152-169; 174-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development E2 - Teaching and Research SP17 - Headington Hill Hall and Clive Booth Student Village	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th April 2022 and an advertisement was published in The Oxford Times newspaper on 7th April 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways Authority

9.2. The County Council has raised no objection to the development on highway safety grounds subject to conditions securing cycle parking, a delivery and

servicing management plan, Construction Traffic Management Plan and an update to the Oxford Brookes Travel Plan.

- 9.3. The proposed building replaces the existing on-site car park which results in a reduction of 112 car parking bays. This will in turn reduce traffic in the area and improve safety for pedestrians and cyclists which is naturally welcomed by the Local Highway Authority. 2 disabled spaces will be retained on site and located near the gatehouse.
- 9.4. Due to the sustainability of the area and the availability of transport options to the site, the reduction in car parking is considered appropriate. The Transport Statement states annual permits are still available, but it is not clear where these vehicles would be able to park.
- 9.5. The proposal will result in an additional 211 students and 8 staff members, however, the applicant has stated that this is a minimum. The Oxford Local Plan 2036 states that for this number a minimum of 108 cycle spaces should be provided. The Local Highways Authority have advised that this should be secured by planning condition.
- 9.6. Mitigating measures will need to be identified within the travel plan action plan to reduce car use and avoid cars being displaced onto neighbouring streets. EV charging for bicycles and cycle parking should be provided as part of the new build. The current travel plan is dated 2016 – 2018 and so an update is required. The current OBU Travel Plan should be updated to consider the new building and the relocation of staff and students from the Wheatley site. This should be produced prior to first occupation.

Lead Local Flood Authority

- 9.7. No objection, subject to the submission of a surface water drainage plan prior to the commencement of development, details to be secured by condition.

Thames Water Utilities Limited

- 9.8. No objection.

Natural England

- 9.9. No objection.

Public representations

- 9.10. No public comments have been received in relation to this application.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:
- Principle of development
 - Design and heritage impacts

- Neighbouring amenity
- Transport/Highways
- Energy/Sustainability
- Trees
- Flooding
- Ecology
- Land quality
- Air quality

Principle of development

10.2. The site subject of this application falls within the Headington Hill Hall Campus which forms part of a site allocation in the Oxford Local Plan (Policy SP17). Policy SP17 states that planning permission will be granted for additional academic and teaching facilities and associated sport, social and leisure facilities, student accommodation and residential development at Headington Hill Hall and Clive Booth Student Village.

10.3. Regarding academic uses, Policy SP17 states that the site would only be suitable for academic institutional uses provided that the requirements of Policy H9 are met. This is also in line with the requirements of Policy E2 of the Oxford Local Plan; the general guiding policy relating to the delivery of new academic and teaching spaces. Policy E2 promotes development which will support the growth of Oxford Brookes University through the redevelopment and intensification of academic and administrative floor space on their existing sites at Headington Hill and Gypsy Lane.

10.4. Accounting for the provisions of Policies E2 and SP17, development which would provide additional academic space on the Headington Hill Campus can be accepted in principle, subject to compliance with Policy H9 of the Oxford Local Plan.

10.5. Policy H9 links the delivery of new academic university facilities to the delivery of university provided residential accommodation in order to prevent unrestricted growth in academic space and consequently student numbers. If growth in student numbers is not matched through the delivery of purpose built accommodation further pressure is placed on the local housing market.

10.6. Specifically for Oxford Brookes University planning permission will only be granted for new/redeveloped or refurbished academic or administrative accommodation for Oxford Brookes University where it can be demonstrated that:

- *The new accommodation would not generate or facilitate any increase in student numbers; or;*

- *The number of their full-time taught course students living in Oxford in non-university- provided accommodation does not exceed 4,000 at the time of the application. This threshold will be increased to 4,500 if:*
 - i) *On 01 April 2023 a scheme delivering a net increase of at least 500 student bedrooms has not been developed at Clive Booth Student Village (Site SP17); and/or Oxford Brookes is able to demonstrate that they are unable to secure additional nomination rights to meet the threshold. This threshold would return to 4,000 once the additional 500 student bedrooms are delivered and/or secured.*
 - ii) *On 01 April 2030 Oxford Brookes is able to demonstrate that they are unable to meet the threshold because they are unable to secure new nomination rights to replace expiring nomination rights.*

10.7. The existing Oxford Brookes School of Engineering, Computing and Mathematics is currently housed at the Wheatley Campus and is being vacated ahead of potential redevelopment to provide 500 homes for which planning permission exists. Furthermore the site is allocated in the South Oxfordshire Local Plan for housing. The redevelopment of the Wheatley Campus is part of a wider strategy by Oxford Brookes to reduce academic floorspace across the various campus sites. The provision of the engineering building should therefore be viewed in the context of the wider strategy of consolidating and reducing academic floor space across the university estate. In this context the provision of the new engineering building would not equate to a net gain in academic floor space, as it is replacing academic space that would be removed elsewhere and would not therefore generate an increase in student numbers. In any event the number of full time taught course students at Brookes living in non-university accommodation falls significantly below the threshold of 4000 specified in Policy H9 of the Oxford Local Plan.

10.8. In summary the development would align with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill Campus as the proposals would provide a new academic and teaching facility, whilst also aligning with Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill Campus. As the proposals would involve the replacement of academic space located elsewhere on the Oxford Brookes estate it is unlikely that the development would directly facilitate an increase in student numbers and in any event the number of students living in non-university accommodation does not exceed 4000 students, so it is considered that there would be no conflict with Policy H9 of the Local Plan.

Design and Heritage Impacts

10.9. The application site is located within the Headington Hill Conservation Area. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of

the asset where it contributes to that significance or appreciation of that significance).

- 10.10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 10.11. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 199 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.12. The application site falls within the wider setting of the Grade II* listed Headington Hill Hall as the site forms part of the wider grounds associated with the hall. The site is also within the setting of the Grade II listed Headington Hill Hall Lodge House, which is adjacent to the main entrance into the campus from London Road.
- 10.13. 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.
- 10.14. It should be noted that paragraph 206 of the NPPF states that Local Authorities should look for opportunities for new development in Conservation Areas. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Paragraph 207 of the NPPF adds that not all elements of the Conservation Area will necessarily contribute to its significance, which is applicable in the case of the application site given the nature of the existing buildings and general condition of the site.
- 10.15. In design terms, Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Policy CIP1 of the Headington Neighbourhood Plan, outlines that new development respond to and enhance the distinctive local character of Headington; whilst Policy CIP3 supports development of an innovative and/or a contemporary design; whilst Policy CIP2 requires that development should protect important views within Headington itself, and out of the Headington Neighbourhood Plan Area.

Paragraph 129 of the NPPF also requires that all developments are considered in line with the National Design Guide and Model Code.

- 10.16. The design approach has been led by the sensitivities of the site, in particular the historic boundary wall, Richard Hamilton Building, level changes and parkland setting. The result is a considered design that is bold and distinct, and is deemed to have a predominantly positive impact on the site and its context.
- 10.17. The historic wall is shown to have had a vital role in the design development, demonstrating a strong response to the site and its context. The wall has been considered with respect to the position of the building mass, and care has been given to the spaces created between the building to ensure these foster strong place making and likely to be well used.
- 10.18. In accordance with The National Design Guide the proposals 'enhance the positive characteristics of the site and improves negative ones'. Pullens Lanes is a narrow walk way characterised by the historic boundary wall of the site and the large mature trees, which during spring and summer months provide a canopy for the path. Therefore as a result of the tree canopy and high wall, the path already has a sense of enclosure which the addition of a large building will augment. However to avoid this being a negative, the building is positioned at an appropriate distance from the historic boundary wall and the façade incorporates large windows and lighting that will provide an active frontage to Pullens Lane and Cuckoo Lane, currently lacking, therefore improving the safety of those using these routes.
- 10.19. The massing of the proposed building is broken up into three distinct parts – two main gabled forms with a lightweight link. This gives the building a legible hierarchy and enables the proportions of the form, particularly the pitch and scale of the roof, to clearly reference the historic stable building. The architecture has been led by the building's relationship to the historic boundary wall. The scheme has successfully taken a constraint and used this as an opportunity to produce a high quality design that 'celebrates' the historic wall. The building has been set back from the wall, this has the dual benefit of minimising the visual impact of the proposals and creates 'in-between' spaces between the building and wall that are attractive and useable and provide new ways for the wall to be enjoyed and appreciated. The building has been sunken into the ground which further helps reduce its visible mass and impact which is a positive design move.
- 10.20. The proposed cladding design has been thoughtfully considered and will enable the building to sit comfortably within its setting. Patinated copper is proposed for the façade, which is not a material already common to the site such as brick, timber or stone. However, the green hue and perforations of the copper respond very successfully to the mature trees of the parkland setting and the dappled light experienced on Pullens Lane. The decision to use a continuous material for the building envelope is considered very positive as this has the effect of producing a bold, yet simple design that is able to retain a level of quietude within this sensitive setting.
- 10.21. The fenestration has been thoughtfully considered to optimise the relationship between the interior and exterior of the building. Projecting windows add interest

to the façade and breakdown the massing. The large corner window provides the opportunity for the university to show case the activity of the building which will also provide an active frontage to Pullens Lane and passive surveillance.

- 10.22. In accordance with Policy M1, the proposals prioritise and enhance the experience for pedestrians. New pedestrian routes across the Campus have been incorporated within the landscape design. The proposals would improve the existing cycling and pedestrian of Pullens Lane and Cuckoo Lane through active frontages and passive surveillance.
- 10.23. The positioning of the building has been carefully considered to ensure the spaces created around the building are purposeful and useable. These 'in-between spaces' have a distinct character that celebrate the parkland setting and historic garden wall. The topography of the site has been utilised to create stepped seating which is considered a positive approach to a site 'constraint'. The proposed scheme of the public realm around the building is considered to be a high quality design that will complement the architecture while creating attractive outside amenity space while improving ecological activity and biodiversity.
- 10.24. In summary it is considered that the design would be of a high standard, one which is consistent with Policy DH1 of the Oxford Local Plan; Policies CIP1, CIP2 and CIP3 of the Headington Neighbourhood Plan; as well as the National Design Guide and Model Code.
- 10.25. In terms of the impact of the development on the surrounding heritage assets, officers consider that there will be a low level of less than substantial harm caused to the setting of the former stables block which forms part of the historical setting of the Grade II* listed Headington Hall. This is due to the obvious visibility that the new building will have adjacent to the stone walls that form the boundary to the original estate. The design of the building, its form and the use of materials would not disguise its presence but would enable it to relate visually to its surrounding parkland landscape of trees. Tree canopies would mitigate some of this less than substantial harm reducing it to a very low level.
- 10.26. The siting of the building and its visual presence would have a similar impact on the character and appearance of Pullens Lane. There would also be an impact, albeit to a lesser degree on the character and appearance of Cuckoo lane. The impact here would be less so, mainly because the visibility of a sense of activity around the Richard Hamilton Building already disrupts views and the proposed building would be set back from the Richard Hamilton Building where it has most visible presence in views looking eastward (views up the lane and from the allotments) which is dominated by the boundary wall at this point.
- 10.27. The relationship of the building to the wall, which would be set back and the use of materials for the building's facades, as well as the very simple, barn-like form of the building would reduce the impact of the building on the character and appearance of the Headington Hill Conservation Area within the context of views from Pullens Lane and Cuckoo Lane resulting in no perceptible harm to the character of Pullens Lane and therefore the Headington Hill Conservation Area in the context of both key views.

- 10.28. The opening up of a new gateway (historically there was a gated access to the stables), in the boundary wall would not, subject to the careful design of gates, result in harm to the wall. The wall has been subject to changes in openings throughout its existence and would retain the sense of enclosure that it gives to the parkland of Headington Hill Hall. The new gateway would therefore not result in harm to either the setting of the Listed Building or to the character or appearance of the conservation area.
- 10.29. Overall, officers conclude that the siting of the building and its visual presence within the setting of the Grade II* listed Headington Hall would result in a very low level of less than substantial harm to the setting of the Conservation Area and the Grade II* listed building.
- 10.30. Decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations powerful enough to do so. In the context of Paragraph 202 of the NPPF, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. In terms of the public benefits of the development, the proposed building would provide a new purpose built facility for the Oxford Brookes Technology, Design and Engineering Faculty, housing new workshops and lab spaces. This would be of a significant benefit to the university as the development would provide further high quality academic accommodation consisting of workshops, teaching and lab space and form part of a wider strategy to relocate existing academic space from the Wheatley Campus to Headington Hill. The provision of high quality, additional purpose built academic space on the site has economic benefits given the interlinked research advantages, which would benefit local and national employers and organisations. The proposed building is well-designed and would represent an effective use of brownfield land within the campus which is currently used for car parking. This would be consistent with the aims of Policy RE2 of the Oxford Local Plan. The reduction in parking on site, equating to 112 spaces would deliver wider sustainability benefits in terms of encouraging a modal shift away from private car use, thereby reducing congesting and enhancing local air quality. It is considered that the public benefits of the development would outweigh the identified low level of less than substantial harm arising from the addition of the building in accordance with the NPPF and policy DH3 of the Oxford Local Plan and Policy CIP4 of the Headington Neighbourhood Plan.

Archaeology

- 10.31. The site is also of archaeological interest because it is located in the vicinity of the poorly understood Parliamentary siege encampment on the top of Headington Hill and in an area on the crest of the hill which has potential for Iron Age, Roman and early Saxon rural settlement activity. An archaeological watching brief and geotechnical work have been prepared, which given archaeological potential on the site, it is considered appropriate that this is supplemented by a programme of archaeological work in accordance with a

written scheme of investigation (WSI) which would be secured by planning condition. Subject to the preparation of an acceptable WSI, it is considered that there would be no conflict with Policy DH4 of the Oxford Local Plan.

10.32. In conclusion, great weight has been given to the heritage asset's conservation and it is considered that the development would accord with Policy DH3 of the Oxford Local Plan and Policy CIP4 of the Headington Neighbourhood Plan; NPPF 199 and 202 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Impact on neighbouring amenity

10.33. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan also requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses.

10.34. The nearest residential dwelling is located to the north of the site (No.1 Pullens Lane). This property has been subject of two proposed planning applications for redevelopment for use as a care home and for residential redevelopment to provide three dwellings, though both applications were refused. Though there are a number of windows at first floor level proposed in the north elevation of the proposed engineering building, however the building would be sited over 50 metres from the boundary with No.1 Pullens Lane. This is a substantial distance and it is considered that the proposed building would not result in an unacceptable loss of privacy for occupiers of this property. Likewise due to the separation distance between the proposed building and this adjoining property, officers consider that the development would not have an overbearing impact in terms of its scale and siting and would not result in overshadowing or loss of light which would otherwise impact on the amenity of the occupiers of this property.

10.35. Headington School is located on the opposite side of Pullens Lane to the east of application site. A number of windows are proposed at first floor along the east elevation of the building; these windows face an area of the school grounds, though this is understood to be an area of the school grounds that is used to a lesser extent. Policy H14 of the Oxford Local Plan requires consideration of the impact of overlooking on uses where there may be safeguarding concerns, particularly schools. The windows on the east elevation of the proposed building would be sited approximately 19.4 to 21.9 metres from the boundary of the school which is a relatively significant distance. Headington School were consulted on the proposed plans and have confirmed that they do not wish to object to the proposals. Officers consider that taking into account the design of the building and it's relatively proximity and relationship to the school grounds, the proposals would not present significant safeguarding issues and would not therefore conflict with Policy H14 of the Oxford Local Plan.

10.36. The development is likely to include the addition of plant to serve the functional needs to the building. The application is accompanied by a Noise

Impact Assessment which identifies that the development is likely to include 6 air source heat pumps; 4 air handling units and 8 condensers. It is anticipated that plant operation would only be required during daytime hours. In relation to surrounding residential uses the Noise Impact Assessment confirms that noise resulting from the addition of plant would be in the highest tested scenario 31dB, 1dB below typical daytime noise criteria. It is anticipated that the building fabric and glazing would attenuate noise from internal machinery. Subject to relevant conditions to limit noise from plant and machinery, officers consider that the development would comply with Policy RE9 of the Oxford Local Plan.

Transport

- 10.37. The Council's spatial strategy and general approach to transport/movement as outlined under Policy M1 of the Oxford Local Plan encourages a modal shift away from private car use, towards more sustainable forms of travel, including active travel such as walking and cycling and use of public transport.
- 10.38. Policy M3 of the Oxford Local Plan, which outlines parking standards for non-residential uses 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 policy states that the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan 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 to ensure the successful functioning of the development.
- 10.39. The proposals would result in the loss of 112 staff/visitor car parking spaces on the site. It is proposed that the spaces that would be lost would not be directly replaced elsewhere on the Headington Hill site or the Brookes estate. In this instance the parking that would be lost is general staff/visitor parking used by the University. The site lies within 250 metres of bus stops on the Headington Road which provide frequent services to various parts of the city, including the City Centre, Marston, Cowley and Barton; as well as services to Wheatley, Wantage and Aylesbury and Oxford Tube services to London. The bus stops also serve Park and Ride facilities at Seacourt and Thornhill. The site's relatively central location means that the site is accessible by cycling from large parts of the city, as well as the railway station. The site is therefore considered to fall within a sustainable location, whereby staff and visitors can realistically access the site by active travel or public transport and decreasing parking would therefore encourage use of more sustainable modes of travel for staff, discouraging use of private cars, thereby reducing congestion and carbon emissions and improving air quality. The surrounding areas either fall within Controlled Parking Zones, or individual streets are subject of parking restrictions. A reduction in parking is unlikely to impact therefore on surrounding roads through displacement of vehicles which may otherwise be parked on the site.

- 10.40. Officers consider that the reduction in parking would align with Policies M1 and M3 of the Oxford Local Plan and would deliver wider sustainability benefits by encouraging persons who would otherwise park on site to use more sustainable modes of travel.
- 10.41. A new access would be provided to the southern end of the new engineering building, this would be principally for the use of pedestrians and cyclists, though this would also provide service vehicle access for the new building and the Richard Hamilton Building. Principally this would consist of parcel delivery vans, though occasionally this would involve larger delivery vehicles for materials, equipment and waste removal (typically 7.5 tonne trucks). Tracking is provided for larger vans, demonstrating that there is sufficient room for turning on the site and exiting in forward gear. Larger trucks would be required to reverse to the end of the access before unloading, though given the relative infrequency of this, it is considered that this would be acceptable in terms of safety for pedestrians and other road users. Deliveries by much larger articulated lorries would be rare, in this instance the vehicles would be required to park on the main access road through the site.
- 10.42. The applicants Transport Assessment indicates an overall reduction in vehicle movements as a result of the development equating to over 100 two way trips during term time weekdays, this is accounting for the removal of the 112 parking spaces which are relatively well used. Traffic generated by the development would be principally limited to servicing and delivery vehicles, which is anticipate to be low overall. It can be concluded that the development would have a positive impact on the surrounding road network by reducing overall vehicle movements and there would not be a severe impact contrary to Policy M2 of the Oxford Local Plan and Paragraph 111 of the NPPF. A Construction Traffic Management Plan could be secured by condition in accordance with Policy M2 in order to control and mitigate the impact of vehicle movements during the construction phase of the development.
- 10.43. Policy M5 of the Oxford Local Plan outlines minimum cycle parking standards within all new developments, whilst Policy TRP5 of the Headington Neighbourhood Plan requires that the quality of cycle parking should be based on the Travel Plan relating to the development. A total of 108 cycle parking spaces are proposed within the Headington Hill Campus site as part of a wider strategy to provide cycle parking. Of the 108 spaces, 34 are proposed within the application site to the south west of the proposed building, adjoining the Richard Hamilton building. Details of cycle parking could be secured by planning condition, this should include consideration of future demand for parking of cargo and e-bikes.

Energy/Sustainability

- 10.44. 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. For new build non-residential developments of over 1000m²

proposals must meet BREEAM excellent standard (or recognised equivalent assessment methodology) and must achieve at least a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case.

10.45. The submitted Energy Statement outlines that the following energy efficiency measures will be incorporated into the buildings in the development:

- High fabric efficiency and thermal performance.
- Optimising natural light.
- High thermal performance glazing.
- Incorporation of Solar PV

10.46. The submitted Energy Statement confirms that the development would achieve the 40% target reduction in carbon emissions compared with the 2013 Building Regulations compliant base case. The Energy Statement indicates that the building design would achieve a BREEAM rating of excellent and would therefore comply fully with the requirements of the Policy RE1 of the Oxford Local Plan.

Trees

10.47. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.

10.48. The proposals include the removal of a Category B sycamore tree located to the east of the proposed building adjoining the boundary wall within Pullens Lane. Removal of this tree would be required in order to facilitate landscaping and due to the proximity of the tree to the proposed building. Three further lower category trees located along the northern boundary with Cuckoo Lane are also proposed for removal because of their proximity to the proposed building. Tree surgery would also be required to a number of retained trees to facilitate the development. The landscaping proposals would include the planting of six additional trees, which would offset the loss of the trees scheduled for removal. Planting could be secured through a condition requiring the submission and implementation of a landscaping plan.

10.49. The alignment of new hard surfaces, the provision of the new access road, bike store and demolition of hard surfacing and a gate all involve works taking place within the root protection area of retained trees. The submitted Arboricultural Impact Assessment states that construction of foundations for the proposed workshop do not encroach within the Root Protection Area (RPA) of any trees to be retained and advises on appropriate tree protection measures and methods of working, the implementation of which could be controlled by condition. Subject to the implementation of the measures required by condition, the proposals are considered to comply with Policy G2 of the Oxford Local Plan.

Flooding/Drainage

- 10.50. Policy RE4 of the Oxford Local Plan states 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.
- 10.51. The application site is located in Flood Zone 1 and is considered to be at a low risk of flooding. Officers concur with the assessment in the applicants Drainage Strategy that the site characteristics are limiting in terms of the ability to provide substantial SuDS features given the presence of a large number of trees and related RPA's and limited space between the proposed buildings.
- 10.52. The drainage strategy includes the addition of permeable paving to all areas of hardstanding, currently the car park on the site consists of an impermeable tarmac surface. A geo-cellular storage tank is also proposed which would be sufficient to accommodate for a 1 in 100 year +40% climate change event.
- 10.53. The proposed drainage strategy is considered acceptable in principle to enable to effective disposal of surface water without increasing flood risk. Subject to the submission of a detailed drainage strategy, which would be secured by planning condition, officers consider that the development would comply with Policies RE3 and RE4 of the Oxford Local Plan.

Ecology

- 10.54. 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.
- 10.55. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.
- 10.56. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or

- ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

10.57. The application was accompanied by an Ecological Appraisal, this summarises that the Site is made up predominantly of negligible to low ecological value habitats (hardstanding, amenity grassland and introduced shrub). The most ecologically valuable habitat on site is the mixed woodland in the south-east. The appraisal concludes that the proposed development would result in the loss of habitats of negligible to low ecological value.

10.58. The Richard Hamilton Building contains a brown long-eared bat roost. The ecologist did not undertake survey work to characterise this roost as it was considered unnecessary on the basis that the roost would not be impacted by the proposed development. This assessment relies on the potential access points on the eastern aspect of the Richard Hamilton Building not being subject to any additional artificial illumination. This is considered acceptable and could be secured by planning condition.

10.59. The submitted biodiversity metric indicates the proposals would deliver a net gain of approximately 34.47%. This is reliant on enhancing the condition of the retained woodland from poor to good and the enhancements as a whole are considered to be sufficient in line with Policy G2 of the Oxford Local Plan. The woodland should be suitably managed, details of long term management will be secured through a Landscape and Ecological Management Plan condition (LEMP).

10.60. Officers are therefore satisfied that European Protected Species are unlikely to be harmed as a result of the proposals and the proposals would comply with Policy G2 of the Oxford Local Plan.

Land Quality

10.61. The applicants have prepared a Phase 1 Contaminated Land Desk Study Report in order to assess the risk of contamination on site which is considered to be adequate.

10.62. The former uses of the site may have included potentially contaminating activities such as a printing works. In addition some asbestos contamination was encountered during re-development at an adjacent site. It is therefore recommended that a limited intrusive investigation is completed at the site to assess the potential contamination risks at the location of the proposed development. This could be secured by planning condition, alongside a remediation strategy and validation plan to mitigate contamination risk in line with Policy RE9 of the Oxford Local Plan.

Air Quality

- 10.63. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced. The planning application is accompanied by an Air Quality Assessment (AQA).
- 10.64. The baseline assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's Urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application Site, show air pollutant concentrations to be below their relevant air quality objectives. The application site is therefore considered suitable for its intended use without the inclusion of mitigation measures.
- 10.65. According to the site's energy statement, the workshop would be provided with heating, cooling and hot water via a combination of air source heat pumps and a solar mounted PV array. The development also has the potential for connecting in the future with an existing district heating network on the Gipsy Lane Campus, hence it is proposed that the development has space for the future provision of the necessary heat exchange plant and incoming mains, to allow connection to the existing network. This development would therefore not have any on-site combustion sources.
- 10.66. No changes are proposed to vehicle access arrangements and the development of the new workshop building would see the removal of 112 car parking spaces, including six located on the access road at the Headington Campus. Two disabled parking bays are to be provided near the gatehouse for the New Workshop Building replacing the existing spaces. A condition could ensure that these spaces are fitted with electric charging points.
- 10.67. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed in the AQA. The risk of dust causing a loss of local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate mitigation measures. A list of mitigation measures are recommended within the submitted AQA and could be secured by planning condition.
- 10.68. Overall, subject to securing measures to mitigate dust impacts during the construction phase and securing the provision of EV charging infrastructure, it can be concluded that the proposed development would not have a significant impact on local air quality and the proposals are considered to comply with Policy RE9 of the Oxford Local Plan.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposals seek to provide 2247sqm (GIA) of academic floorspace associated with Oxford Brookes University, a use considered acceptable on the Headington Hill Campus in accordance with Policy SP17 of the Oxford Local Plan. The proposed use would also comply with Policy E2 of the Oxford Local Plan, which permits the provision of new academic floorspace, providing that there would be no conflict with Policy H9 of the Oxford Local Plan, which would not be the case in this instance.
- 11.4. The proposed building would be of a high design standard, which would mitigate the impact of the development, as experienced within the context of the surrounding area, the Headington Hill Conservation Area and the Grade II* listed Headington Hill Hall. The siting of the building and its additional presence, as experienced within the setting of these designated heritage assets would result in a low level of less than substantial harm to both the Conservation Area and the Grade II* listed Headington Hill Hall. When considered under the balancing exercise required under Paragraph 202 of the NPPF, this harm would be demonstrably outweighed by the public benefits of the development, particularly the provision of new academic accommodation as well as the sustainability benefits arising from the removal of a high number of parking spaces on the site.
- 11.5. The removal of the on-site parking would comply with Policy M3 of the Oxford Local Plan, whilst encouraging a modal shift towards more sustainable modes of travel consistent with Policy M1 of the Oxford Local Plan.
- 11.6. From an amenity and environmental perspective it is considered that the development would not have any demonstrable adverse impacts when considered against all relevant policies contained within the development plan and Headington Neighbourhood Plan.
- 11.7. The development is considered to comply with the local and national development framework as a whole and it is recommended that the Committee resolve to grant planning permission for the development proposed.

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.

Material Samples

3. Samples of all exterior materials proposed to be used shall be made available for inspection on site and details shall be submitted to and approved in writing by the Local Planning Authority before the start of the relevant work and only the approved materials shall be used.

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

Dust mitigation measures

4. No development shall take place until the complete list of site specific dust mitigation measures that are identified on the IAQM Guidance on the assessment of dust from demolition and construction for a Low Risk site (pages 24-27) are included for adoption in the site's Construction Environmental Management Plan (CEMP). The CEMP will need to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing with the Local Planning Authority.

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

Land Contamination

5. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the local planning authority.

A Phase 1 (Contaminated Land Desk Study) has been completed and approved. A Phase 2 shall be completed to include a comprehensive intrusive investigation in order to characterise the type, nature and extent of

contamination present, the risks to receptors and to inform the remediation strategy proposals.

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

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

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

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

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

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

Ecology

8. Prior to occupation, a lighting design strategy for biodiversity for shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2017 (as amended); the National Planning Policy Framework and Policy G2 of the Oxford Local Plan.

9. Tree and shrub removal shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: To comply with the Wildlife and Countryside Act 1981 and Policy G2 of the Oxford Local Plan.

10. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To comply with Policy G2 of the Oxford Local Plan 2016-2036.

Noise

11. The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical lowest existing background noise level by at least 10dBA as assessed according to

BS4142:2014 at the nearest and/or most affected noise sensitive premises, with the machinery operating at maximum capacity.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment

12. Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration

Highways/Transport

13. Prior to first use or occupation of the development, details of covered, secure and accessible cycle parking for a minimum of 108 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The details shall consider future potential for storage of cargo and e-bikes and shall be installed prior to the first occupation of the development and retained in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy M5 of the Oxford Local Plan 2036.

14. Prior to first occupation of the development a Delivery and Servicing Management Plan, including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used, should be submitted in writing to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policy M2 of the Oxford Local Plan.

15. A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed prior to commencement of works. The development shall be carried out in accordance with the approved details. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

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

- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policy M1 of the Oxford Local Plan.

16. Prior to first occupation an updated Oxford Brookes University Travel Plan which meets Oxfordshire County Council criteria should be submitted to an approved in writing by the Local Planning Authority. The approved measures outlined in the updated Travel Plan shall be implemented upon first occupation of the development.

Reason: To promote sustainable modes of transport in accordance with Policy M2 of the Oxford Local Plan.

Trees/Landscaping

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

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

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

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

19. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on drawing No. 9377-D-AIA and contained within the Arboricultural Impact Assessment: Preliminary Arboricultural Method Statement and Tree Protection Plan dated March 2022 (Section 5) unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

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

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

Archaeology

21. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which 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 prehistoric, Roman early Saxon and Civil War remains (Local Plan Policy DH4).

Energy Statement Compliance

22. The development shall be carried out in accordance with the recommendations outlined within the Energy Statement prepared by Couch Perry Wilkes Rev B dated 2 March 2022 reference 201175 OBU PBW. The approved measures shall be implemented prior to the first occupation of the development.

Reason: To ensure that sustainability measures are incorporated in the design of the development in accordance with Policy RE1 of the Oxford Local Plan.

Drainage

23. No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- Detailed design drainage layout drawings of the proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element,;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details; and
- Consent for any connections into third party drainage systems.

Reason: To ensure adequate measures are incorporated to control surface water drainage and prevent risk of surface water flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

24. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure adequate measures are incorporated to control surface water drainage and prevent risk of surface water flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

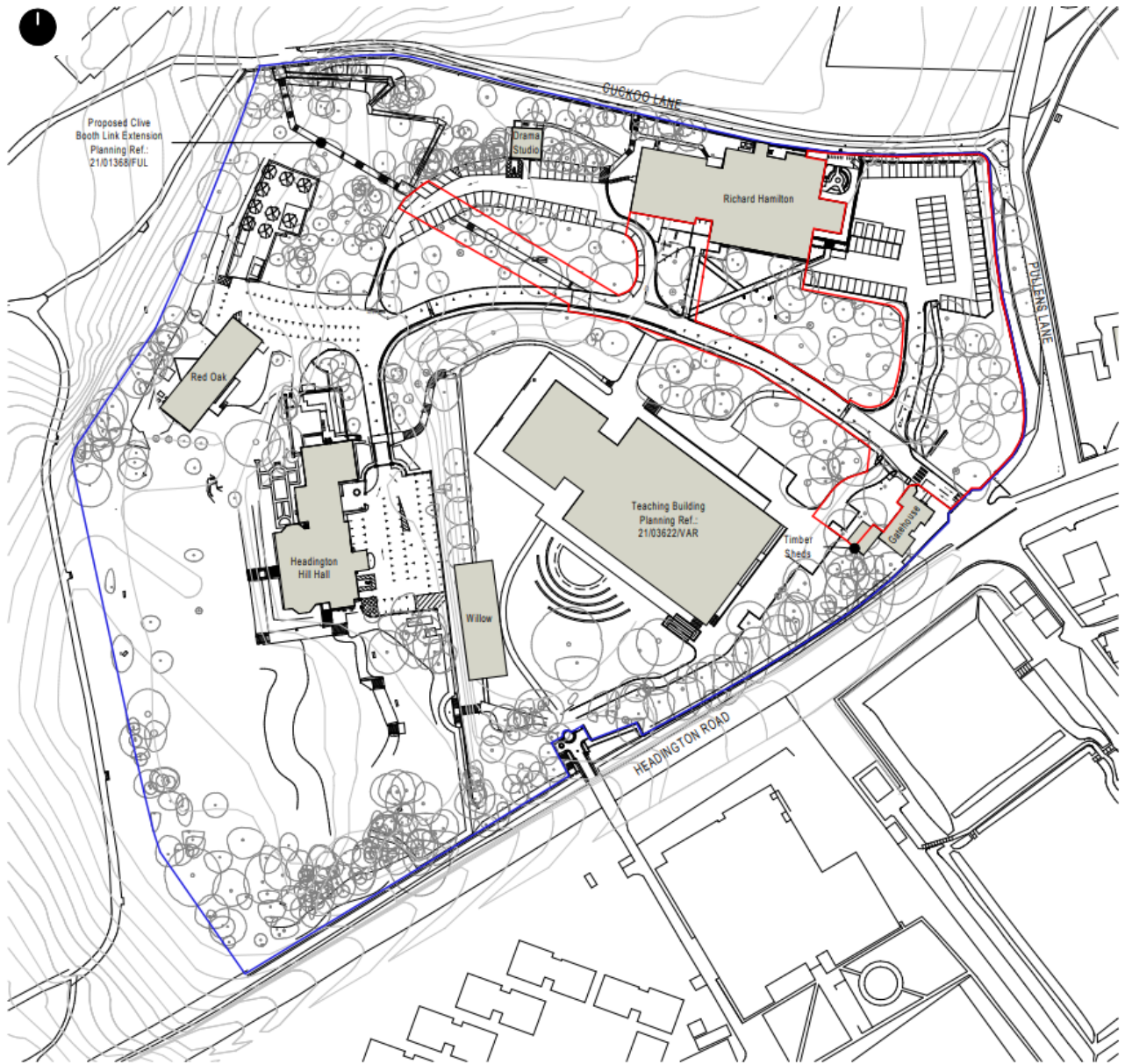
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the

interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Location Plan - 22/00679/FUL



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Application number:	21/03622/VAR		
Decision due by	25th March 2022		
Extension of time	1 st July 2022		
Proposal	Variation of condition 2 (Deemed in accordance with approved plans) of planning permission 18/00872/FUL (Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment (amended plans)) to allow an additional level within existing built envelope and without altering roofline following asbestos excavation; internal and external reconfiguration including on landscape, internal layouts, floorspace, and architecture and associated operational and design changes.		
Site address	Helena Kennedy Centre, Headington Hill – see Appendix 1 for site plan		
Ward	Headington Hill And Northway Ward		
Case officer	Michael Kemp		
Agent:	Chris Pattison	Applicant:	Oxford Brookes University
Reason at Committee	The proposals involve significant material amendments to a major development.		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

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

1.1.2. **Agree to delegate authority** to the Head of Planning 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 number of variations to approved planning application 18/00872/FUL. Planning approval was granted in August 2018 for the demolition of the former Helena Kennedy Centre, a large two storey building used by Oxford Brookes University for teaching purposes and its replacement with a new two storey building, which would similarly be used for academic purposes by the University. The amendments involve the provision of an additional basement level to the building, revisions to the façade and fenestration design, surrounding hard and soft landscaping and changes to the car and cycle parking provision, including reduced provision compared with the approved plans.
- 2.2. The principle of providing additional teaching and academic space has been accepted under planning permission 18/00872/FUL and this permission has been commenced. Nevertheless this aligns with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill Campus and Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill Campus. The proposals therefore relate to a wider strategy to rationalise provision of academic floorspace across the wider Brookes estate, rather than to provide additional net academic floorspace. There would therefore not be a conflict with Policy H9 of the Oxford Local Plan, as the proposals should not generate an increase in student numbers. The number of Brookes full time taught course students living in non-university accommodation currently falls significantly below the threshold of 4000 specified in Policy H9 of the Oxford Local Plan, therefore the net increase in teaching academic space equating to 2852sqm, delivered through the provision of an additional storey to the building would not conflict with Policy H9.
- 2.3. The proposed building as revised would be located on the footprint of the approved building and the revised building would fall broadly within the height parameters of the approved building. The general amendments to the design are considered acceptable in accordance with Policy DH1 of the Oxford Local Plan and Policies CIP1 and CIP3 of the Headington Neighbourhood Plan. Notwithstanding this, the addition of the further storey would however increase the presence of the building as experienced within its immediate context, including within the context of the Headington Hill Conservation Area and Grade II* listed Headington Hill Hall. It is considered that the development would result in less than substantial harm to both designated heritage assets, however when considered under the balancing exercise required under Paragraph 202 of the NPPF, the harm would be demonstrably outweighed by the public benefits of the development.
- 2.4. A total of 26 parking spaces are proposed, this equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking compared to previous levels and previously consented levels is considered to be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with the key aims of Policy M1 of the Oxford Local Plan. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. A total of

320 cycle parking spaces are proposed within this application which would comply with Policy M5 of the Oxford Local Plan.

- 2.5. Ecological mitigation and management of surface water drainage would not be substantially altered compared with the consented scheme and subject to details which would be secured by condition, the development is considered to comply with the respective relevant policies G2, RE3 and RE4 of the Oxford Local Plan.
- 2.6. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.
- 2.7. The development is considered to comply with the local and national development framework as a whole and it is recommended that the Committee resolve to grant planning permission for the development proposed. It is recommended that the Committee resolve to grant planning permission for the development proposed.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £109.116.98

5. SITE AND SURROUNDINGS

- 5.1. The site includes part of the Oxford Brookes Headington Hill Campus which includes the site of the former Helena Kennedy Centre, which was a two storey building constructed in the 1960's formerly used by Pergamon Press and latterly by Oxford Brookes University. The former Helena Kennedy Centre was demolished following the grant of planning permission 18/00872/FUL. The planning permission allowed for the development of a two storey building to be used as academic floor space by Oxford Brookes Faculty of Technology, Design, and Environment. The former building has since been removed from the site and construction works have taken place to remove concrete and tarmac hardstanding located beneath the former building. The excavation works were carried out in order to remove buried asbestos, which has since been removed, resulting in a significant change in topography across the site.
- 5.2. The application site is adjacent to the main entrance of the Headington Hill Campus and vehicular access to the site is provided from London Road. There are a large number of mature trees on the site, some of which are substantial in height and provide a significant contribution in visual amenity terms. Access into the application site is currently restricted as the site is surrounded by hoardings preventing public access. Formerly there were access paths through the site. Access is provided into the Headington Hill site across the pedestrian bridge over London Road to Cheney Walk.

5.3. There is a single storey green pre-fabricated building on the site (Willow Building). This is a temporary structure used for teaching purposes. Temporary planning permission was granted in January 2021, extending the use of the building for a further five years, or until such time as the replacement building approved under application 18/00872/FUL was operational.

5.4. The site is located to the east of Headington Hill Hall, a large Grade II* listed building, which was formerly a private house but is now used by Oxford Brookes University for academic and teaching purposes. The site forms part of the immediate setting of this listed building and also falls within the Headington Hill Conservation Area. The site is also within the setting of the Grade II listed Headington Hill Hall Lodge, which is located at the entrance to the campus site.

5.5. See block plan below:



6. PROPOSAL

6.1. This application seeks planning approval for variations to approved planning application 18/00872/FUL. Planning approval was granted in August 2018 for the demolition of the former Helena Kennedy Centre, a large two storey building used by Oxford Brookes University for teaching purposes and its replacement with a new two storey building, which would similarly be used for academic purposes by the University.

6.2. The former Helena Kennedy Centre has since been demolished and the site of the former building has been cleared. Work has not commenced on constructing

the replacement building, however the demolition of the former building which was carried out in 2019 would in officer's view constitute commencement of development and implementation of the planning permission. As such the permission is extant in perpetuity and is a legal fallback position.

6.3. Substantive excavation works have also been undertaken on site to remove asbestos, which has altered site levels, through the removal of a plinth which was included on the previous design. Given the changes to the site levels, which has facilitated level access to the building, permission is sought to add an additional storey to the building without altering the building height, footprint and building envelope. 5300sqm of floorspace was approved under planning application 18/00872/FUL. The proposed floorspace within the replacement building would be 8152sqm, which would be an overall increase of 2852sqm of floorspace.

6.4. The list below summarises the changes sought to the extant planning permission 18/00872/FUL:

- Additional basement level added
- Rotation of rooflights to respond to internal circulation.
- Café relocated from first floor to ground floor.
- Landscape levels to perimeter re-graded without affecting relationship to surrounding trees.
- Façade reorganised to suit internal programme over 3 floors.
- Building to be set into ground at Headington Road end to maintain existing levels and massing relationship to the Gatehouse and site entrance.
- First floor balcony removed from NE façade facing Headington Hill Hall.
- Additional cycle shelters to serve the new building.
- Revisions to landscaping.
- Reduction in car parking spaces surrounding the site.

6.5. The proposals have been subject of further design amendments since the variation of conditions application was submitted. This includes changes to the elevational treatment of the building, including alterations to extend the areas of glazing and to simplify the roof structure of the building.

7. RELEVANT PLANNING HISTORY

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

63/13463/A_H - Erection of building for office and storage accommodation. Permitted 11th June 1963.

64/13463/A_H - Erection of building for offices and storage accommodation. Permitted 14th July 1964.

67/19523/A_H - Extension to existing warehouse to provide additional office accommodation on ground floor with store over. For Pergamon Press. Permitted 28th November 1967.

68/20342/A_H - Change of use from warehouse into office accommodation. For Pergamon Press. Permitted 25th June 1968.

68/20396/A_H - Conversion of part of warehouse into multi-purpose flat and staff canteen. Permitted 9th July 1968.

68/20460/A_H - Conversion of part of warehouse into office accommodation and computer room. For Pergamon Press.. Permitted 23rd July 1968.

73/00397/A_H - Extension to provide new reception and toilet facilities. For Pergamon Press. Permitted 18th May 1973.

85/00538/NFH - Extension of existing office accommodation into two pavilion blocks. Permitted 8th November 1989.

90/00078/NFH - Roof modifications to approval NFH/0538/85 (extension of office accommodation into two pavilion blocks). Minor alterations to elevation (amended plans). Permitted 30th October 1990.

92/00540/NFZ - Change of use from residential and business use to use for educational purposes by Oxford Brookes University HEC. Permitted 20th April 1993.

18/00872/FUL - Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment (amended plans). Permitted 24th August 2018.

20/01986/FUL - Temporary retention of half of the Willow Building for a period of 5 years. Permitted 29th January 2021.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan
Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights	CIP1 - Development respect existing local character CIP2 - Protecting locally important views CIP3 - Innovative design
Conservation/Heritage	189-208	DH3 - Designated heritage assets	CIP4 - Protecting important assets

Housing	60-77	H9 - Linking new/used/refurb University	
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GSP3- Conserving and enhancing biodiversity GSP4 - Protection of the setting of the site
Transport	104- 113	M1 - Prioritising walking,cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking	TRP1 - Parking at major employment sites TRP4 - Disabled to use active transport TRP5 - Promotion of cycling
Environmental	119-125; 152-169; 174-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development E2 - Teaching and Research SP17 - Headington Hill Hall and Clive Booth Student Village	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th January 2022 and an advertisement was published in The Oxford Times newspaper on 6th January 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways Authority

9.2. Following their initial consultation response dated 18th May 2022, which raised concerns regarding the phased delivery of cycle parking and non-payment of the Travel Plan monitoring fees, the County Council have since accepted a phased approach to the delivery of cycle parking as such an approach had been agreed under planning application 18/00872/FUL. The County Council have further accepted that non-payment of the Travel Plan monitoring fees would not

represent grounds to object to the planning application, as this is dealt with under a separate Unilateral Undertaking between Oxford Brookes and the County Council and the requirement to update the Oxford Brookes Travel Plan would be secured by condition as per the original planning permission.

Lead Local Flood Authority

9.3. The County Council have updated their response and have removed their objection subject to a final drainage strategy being prepared prior to the commencement of development.

Historic England

9.4. Content that the revised building design would be of comparable quality and sensitivity to the nearby listed Headington Hall as those granted planning permission 18/00872/FUL and do not wish to raise any concerns.

Natural England

9.5. Do not wish to comment.

Thames Water

9.6. No objection.

Public representations

9.7. A single letter of objection has been received in relation to the planning application, the following matters were raised as concerns:

- Development does not give consideration to the impact on natural springs which are present in the pond at Headington Hill.
- A building of the weight and size proposed immediately upstream may affect natural flows, therefore a full hydrological assessment of the natural groundwater flows and geology is required.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Impact
- Trees
- Transport
- Neighbouring amenity
- Ecology
- Flood Risk/Drainage

- Land quality
- Air quality

Principle of development

10.2. The principle of development has been established by virtue of planning permission 18/00872/FUL being granted, which has since been implemented. As the existing planning consented has been implemented this represents a legal fall-back position.

10.3. Policy E2 of the Oxford Local Plan is applicable to all developments involving the formation of new academic or administrative floorspace. Policy E2 states that Planning permission will be granted to support the growth of Oxford Brookes University through the redevelopment and intensification of academic and administrative floorspace on their existing sites at Headington Hill and Gypsy Lane. The policy also states that planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met; or, where this policy does not apply, that a suitable form of student accommodation for all students will be provided, with controls in place to ensure that the provision of accommodation is in step with the expansion of student places. Accounting for Policy E2 of the Oxford Local Plan and site Policy SP17, development which would provide additional academic space on the Headington Hall site can be accepted in principle, subject to compliance with Policy H9 of the Oxford Local Plan.

10.4. Policy H9 links the delivery of new academic university facilities to the delivery of university provided residential accommodation in order to prevent unrestricted growth in academic space and consequently student numbers, which places further pressure on local market housing, if this growth in student numbers is not matched through the delivery of purpose built accommodation.

10.5. Specifically for Oxford Brookes University planning permission will only be granted for new/redeveloped or refurbished academic or administrative accommodation for Oxford Brookes University where it can be demonstrated that:

- *The new accommodation would not generate or facilitate any increase in student numbers; or;*
- *The number of their full-time taught course students living in Oxford in non-university- provided accommodation does not exceed 4,000 at the time of the application. This threshold will be increased to 4,500 if:*
 - i) *On 01 April 2023 a scheme delivering a net increase of at least 500 student bedrooms has not been developed at Clive Booth Student Village (Site SP17); and/or Oxford Brookes is able to demonstrate that they are unable to secure additional nomination rights to meet the threshold. This threshold would return to 4,000 once the additional 500 student bedrooms are delivered and/or secured.*
 - ii) *On 01 April 2030 Oxford Brookes is able to demonstrate that they are unable to meet the threshold because they are unable to secure new nomination rights to replace expiring nomination rights.*

- 10.6. The proposed building would house Oxford Brookes School of Engineering, Computing and Mathematics which is currently housed at the Wheatley Campus and is being vacated ahead of potential redevelopment to provide 500 homes accounting for the sites allocation in the South Oxfordshire Local Plan. At the time that the previous application was determined, it was considered that the proposals would not equate to an overall increase in academic floorspace, given that the wider plans in place for Oxford Brookes to reduce academic floorspace across the various campus sites from 125,000sqm to 87,000sqm by consolidating its estate. The decommissioning of the Wheatley Campus will play a significant role in this. The proposals therefore relate to a wider strategy to rationalise provision of academic floorspace across the wider Brookes estate, rather than to provide additional net academic floorspace, so there would not be a conflict with Policy H9 of the Oxford Local Plan, as the proposals should not generate an increase in student numbers. The number of Brookes full time taught course students living in non-university accommodation currently falls significantly below the threshold of 4000 specified in Policy H9 of the Oxford Local Plan.
- 10.7. The development would align with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill site, as the proposals would provide a new academic and teaching facility, whilst also aligning with Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill site. As the proposals would involve the replacement of academic space located elsewhere on the Oxford Brookes estate it is unlikely that the development would directly facilitate an increase in student numbers and in any event the number of students living in non-university accommodation does not currently exceed 4000 students so there would be no conflict with Policy H9 of the Oxford Local Plan.
- 10.8. The Willow Building located to the south of the site is currently used as temporary teaching space. Temporary planning permission was granted in January 2021 for a period of five years, under the condition that the building was removed from the site following the expiry of the temporary planning consent, or within three months of first occupation of the building approved under planning permission 18/00872/FUL. The same condition would be attached to this planning consent requiring that the Willow Building is removed within three months of first occupation of the building approved under this new planning permission, providing this is completed and occupied before the expiry of the temporary planning permission relating to the application to retain the Willow Building, which would otherwise expire in January 2026.

Design

- 10.9. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Policy CIP1 of the Headington Neighbourhood Plan similarly requires that development responds to local distinctiveness, whilst Policy CIP3 requires that design is innovative and reflects

local heritage. Due regard has also been given to guidance set out within the National Design Guide and Design Code as specified in Paragraph 134 of the NPPF.

- 10.10. The replacement building consented under the original planning application was designed as a pavilion like building to sit within the mature parkland and to respond to this landscape, nestled within the existing mature trees. The proposals, as revised do not seek to alter the general design principles as consented and are principally driven by changes to the internal layouts of the building, site levels and the addition of the further storey.
- 10.11. The consented building was taller than the former Helena Kennedy Building. The height to the roof ridge varied between 10.6 metres and 12.1 metres to the roof ridge, with the height to the plant equipment measuring between 13 and 13.8 metres. The height, form and massing of the main elements of the building as revised within this application are unchanged from the previously consented design. There are however a number of proposed changes to the façade treatment as a result of the proposed additional storey which is directly related to the change in site levels. There are changes to the proportion of glazing and window openings which have increased accounting for the additional storey, in addition to design and other architectural changes. As a consequence the addition of the further storey would give the building a greater presence within the site, which would impact further on the setting of the Grade II* listed Headington Hill Hall.
- 10.12. The architectural changes to the external skin of the building, in particular the more solid appearance of the west end of the building would somewhat diminish the overall architectural quality of the building's appearance both from immediate views within the parkland of Headington Hill Hall but also in the longer views of the building seen adjacent to and clearly in the setting of Headington Hill Hall looking out of the city. The further amendments submitted under this variation of conditions application have included changes to the north-west end of the building to open up this section of the building to a further degree.
- 10.13. Changes are also sought to the design of the roof plant enclosure and the design of extract flues. The plant enclosure has increased in length, though the height is marginally reduced. The previously proposed rectangular flues have been amended to an angled saw tooth design. This change fits appropriately with the design of the rest of the building and reduces the visual mass of the upper sections of the building, although the increase in length of the rectangular section of plant would add to the overall presence of the building.
- 10.14. A Natural Resource Impact Assessment was submitted in support of the previous planning application as per the requirements of Policy CS9 of the Core Strategy, which was the adopted policy at the time that the application was determined. This included a range of suggested measures to improve the sustainability and energy performance of the building, including:
- Adoption of a fabric first approach.
 - Solar control/glare/daylighting.
 - Prevention of overheating.

- Mixed mode ventilation.
- Energy efficient lighting.
- Smart energy control system.
- Roof mounted PV.
- Air tightness.

10.15. The applicants design and access statement outlines that the insertion of the additional floor would improve the thermal performance of the building, compared with the previously approved plans further reducing carbon emissions. A condition requiring the final details of the sustainability measures to be incorporated into the development was attached to planning permission 18/00872/FUL and would be required under this subsequent variation of conditions application prior to the commencement of above ground works.

10.16. Changes are also proposed to the landscape design, including the provision of additional areas of social space, including the amphitheatre space to the south of the building, which has been enabled through the reduction in on-site parking and the need to provide stepped access to the building. Direct access to and from a level ground or outside landscape and more development of the landscape design to provide a more integrated approach to the building in its immediate context is an improvement over the consented design, and it is understandable that shared/communal/ public access activities should be located where they have immediate access to the outside. The landscape design amendments undertaken since the initial submission of this variation of conditions application gives greater consideration to the movement of students and staff around the site.

Heritage Impact

10.17. The building is located within the Headington Hill Conservation Area and the setting of the Grade II* listed Headington Hill Hall.

10.18. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance). Policy CIP4 of the Headington Neighbourhood Plan similarly reflects this requirement.

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

10.20. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or

enhancement of the Conservation Area's architectural or historic significance. Paragraph 199 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

- 10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.22. The application site falls within the historic curtilage of Headington Hall as shown on the second edition OS Map 1899-1900 where the site can be identified as set within the informal gardens and parkland that lay to the east of the house and extended as far north as Cuckoo Lane, an important footpath route from Headington Hill to Marston Road in the west. The formal parkland setting of the Hall which significantly provided it with its "country house" appearance is clearly evident today in spite of the additional buildings and subsequent changes in use that have occurred since James Morrell's original vision.
- 10.23. There is a sense of unplanned use to the land immediately around the house, with it primarily used for car parking and the proposed development together with future campus wide plans for the development and management of the surrounding land offers the opportunity to consider the significance of the landscape, both immediate and wider (the historic estate) significant structures that fall within the curtilage of the listed building or its setting (including the Lodge, and William Wilkinson's bridge over Headington Road) together with the setting of the Hall and seek to enhance these heritage assets based upon an understanding of what is important to preserve.
- 10.24. The approved building has been designed to sit within the position of the former Helena Kennedy Centre to the front of the Hall. The original design comprised a relatively simple building form, with a rectangular plan of two storeys under a flat roof. Although large, the approved building was designed to be sited within the area taken up by the former Helena Kennedy Centre building, thus minimising or removing any further harm to and/or loss of important parkland trees or disturbance of any undisturbed land.
- 10.25. In views from Pullen's Lane the new building would interrupt views of Headington Hill Hall, however this would not be to a significantly greater extent than either the approved building or the former Helena Kennedy Centre. Officers concluded that the building approved under application 18/00872/FUL would be an enhancement on the appearance of the former building and any harm to the setting of the listed building would certainly be no greater than the harm arising from the siting of the former building as the design would be of a much greater standard compared with the existing building. The Hall is a significant feature in long views out of the city toward the east. It is particularly evident in views from

St Mary's Tower. In these views the former building sat primarily behind the Hall and was deemed recessive or negative when considering the siting of the approved replacement building in terms of its architectural contribution that it makes to the panoramic view of the eastern hillside. The former parkland trees, in particular the highly distinctive conifer trees make an important contribution to the whole picture of the hillside and the new building would be partially visible from this important view point. The revised design would not be higher, although the revisions add additional presence to the building. Much of the proposed building would sit discretely behind the Hall however it is intended that the northern end of the new building should have its own vantage over the city and consequently it would itself be seen in long views from the city extending beyond the northern end of the Hall's garden façade. The new landscape surrounding the proposed building has been designed to both reinforce existing planting as well as to create a good setting for the new building.

10.26. The application site lies in the south western part of the Headington Hill Conservation Area. At ground level, the area immediately around the site is characterised by the institutional colonisation of the latter part of the space of the formal parkland that primarily belonged to Headington Hill Hall. In considering the approved application, officers considered that the replacement of the former building with a single large building of limited architectural merit that does not respect its context with a single large building that has been designed to respect the character and appearance of the setting informed by a heritage assessment would enhance the character of the Headington Hill Conservation Area.

10.27. It is considered that the proposed development by virtue of the scale, intervisibility of the building and its siting in relation to the Grade II* listed Headington Hill Hall would result in a low level of less than substantial harm to the setting of both the listed building and the setting of the Conservation Headington Hill Conservation Area. The addition of the further storey would increase the presence of the building in relation to the setting of the Grade II* listed building and within the Conservation Area, as experienced from views within the Headington Hill site, which in turn would amount to a low level of

10.28. Decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations powerful enough to do so. In the context of Paragraph 202 of the NPPF, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. There are a range of public benefits associated with the proposed development, this includes the benefits arising from the removal of the former building and its replacement with a building of an enhanced design, which respects to a greater degree the setting of Headington Hill Hall, both in terms of the architectural treatment and landscaping. The proposals would provide a new purpose built facility for the Faculty of Technology Design and Engineering. The proposals form part of a wider strategy to relocate existing academic space from the Wheatley Campus to Headington Hill. The provision of high quality, additional purpose built academic

space on the site has economic benefits given the interlinked research advantages. It is considered that the public benefits of the development would outweigh the identified level of less than substantial harm arising from the addition of the building, as amended. The proposals are therefore considered to comply with Policy DH3 of the Oxford Local Plan and Policy CIP4 of the Headington Neighbourhood Plan. Great weight has been given to the heritage asset's conservation and it is considered that the development would accord with Policy DH3 of the Oxford Local Plan; NPPF 199 and 202 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbouring Amenity

10.29. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan also requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses.

10.30. The nearest surrounding residential buildings to the east of the site are located on the opposite side of London Road, in excess of 80 metres from the proposed building. There are also buildings housing student accommodation located to the south west at Cheney Student Village, which is operated by Oxford Brookes. Due to the separation distance between the proposed building and the nearest surrounding residential properties, officers consider that the development would not have an overbearing impact in terms of its scale and siting and would not result in overshadowing or loss of light which would otherwise impact on the amenity of the occupiers of these residential uses. Likewise taking into account the relative separation distance to these nearest uses, it is considered that the new plant equipment which would be installed within the replacement building would not result in significant noise disturbance in accordance with Policy RE8 of the Oxford Local Plan.

Trees

10.31. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.

10.32. It was proposed that the design and layout of the approved building, which was sited on the footprint of the former Helena Kennedy Centre, would reduce the amount of tree removals required, albeit that the removal of 2 mature and moderate quality and value trees (Category B); and a number of lower quality trees would be required.

10.33. Though the revised building footprint would cover the area of the approved building, accounting for several variations to the landscaping, areas of hardstanding and parking and new features including the amphitheatre, a new

Arboricultural Impact Assessment (AIA) has been prepared and submitted in support of this planning application. The revised AIA also accounts for works which have taken place on the site already, in particular the excavation works to remove asbestos, some of which have taken place within the Root Protection Areas (RPA's) of several trees.

- 10.34. No further trees are scheduled for removal compared with the approved plans. The submitted AIA confirms that the alignment of the replacement building, proposed amphitheatre and footpaths would encroach into the RPA's of retained trees. Subject to the provision of an Arboricultural Method Statement (AMS) and Tree Protection Plan, both of which would be secured before the commencement of further works, officers are satisfied that the development would not compromise the future integrity of retained trees. The indicative landscaping scheme for the site also includes the planting of additional trees in order to mitigate for the trees which would be removed to facilitate the development.
- 10.35. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.

Transport

- 10.36. Policy M3 of the Oxford Local Plan outlines that for non-residential developments relating to 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.
- 10.37. There were previously 40 staff parking spaces on site for employees of Oxford Brookes University which were adjacent to the Helena Kennedy Centre. Planning application 18/00872/FUL sought to retain all of these spaces within spaces to the east, south and south east of the building. The asbestos remediation works and associated changes to the proposed landscaping include a reduction in the number of proposed parking bays and associated areas of access and hardstanding.
- 10.38. The amended proposals submitted under this application make provision for a total of 26 parking spaces, this equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking compared to previous levels and previously consented levels is considered to be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with the key aims of Policy M1 of the Oxford Local Plan. The site is in a very sustainable location in terms of accessibility by bus, given the frequency and range of services nearby on London Road. The central location of the site means that it is accessible by cycling from much of the city. Officers therefore consider that the proposed reduction in on-site parking would comply with Policy M3 of the Oxford Local Plan.

- 10.39. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. This can be secured by condition.
- 10.40. Policy M5 of the Oxford Local Plan requires the provision of cycle parking within new non-residential developments in line with the specific standards outlined in Appendix 7.4 of the Oxford Local Plan. For non-residential further educational uses, the standards require that a minimum of one cycle parking spaces shall be provided for every 2 students and 1 space for every 5 members of staff.
- 10.41. The submitted transport statement outlines that the building is expected to house 600 students and 45 members of staff and a total of 320 cycle parking spaces are proposed within this application. The previous planning permission made provision for 206 cycle parking spaces. The number of spaces has increased due to the addition of further floorspace within the building which generates a requirement to provide further cycle parking. The location of the cycle parking is shown on the submitted site plan and includes spaces to the north of the building and further spaces to the south of the building. It is proposed that delivery of the cycle parking spaces would be phased as proposed within the previous planning application. A condition was attached to the original permission to secure the provision of the cycle parking and an acceptable strategy in respect of how this would be phased and this condition would be repeated here. The proposed number of cycle parking spaces would comply with the requirements outlined under Policy M5 of the Oxford Local Plan and is considered acceptable.
- 10.42. A construction traffic management plan (CTMP) was agreed and discharged under planning application 18/00872/FUL prior to the demolition of the Helena Kennedy Centre. Taking into account the changes to the plans, revised timescales and other external factors, a new CTMP would be required by planning condition.
- 10.43. Oxford Brookes University had a Travel Plan (2016-2018) in place at the time the previous planning application was approved which provided an overarching strategy for sustainable travel across each of its campus sites. In addition a planning condition was also imposed requiring an individual Travel Plan specifically relating to this site. Taking into account the need for an overarching strategy to promote sustainable travel and achieve a modal shift away from private car use and the increase in proposed floorspace, it is recommended that this condition is also applied under this permission.
- 10.44. Access paths are provided through the site providing permeability from the main entrance to the Headington Hill Campus to the north east from London Road to Headington Hall, and access to the student accommodation to the south on the opposite side of London Road across the pedestrian footbridge. This remains acceptable.
- 10.45. It is considered that the proposals are acceptable in highway and transport sustainability terms and comply with Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan.

Ecology

- 10.46. 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.
- 10.47. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.
- 10.48. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 4. Damage or destruction of an EPS breeding site or resting place.
- 10.49. The previous planning application was accompanied by a Preliminary Ecological Assessment (PEA). This identified that the undeveloped parts of the site would be classed as species-rich meadow grassland and amenity grassland. These areas of the site have changed considerably since following the construction works undertaken to excavate the site and remove asbestos.
- 10.50. The former Helena Kennedy Centre which was identified as offering low potential for roosting bats has been demolished. Trees which are identified as offering potential for roosting bats are unlikely to be impacted by the proposed works. An updated Ecology Statement has been submitted alongside this variation of conditions application in order to assess baseline changes which may have occurred following the approval of the previous planning application.
- 10.51. The updated Ecology Statement identifies that an area to the south west corner would be classed as semi-improved grassland, due to a relaxation of mowing on site. The report states that the revised landscape proposals would

result in the loss of small areas of poor semi-improved grassland and amenity grassland to realign the footpath and to construct the external amphitheatre in the south-west of the Site. However, amenity grassland that was proposed for removal to create a new footpath to the north of the Site would now be retained and an existing footpath in this area utilised instead. Two sections of the footpath in the north of the Site would be removed and replaced with grassland and understory planting. The updated Ecology Statement recognises that the landscaping proposals include enhancement of retained habitats and creation of new habitats through woodland understory planting, embankment planting and new tree and shrub planting. It also identifies one additional tree with low suitability for roosting bats was identified during the update Phase 1 habitat survey, located to the south-west of the construction area, though no further risk of harm to protected species is identified, or habitat loss compared with the baseline approved planning application.

10.52. A condition requiring the submission of a scheme of ecological enhancements was attached to the original planning permission. Details have not been discharged at this time, therefore officers require a similar condition to be also attached to this variation of conditions permission, in order to ensure appropriate provision is made to secure biodiversity enhancement is secured in accordance with Policy G2 of the Oxford Local Plan.

Flood Risk and Drainage

10.53. The approved application was accompanied by a Flood Risk Assessment and Drainage Assessment (Doc: HK-ARUP-RP-C-0001 | 02 | 29 March 2018) which set out a preliminary drainage strategy based on infiltration, with the results of soakage tests confirming this is feasible. The strategy was based on a permeable paving carpark, rainwater harvesting, and an infiltration tank allowing surface water to be infiltrated on site. The strategy also suggested further implementation of integrated Sustainable Urban Drainage at the next stage.

10.54. The applicants have submitted an updated drainage design note based on the amendments to the planning application as sought within this variation of conditions application. This takes account of the amendments to the landscaping and considers the amendments in relation to the feasibility of implementing the drainage scheme accompanying the original planning approval. The updated drainage note states that the surface water drainage strategy described in the original Flood Risk Assessment and Drainage Assessment can be maintained in the new scheme with surface water from roofs and impermeable hardstandings (stone paving) collected and piped to a buried crate soakaway.

10.55. The approved development was subject to a condition to secure submission of a detailed drainage strategy prior to the commencement of work, other than demolition and site clearance (both of which have taken place) as requested by the Lead Local Flood Authority. A similarly worded condition should be attached to this planning permission which also accounts for the amended layout of the scheme. Subject to the provision of a detailed drainage scheme to be secured by condition, officers consider that the proposals would comply with Policies DH3 and DH4 of the Oxford Local Plan.

10.56. A public comment submitted for this application notes that there is no evidence that natural springs have been considered. Concern was expressed that a building of this weight and size immediately upstream may affect the natural flows by rupture of the underlying strata and therefore a full hydrological assessment of the natural groundwater flows and geology should be provided. The applicant's consultants have responded that the weight of an additional floor and subsequent increase in size of foundations would be offset by the weight of the contaminated Made Ground that has been removed. The response also states that all building foundations are specifically designed to avoid rupture of the underlying strata, because if rupture were to occur it would result in subsidence and cracking of the building. A detailed site investigation on this site has been undertaken which has determined the allowable foundation loads the underlying strata (taking depth into account) can withstand. The response provides an explanation as to the reasons why a hydrological and geological assessment was not required or provided, which the Council concur with.

Land Quality

10.57. The original planning application was subject to a planning condition requiring that a phased risk assessment was submitted for approval before the commencement of development. Work has since commenced on site to remove asbestos buried beneath the slab level of the former building. Accounting for the work which has taken place on site, it is considered necessary that a condition is attached to this planning application requiring that remedial work to remove potential contamination risks from asbestos containing materials at the site has been carried out and a full validation report has been submitted to and approved by the local planning authority before occupation of the building. Subject to satisfactory remediation being carried out, officers are satisfied that the development would not present a significant environmental risk and would not conflict with Policy RE9 of the Oxford Local Plan.

11. CONCLUSION

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The principle of providing additional teaching and academic space has been accepted under planning permission 18/00872/FUL. This aligns with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill site and Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill site.
- 11.4. The proposed building as revised would be located on the footprint of the approved building and the revised building would be within the height parameters of the approved building. The general amendments to the design are considered acceptable in design terms in accordance with Policy DH1 of the Oxford Local Plan and Policies CIP1 and CIP3 of the Headington Neighbourhood Plan. Notwithstanding this, the addition of the further storey would however increase the presence of the building as experienced within its immediate context, including within the context of the Headington Hill Conservation Area and Grade II* listed Headington Hill Hall. It is considered that the development would result in less than substantial harm to both designated heritage assets, however when considered under the balancing exercise required under Paragraph 202 of the NPPF, the harm would be demonstrably outweighed by the public benefits of the development.
- 11.5. A total of 26 parking spaces are proposed, which equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking would be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with Policy M1 of the Oxford Local Plan. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. A total of 320 cycle parking spaces are proposed within this application which would comply with Policy M5 of the Oxford Local Plan.
- 11.6. The strategy in terms of ecological mitigation and managing surface water drainage would not be substantially altered compared with the consented scheme and subject to details which would be secured by condition, the development is considered to comply with the respective relevant policies G2, RE3 and RE4 of the Oxford Local Plan.
- 11.7. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.
- 11.8. The development is considered to comply with the local and national development framework as a whole and it is recommended that the Committee resolve to grant planning permission for the development proposed. It is recommended that the Committee resolve to grant planning permission for the development proposed.

12. CONDITIONS

Approved Plans

1. 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

2. Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of construction works above ground level (excluding demolition or site clearance) and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Headington Hill Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

Lighting

3. The development hereby permitted shall not be brought into use until a detailed Lighting Strategy with technical specifications and lighting contour plans has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following:

-Details of the external lighting of the development in particular architectural lighting of the buildings

-Details of the impact of the lighting upon views into the site from within the city

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: In the interests of amenity and in the absence of information, in accordance with policies DH1, DH2 and DH3 of the Oxford Local Plan.

Landscape Plan and Trees

4. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of construction works above ground level (excluding demolition of existing site structures). 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 landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

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

5. Prior to the start of any work on site, excluding demolition and 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 these approved details.

Reason: To avoid damage to the roots of retained trees. In accordance with policies DH1 and G7 of the Oxford Local Plan.

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

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

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within Chapter 5 of the Tree Survey, Arboricultural Impact Assessment Preliminary Method Statement and Tree Protection Plan dated 25 May 2022 unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

8. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate

Arboricultural Clerk of Works (ACoW) who has been appointed to conduct such monitoring and supervision. A written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be carried out in accordance with the approved AMP.

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

Cycle Parking

9. Prior to use or occupation of the development hereby permitted, details of the phasing strategy for the provision of covered and secure cycle parking for a minimum of 320 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with this approved strategy and be retained in place thereafter.

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

CTMP

10. A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed prior to commencement of the further phases of work (i.e. demolition / site clearance, above ground works) on site begin. This shall identify;

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

The development shall be carried out in accordance with the approved CTMP

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policy M2 of the Oxford Local Plan.

Travel Plan

11. Prior to first occupation an updated Oxford Brookes University Travel Plan which meets Oxfordshire County Council criteria should be submitted to an approved in writing by the Local Planning Authority. The approved measures outlined in the updated Travel Plan shall be implemented upon first occupation of the development.

Reason: To promote sustainable modes of transport in accordance with Policy M2 of the Oxford Local Plan.

Drainage

12. No work other than demolition and site clearance shall commence until a final drainage strategy has been submitted to and approved in writing by the Local Planning Authority, in accordance with the principles of the drainage strategy as detailed within the submitted Flood Risk and Drainage Assessment (Doc: HK-ARUP-RP-C-0001 | 02 | 29 March 2018). The drainage strategy shall ensure that infiltration should be based on the soakage rates obtained, and each of the SuDS components should be designed to control surface water up to and including a 1 in 100y + 40% Climate Change allowance storm event. The development shall be carried out in accordance with the approved drainage strategy.

Reason: To ensure that provision is made for the sustainable drainage of surface water in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

13. The development shall not be brought into use until a SuDS maintenance plan has been submitted to and approved by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall be operated in accordance with the approved SuDS maintenance plan.

Reason: To ensure that provision is made for the sustainable drainage of surface water in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

Archaeology - WSI

14. All works shall be carried out and completed in accordance with the written scheme of investigation for archaeology as approved under discharge of conditions application 18/00872/CND4.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and

their visitors, including prehistoric and early Saxon remains (Local Plan Policy DH3).

Sustainability – Energy Statement Compliance

15. No above ground construction work other than demolition and site clearance shall commence until details of the sustainability measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall align with the design measures specified with the Energy Statement accompanying planning application 18/00872/FUL and the Design and Access Statement accompanying this variation of conditions application. The approved energy efficiency measures shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with Policy RE1 of the Oxford Local Plan.

Ecological Enhancements

16. Prior to the commencement of above ground works, details of biodiversity enhancement measures including bat and bird boxes and nectar rich planting shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved building and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and Policy G2 of the Oxford Local Plan.

Land Contamination

17. The development shall not be occupied until remedial work to remove potential contamination risks from asbestos containing materials at the site has been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

18. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and

approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

Removal of Willow Building

19. The 'Willow Building' benefitting from temporary planning permission under planning application reference 20/01986/FUL shall be removed within three months of first occupation of the building approved under the planning permission hereby granted.

Reason: The proposed building is of a prefabricated design that does not appropriately respond to the existing surrounding development and results in a degree of harm to the setting of the listed Headington Hill Hall and removal of the building is required in accordance with Policy DH3 of the Oxford Local Plan. Furthermore, the building is required for a temporary period only, until such time as the building permitted under planning permission.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

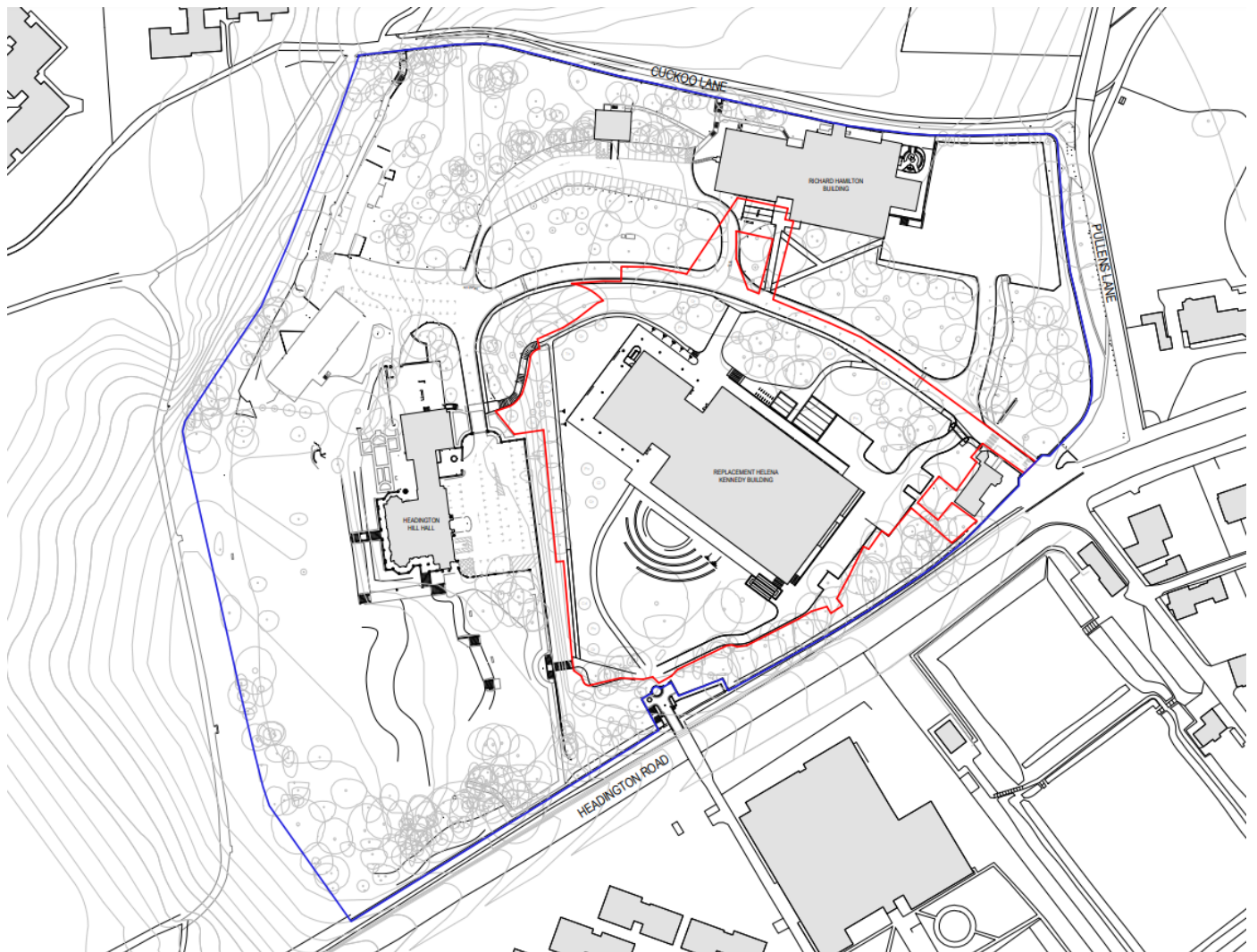
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 – Site Location Plan - 21/03622/VAR



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Oxford City Planning Committee

21st June 2022

Application number:	21/03241/FUL		
Decision due by	26th January 2022		
Extension of time	30th June 2022		
Proposal	Demolition of existing garage and erection of a single storey outbuilding to be used as an ancillary home office and gym. (Amended plans).		
Site address	Julianstow Cottage, 10 Harberton Mead, Oxford, Oxfordshire		
Ward	Headington Hill And Northway Ward		
Case officer	Nia George		
Agent:	Milo Bannell	Applicant:	Henry Curtis and Celia Deane-Drummond
Reason at Committee	The applicant, Henry Curtis is member of staff of Oxford City Council.		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

1.1.2. **agree to delegate authority** to the Head of Planning 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 the demolition of an existing garage and the erection of a single storey outbuilding to be used as an ancillary home office and gym.

2.2. This report considers the following material considerations:

- Principle of development
- Design and impact upon designated heritage assets

- Neighbouring amenity
- Vehicle Parking and Highways Safety
- Drainage
- Biodiversity
- Trees
- Land quality

2.3. Officers conclude that the proposed development is acceptable in regards of its design and although it would cause a low level of less than substantial harm upon the character and appearance of the Headington Hill Conservation Area, the benefits of the scheme are considered to outweigh this low level of harm. The proposal would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts in regards to vehicle parking and highways safety, drainage, biodiversity, trees and land quality, subject to the recommended conditions and informatives. Overall the proposal is considered to accord with the policies of the Oxford Local Plan 2036, the Headington Neighbourhood Plan, the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

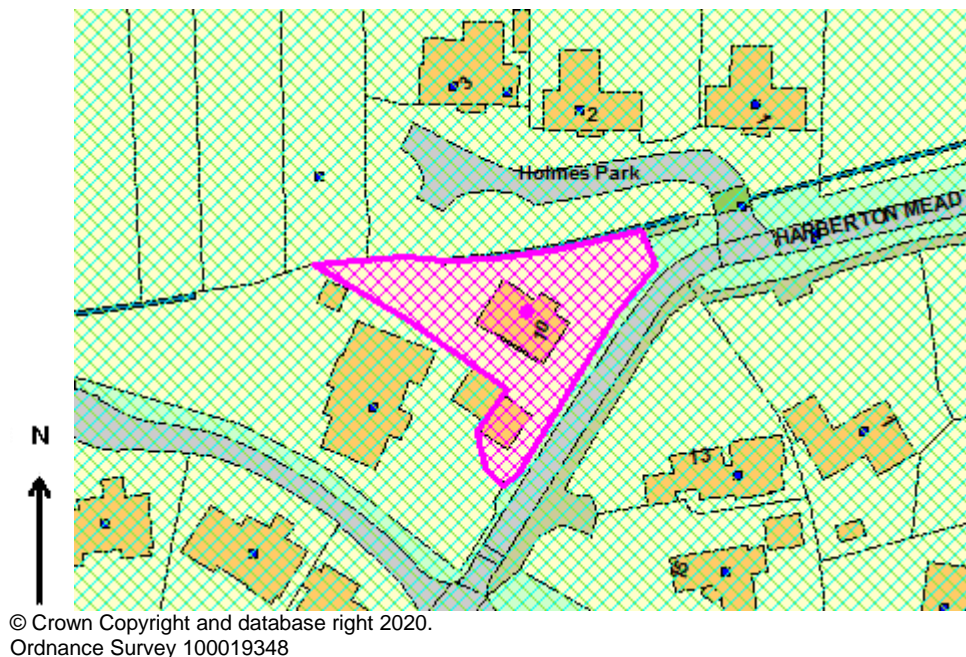
5. SITE AND SURROUNDINGS

5.1. The application site is located within the Headington Hill Area of Oxford, to the north east of the city centre. The site is a detached two storey dwelling located on the north western side of Harberton Mead. The property has been recently built following planning permission being granted in January 2020 for the demolition of the previous property and the erection of a new 4 bed dwelling. The property is located within the Headington Hill Conservation Area.

5.2. Harberton Mead comprises of detached residential dwellings set out in large spacious plots. The street has a woodland character due to the presence of a number of mature trees; it being a private road with no pavements for pedestrians and its lack of street furniture.

5.3. The property currently benefits from a detached single storey garage to the south of the site, which was constructed in 1978 as part of the original development for the dwelling. The garage however has structural and stability issues which is thought to be due to a lack of appropriate foundations for the location.

5.4. See block plan below:



6. PROPOSAL

6.1. The application proposes the demolition of the existing single storey garage and the erection of a new single storey outbuilding. The new outbuilding is proposed to be used as an ancillary home office and gym by the occupiers of 10 Harberton Mead.

6.2. The outbuilding would measure 6.5m in width by 5.5m in depth, and would feature a pitched roof form with a height of 4.5m and an eaves height of 2.3m. The outbuilding would be finished in brick and render to match the existing dwellinghouse and natural slate tiles. The outbuilding would also feature six solar panels on the southern roof slope.

7. RELEVANT PLANNING HISTORY

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

01/01574/P - Boundary Fence. Permission required 3rd October 2001.

78/00194/AH_H - Erection of double garage. Approved 19th April 1978.

81/00036/NFH - Extension to form bedroom and bathroom in roof space and ground floor extension. Approved 24th April 1981.

90/00609/NFH - Extension including new living accommodation on ground floor together with rooms in new roof space. Approved 15th August 1990.

08/01986/FUL - Erection of two storey rear extension to include carer's

accommodation at first floor. Approved 6th November 2008.

19/02290/FUL - Demolition of the existing dwellinghouse and outbuildings. Erection of a 1X 4 bed dwellinghouse. Provision of car parking, bin and bicycle storage. Approved 13th January 2020.

19/02290/CND - Details submitted in compliance with condition 3 (Samples in CA) of planning permission 19/02290/FUL. Approved 27th October 2020.

19/02290/CND2 - Details submitted in compliance with condition 6 (Drainage), 7 (Landscape, hard surface design), 8 (Landscape underground services - tree roots), 9 (Tree Protection Plan (TPP) 1), 10 (AMS) and 14 (Ecological enhancements) of planning permission 19/02290/FUL. Approved 30th April 2020.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1: High quality design and placemaking		GSP4: Protection of the setting of the site CIP1: Development respect existing local character CIP4: Protecting important assets
Conservation/Heritage	184-202	DH3: Designated heritage assets	Headington Hill Conservation Area Appraisal	
Housing	59-76	H14: Privacy, daylight and sunlight		
Natural environment	91-101	G2: Protection of biodiversity and geodiversity G7: Protection of existing Green Infrastructure features G8: New and enhanced Green and Blue Infrastructure		
Transport	117-123	M3: Motor Vehicle Parking		

Environmental	117-121, 148-165, 170-183	RE4: Sustainable and foul drainage RE7: Managing the impact of development RE9: Land Quality		
Miscellaneous	7-12	S1: Presumption in favour of sustainable development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th January 2022 and an advertisement was published in The Oxford Times newspaper on 3rd March 2022. Officers became aware of the red line boundary annotated on the initial location plan being incorrect. An amended location plan was however submitted during the course of this application and it is this revised location plan upon which the application is considered. This revised plan was re-advertised and further site notices were displayed around the application site on 4th March 2022.

Statutory and non-statutory consultees

Local Highways Authority

9.2. No objection.

Public representations

9.3. No formal representations received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and impact upon designated heritage assets
- Neighbouring amenity
- Vehicle Parking and Highways Safety
- Drainage
- Biodiversity
- Trees
- Land contamination

a. Principle of development

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption

in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policies DH1 and DH3 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP4 of the Headington Neighbourhood Plan. The proposal must also not be detrimental upon the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036. Finally this proposal must also not cause any detrimental impacts in regards to drainage, vehicle parking and highways safety, trees and biodiversity, outlined within Policies RE4, M3, RE7, G2, G7 and G8 of the Oxford Local Plan 2036, in addition to the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Conservation of Habitat and Species Regulations 2017 (as amended).

b. Design and impact upon designated heritage assets

10.4. Policies DH1 and DH3 of the Oxford Local Plan, and Policies GSP4, CIP1, and CIP4 of the Headington Neighbourhood Plan, seek to ensure that development is of a high quality design, relates well to the existing house and its surroundings, and respects and enhances the historic environment.

10.5. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area to which great weight is attached and it is accepted is a higher duty.

10.7. Haberton Mead comprises mostly of detached residential houses in large plots. Haberton Mead has been developed in stages, in which the subdivision of

the earlier grounds of Harberton House has provided numerous large plots. This has resulted in a series of enclosed areas which has an important impact upon the appearance of the area, and has contributed to its low-density feel. Harberton Mead has a woodland character; the section of the road immediately surrounding the application site does not have a separate pavement for pedestrians to use, and this coupled with the green verges and mature trees gives its 'lane' character and appearance. The street has a tranquil residential character, and does not feature any street furniture, helping to preserve the woodland character.

- 10.8. Buildings along Harberton Mead comprise of a mixture of arts and crafts architecture, early 20th century buildings, along with later 20th century buildings. The application site has been recently rebuilt, having been granted planning permission in January 2020 for a replacement dwelling. Although the property itself is considered not to have any special historic or architectural interest, it has been designed to be of a scale that is comparable to houses within the area and has importantly retained a low density character and appearance.
- 10.9. The proposed outbuilding would have a footprint of 5.5m x 6.5m and would feature a pitched roof with a pitch height of 4.5m and an eaves height of 2.3m. The existing garage has a footprint of 5.5m x 6.0m, and therefore the proposal extends 0.5m greater in width when compared to the existing garage. The existing garage also has a pitched roof with a pitch height of 4.0m and an eaves height of 2.4m. Therefore the proposed outbuilding would also be 0.5m taller in height at the ridgeline compared to the existing garage.
- 10.10. Although the proposed outbuilding would be slightly larger both in its footprint and in its height when compared to the existing garage, having regard to the context of the site where large detached garages and outbuildings are prevalent along Harberton Mead, coupled with the scale of the host dwelling and its pitched roof form with low eaves, it is considered that the proposal would read as a subservient addition to the main dwelling.
- 10.11. The walls of the outbuilding would be finished in a white painted render and brick which would match that used on the host dwelling, and the roof would be finished in natural slate tiles. Overall the materials proposed are considered to be acceptable as they would form a good visual relationship to the host dwelling and would not be out of character within the surrounding area. A condition has been recommended however requiring samples of the exterior materials to be provided to the Local Planning Authority prior to commencement, to ensure the appearance of the outbuilding is of a high quality given its location within a conservation area.
- 10.12. The proposed outbuilding would not extend any closer to the streetscene of Harberton Mead when compared to the existing garage, and its pitched roof form would ensure that the proposal has a similar appearance to the existing. Therefore although the building would be clearly visible in views along Harberton Mead, it is considered that the proposal would not be dominant due to its similar scale, design and siting to the existing garage. Furthermore the retention of the mature trees at the south eastern boundary of the site will ensure there is still screening from the southern end of Harberton Mead, and therefore the views

from both the northern and southern ends of the street would be similar to the existing.

- 10.13. The proposed outbuilding as noted would be used as an ancillary home office and gym. The building would feature a W.C. and a kitchenette, and it is appreciated that the building would have its own independent access. Officers became aware of concerns that the building could potentially be used as a short term let through platforms such as 'Airbnb', which could give rise to a more extensive use than a single family home. Officers are satisfied however that given the subservient scale of the building coupled with its proximity to the host dwelling and its intended use, that the building would only be used for purposes ancillary to the main dwelling. Officers are mindful that the proposed use of the building is important upon the character of the conservation area as the tranquillity of the area must be retained. A condition has therefore been recommended to ensure the building is used for ancillary purposes only so that inappropriate uses including short term letting do not take place in this location where only incidental or ancillary uses would be acceptable.
- 10.14. The southern roof slope of the proposed outbuilding would feature six solar panels. These would be sited together as an array and would in total cover 1.7m x 3.0m of the roof slope. Although solar panels are contemporary features and are not commonplace within the surrounding area; it is considered that due to their siting on the southern roof slope which would be screened by the mature trees to the south of the building that the panels would not appear as prominent additions on the roof slope. It must be noted that the host dwelling features a number of solar panels on its southern roof slopes, which do not appear out of character as the property overall has been designed with a contemporary appearance. It is considered that the proposed building due to its use of matching materials with the host dwelling and its single storey height, would appear as a subservient and ancillary building and therefore the panels would read within the context of the overall site which has a contemporary character and appearance.
- 10.15. It is considered that the open character and appearance of a low density development would be somewhat retained, however it is appreciated that there would be slight increase in scale compared to the existing garage in terms of its footprint and height. Therefore there would be a greater proportion of built form perceived which impacts upon the low density appearance of the area which is an important characteristic to the conservation area.
- 10.16. Due to the reasons above, the development proposal has been assessed as resulting in a low level of less than substantial harm to the significance of the Headington Hill Conservation Area, and in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal. As mentioned, the existing garage is currently in need of repair as there are subsidence and structural stability failure issues; and the outbuilding currently is considered to result in a poor visual relationship with the main dwelling. The case officer must note that at the time of their site visit, there was also noticeable damage to the roof of the garage. By demolishing the existing garage and erecting the new outbuilding which is considered to be of a high quality design, it is considered that the proposal would result in an improvement to the amenity of the

surrounding area, and the appearance of the Headington Hill Conservation Area. The proposal is therefore considered to enhance the appearance of the conservation area which would result in a considerable public benefit. The proposed garage would also include six new solar panels which would generate power not only for the proposed outbuilding, but for the existing host dwelling too. The new panels would generate approximately 1200kWh per annum, and this would increase the properties energy generated by renewable energy in total up to 37%. This renewable energy generated would not only be used to heat the space and water for the host dwelling and the outbuilding, but would also provide power to an electric vehicle charging point at the property. Therefore the proposal would overall help to reduce the sites carbon emissions, and it is this climate control mitigation that also results in a public benefit.

10.17. Great weight and importance has been given to the desirability of preserving the designated heritage asset. The low level of less than substantial harm that would be caused is considered sufficiently mitigated and justified by the public benefits the new outbuilding would provide in this case. These public benefits would outweigh the low level of less than substantial harm caused and subject to the recommended conditions, the scheme would comply with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policies DH1 and DH3 of the Oxford Local Plan, and Policies GSP4, CIP1, and CIP4 of the Headington Neighbourhood Plan.

c. Impact on neighbouring amenity

10.18. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

10.19. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.20. The outbuilding is proposed next to the southern boundary of the site which is shared with 12 Harberton Mead. The neighbouring property 12 Harberton Mead also benefits from an existing garage which is sited immediately to the west of the proposal. This garage has a similar scale to the existing garage at the application site and screens views of the existing garage from the neighbouring property. It is considered that given the siting of the proposal in the same location as the existing garage, coupled with the siting of the neighbours garage immediately next to the site and the minimal increase in scale when compared to the existing garage, that the proposal outbuilding would not cause any detrimental impacts in regards to daylight access, outlook and would not be overbearing. No openings are proposed to the west elevation of the outbuilding and the opening proposed to the south elevation would be sited at a high level with trees situated between the window and neighbouring site. It is therefore considered that the proposal would not create any detrimental privacy issues for the neighbouring occupiers.

10.21. All other properties are a sufficient distance away from the site so would not be directly impacted by the proposals.

10.22. It is noted that the proposed outbuilding would be used as an ancillary home office and gym, and would contain a kitchenette and a W.C. Officers are satisfied that the intended use as an office and gym would not unduly disturb neighbours or result in a use that would not be supported in this location. A condition has however been recommended to ensure the proposal remains ancillary to the main dwelling.

10.23. Subject to the recommended condition, the development is considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

d. Vehicle parking and highways safety

10.24. Policy M3 states that in CPZs where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.25. 10 Harberton Mead is not located within a Controlled Parking Zone and therefore the standards set out in Appendix 7.3 of the Oxford Local Plan are of relevance. Appendix 7.3 states that dwellings of any size should have a maximum of one space provided within the development site, where feasible.

10.26. The existing garage at the site does not meet the minimum internal dimensions required to be used as a car parking space (3.0m x 6.0m), and therefore the loss of the garage is considered not to result in the loss of a parking space at the site. The remaining parking situation is unchanged and there is enough space at the site to accommodate one vehicle.

10.27. During the course of this application Officers became aware of concerns in relation to highway safety in that one of the entrances/exits to the site had been blocked up, as well as concerns that there would not be enough space for a vehicle to turn on the site. Officers were also made aware that there is a two metre change in level on the driveway and that no swept path analysis had been submitted with the application.

10.28. Although the previous planning permission under reference 19/02290/FUL proposed two entrances/exits to the site, only one has been implemented and this is an existing situation at the site which the plans submitted for this application show. As this is an existing situation, this is not a matter which can be addressed through this application and would be a matter for planning enforcement to check whether there is a breach of planning control.

10.29. Nevertheless Officers consulted with the Local Highways Authority and they consider that there would be enough turning space within the site to allow vehicles to enter and exit in a forward gear as a result of the proposal. The Local

Highways Authority concluded that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

10.30. The development is therefore considered to comply with Policies M3 and RE7 of the Oxford Local Plan.

e. Drainage

10.31. Policy RE4 states that all development is required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off.

10.32. The application site is located in flood zone 1 and is not considered to be at significant risk of flooding from any sources. However the development may increase the impermeable area of the site, leading to increased surface water runoff. Therefore the site should be drained using Sustainable Drainage Systems (SuDS). Accordingly, a condition is recommended requiring that the site is drained using SuDS. Subject to this condition, the proposals are considered to comply with RE4 of the Oxford Local Plan 2036.

f. Biodiversity

10.33. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.

10.34. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). Oxford City Council, as the Local Planning Authority, can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on protected species and thus meet the requirements of the National Planning Policy Framework (July 2021) and the Conservation of Habitats and Species Regulations 2017 (as amended).

10.35. The proposal includes the demolition of the existing garage and given its potential suitability for use by roosting bats, coupled with the presence of suitable foraging and commuting habitat in the surrounding area, this increases the likelihood that roosting bats may be present.

10.36. A preliminary roost assessment was submitted for the application which identified potential roosting features under collapsed roof tiles. The garage was assessed as being of low suitability for roosting bats and therefore further survey work was required. A bat emergence and re-entry survey report was then submitted and this identified no bat roosts.

10.37. The project ecologist recommended that the works are completed in accordance with a precautionary working methodology, and the applicant is proposing to install two nesting bird boxes which is a welcome ecological enhancement.

10.38. Overall the Council is satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due

regard. The Council is also satisfied that European Protected Species are unlikely to be adversely affected as a result of the proposals.

10.39. Subject to conditions ensuring the works are carried out in accordance with the precautionary working method and that the two nesting devices shall be installed in accordance with the proposed plans, it is considered that the proposal complies with Policy G2 of the Oxford Local Plan 2036, the NPPF, and the Conservation of Habitats and Species Regulations 2017 (as amended).

g. Trees

10.40. Policy G7 states that planning permission will not be granted for development that results in the net loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. Policy G7 also states that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls.

10.41. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green spaces.

10.42. The existing outbuilding is located close to two mature trees, including a large horse chestnut tree near to the southern boundary of the application site. Initially an objection was raised by the Council's internal tree officer as no arboricultural impact assessment or method statement had been submitted to address the potential impact of the development upon these trees. Although the trees are not protected by a tree preservation order, they are protected by virtue of being located within a Conservation Area

10.43. An arboricultural method statement and tree protection plan was subsequently submitted which addressed the Council's tree officers' original concerns.

10.44. Subject to a condition ensuring that the development would be carried out in strict accordance with the approved methods and protection measures identified, Officers are satisfied that the proposal accords with Policies G7 and G8 of the Oxford Local Plan 2036.

h. Land Quality

10.45. Policy RE9 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the

surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment; and detailed mitigation measures.

10.46. The Councils' internal land quality officer was consulted on the application and stated that the site has not been subject to previous historical contaminative use according to historical mapping, and it is also not within 50m of a former landfill. Therefore it is considered that there are no landfill risks associated with this development. The proposed building is to be ancillary to the current main residential dwelling and no new property with separate garden areas is proposed. As a result of the above, the overall contamination risk at the site is considered to be low for the proposed development.

10.47. The proposal is therefore considered to comply with Policy RE9 of the Oxford Local Plan 2036.

11. CONCLUSION

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

Compliance with development plan policies

11.4. In summary the proposed development would enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policy S1. Although the proposal would cause a low level of less than substantial harm upon the character and appearance of the Headington Hill Conservation Area, the public benefits of the scheme are considered to outweigh this low level of harm and is considered to accord with Policies DH1 and DH3 of the Oxford Local Plan 2036, Policies GSP4, CIP1 and CIP4 of the Headington Neighbourhood Plan, the NPPF, and Section 72 of the Planning (Listed Buildings

and Conservation Areas) Act 1990. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7. The development would not have any unacceptable impacts in terms of vehicle parking and highways safety, drainage, biodiversity, trees nor land quality, and is considered to be compliant with Policies M3, RE4, RE7, RE9, G2 and G7 of the Oxford Local Plan 2036, the NPPF, and the Conservation of Habitat and Species Regulations 2017 (as amended).

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036 and Headington Neighbourhood Plan, and that there are no material considerations that would outweigh these policies.

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

12. CONDITIONS

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.

Development in accordance with approved plans

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

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

Materials

3. Samples of the exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before their installation on the site and only the approved materials shall be used, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with Policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

SuDS

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development. Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy RE4 of the Oxford Local Plan 2016 – 2036

Precautionary Working Method

5. All works shall be carried out in accordance with the Precautionary Working Method in the Bat Emergence and Re-entry Surveys report produced by Arbtech dated May 11th 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any potential impact on protected species is adequately dealt with and to comply with the Wildlife and Countryside Act 1981 and Policy G2 of the Oxford Local Plan 2036.

Bird nesting

6. Two bird nesting devices shall be installed in accordance with the Proposed Elevations drawing produced by Milo Design & Visualisation on November 19th 2021 prior to the completion of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological enhancements in compliance with the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

Arboricultural Method Statement

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown on drawing number SP02.F (25.02.22) unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Use of outbuilding

8. The outbuilding hereby permitted shall not be used other than for purposes ancillary to the enjoyment of 10 Harberton Mead, and shall not be used as a separate dwelling or for any business, commercial or industrial purposes, including short term letting.

Reason: In the interests of protecting the character and appearance of the area as well as to safeguard the amenities of adjoining residents in accordance with the requirements of Policies DH1, DH3 and H14 of the Oxford Local Plan 2016-2036.

INFORMATIVES

Bats

1. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that work is stopped immediately and advice sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

Nesting birds

2. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

NPPF

3. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. HUMAN RIGHTS ACT 1998

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

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 24 May 2022



Committee members present:

Councillor Chapman	Councillor Corais (for Councillor Aziz)
Councillor Diggins (for Councillor Hollingsworth)	Councillor Fry (for Councillor Clarkson)
Councillor Hunt	Councillor Landell-Mills (for Councillor Altaf-Khan)
Councillor Pegg	Councillor Rehman
Councillor Roz Smith (for Councillor Fouweather)	Councillor Upton (Vice-Chair, in the Chair)

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Gill Butter, Principal Heritage Officer
Sally Fleming, Planning Lawyer
Robert Fowler, Development Management Team Leader (West)
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager
Sarah Orchard, Principal Planning Officer
James Paterson, Senior Planner

Apologies:

Councillors Aziz, Altaf-Khan, Clarkson, Fouweather, Hollingsworth and Malik sent apologies.

Substitutes are shown above.

1. Election of Chair for the Council Year 2022-23

Councillor Mary Clarkson was elected Chair for the Council year 2022-23.

2. Election of Vice-Chair for the Council Year 2022-23

Councillor Louise Upton was elected Vice-Chair for the Council year 2022-23.

3. Declarations of interest

General

Councillor Upton stated that as a member and trustee of the Oxford Preservation Trust, she had taken no part in that organisation's discussions regarding the

applications before the Committee. Councillor Upton said that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Roz Smith stated that as a member and trustee of the Oxford Preservation Trust, she had taken no part in that organisation's discussions regarding the applications before the Committee. Councillor Smith said that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

21/02581/FUL

Councillor Fry stated that he had been a signatory to the call-in but 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.

Councillor Corais stated that he had been a signatory to the call-in but 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.

4. 21/02776/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD

The Committee considered an application (21/02776/RES) for the approval of reserved matters in relation to layout, scale, appearance and landscaping for 434 residential units and a commercial centre following the grant of outline planning permission for Barton Park in 2013.

The Planning Officer presented the report and visualisations of the development, and provided the following updates:

- Many matters had been agreed at outline stage in 2013, including parking and energy standards; the energy standards set in 2013 had been exceeded;
- The size of the commercial centre had been reduced in scale since the approval of the indicative proposal;
- The distribution of the affordable units had been split in order that they would be distributed more evenly throughout the development;
- Since publication of the agenda, an objection had been received from Headington Heritage. This had raised concerns that the officer's report referred only to the official parking spaces which were proposed. There was a concern that parking may take place in areas which were not designated for parking, thereby exceeding the maximum standards. The officer's response was that a condition could be added to require that no additional hardstanding was to be put down, and to remove permitted development rights to that effect in order to prevent additional parking spaces being created.
- A request had been made that a legal agreement should be put in place to require that all sporting facilities should be available at all times. The Planning Officer responded that the development referred to had been subject to a separate reserved matters application. It would therefore not be appropriate to impose new

restrictions on matters which were the subject of the application before the Committee.

- A request had also been made that artificial sports pitches should be replaced with grass in order to increase run-off. The Planning Officer reported that that had also been subject to a separate reserved matters application which was not before the Committee. Having checked the drainage report, the Planning Officer advised that the synthetic pitch was of a porous construction, with attenuation tanks underneath serving the whole of Barton Park.
- In relation to paragraph 10.53 of the report, the Planning Officer clarified that the Construction Environmental Management Plan for the whole of Barton Park had already been approved by condition.
- In relation to paragraph 10.59 of the report, the Planning Officer clarified that a tree protection plan had been submitted and approved under the outline application. No condition requiring a tree protection plan had therefore been included in the reserved matters application.
- The original officer recommendation in the report had been to grant approval subject to the finalisation of landscape proposals, plans, and a planting schedule and to give officers delegated powers to finalise these prior to issuing the decision notice. The Planning Officer clarified that revised landscaping plans had now been received and reviewed by officers. Officers were of the view that they went a significant way towards addressing the lack of native species' identified outside the greenways and pocket parks, and the further native species which had been included would provide additional biodiversity benefit. Therefore, officers now recommended that the application should be approved in accordance with those plans, with no further requirement for delegated powers in that respect.

Mark Patt, representing Headington Heritage, spoke against the proposal.

Andy Barron, on behalf of the applicant, spoke in favour of the proposal.

The Committee asked questions of the officers about the details of the application.

In discussion the Committee considered various issues, which included the following:

- The site was exempt from the 'First Homes' requirements due to the outline permission having been granted in 2013;
- A footpath diversion may be required in order to allow the construction of some of the dwellings, subject to checking the exact route of the right of way. Any diversion would need to be subject to a separate Footpath Diversion Order which would require public consultation;
- The outline permission had included a larger retail area and the proposal no longer included a large supermarket. As no minimum size threshold had been set at the time of approval of the outline application it was not possible to insist that the commercial centre should be of the larger size previously indicated. The

reduction in size of the commercial area did offer the potential for a larger number of homes to be delivered within the overall scheme.

- The 40% affordable housing within the scheme would all be at social rent, with nomination rights to be given to the Council.
- The parking standard had been reduced through pre-application discussions from 1.9 spaces per unit at the outline stage to 1.44 spaces per unit. There was also a condition requiring details of the implementation of a controlled parking zone. There was no scope to completely remove provision for car parking from the proposal due to the outline permission which had been granted in 2013.

In reaching its decision, the Committee considered all the information put before it.

After debate and being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to (i) the addition of a condition to remove permitted development rights for additional hardstanding; and (ii) approval of the application to be in accordance with the submitted revised landscaping plans.

The Oxford City Planning Committee resolved to:

1. **approve the application** with the submitted revised landscaping plans for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and the addition of a condition to remove permitted development rights for additional hardstanding and grant approval to the reserved matters; 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
 - Authorise the Head of Planning Services to agree the change in the affordable housing mix set out in the S106 agreement associated with application 13/01383/OUT in writing, to be issued with the decision notice, and issue the decision notice.

5. 21/02581/FUL: 1 North Street, Oxford, OX2 0AY

The Committee considered an application (21/02581/FUL) for the erection of a three storey building to create 6 no. 2 bedroomed flats (use class C3); demolition of existing single storey extension to clubhouse; erection of part single, part two storey rear extension to the existing clubhouse; alterations to the fenestration throughout; extension and alterations to the existing roof including the formation of 4 no. dormers, addition of external stair access and insertion of rooflights; alterations to the extended clubhouse to create 2 no. 2 bedroomed flats and 1 no. 1 bedroomed flat (use class C3); alterations to boundary treatments; provision of private amenity space, car parking, bin and cycle stores at 1 North Street, Oxford OX2 0AY.

The Planning Officer gave a presentation and advised that the application was considered to be acceptable in planning terms and in accordance with planning policies, and was therefore recommended for approval for the reasons set out in the report.

Tara Howard and Alan Goodwin, local residents, spoke against the application.

Adrian James, agent, spoke in favour of the application.

The Committee's discussions included the following points:

- Amenity space would be provided in the form of balconies, with a communal garden. The amenity space provision was considered by officers to be acceptable, and was in accordance with the national minimum space requirements;
- All of the dwellings on the site would be subject to noise conditions;
- The proposal would enable the preservation of the Democrat Clubhouse, which was considered to be a community facility;
- The proposal was considered to be of good design, with secure and adequate cycle parking and would increase housing provision.

In reaching its decision the Committee considered all the information put before it.

After being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The Oxford City Planning Committee resolved to:

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

6. 22/00393/FUL: 39 South Parade, Oxford OX2 7JL

The Committee considered an application (22/00393/FUL) for partial demolition of the existing building; erection of a three storey building to create 6 no. 1 bedroomed flats (use class C3); alterations to the existing building to form 3 no. 1 bedroomed flats (use class C3); alterations to fenestration on the west elevation; provision of bin and cycle stores; and alterations to landscaping and other ancillary works at 39 South Parade, Oxford.

The Planning Officer presented the report and informed the Committee that:

- The application site comprised a large Victorian building which had originally been used as a greengrocers at ground floor level with accommodation above, but which had since been converted to being wholly residential in nature. The building had also been extended rearwards;

- The site lay within the Summertown district centre; the Summertown area of change; and the Southern Terraces character area of the Summertown and St Margaret's neighbourhood plan;
- The proposal included no car parking, but did include landscaping to the front and rear and also an external rear stairway to provide access to the upper floors;
- The application was considered to be acceptable in planning terms, and to accord with planning policies for the reasons set out in the report.

Rosalind Philps, Jane Binyon and Nick Georgiou, local residents, spoke against the application.

Nik Lyzba, agent and Bruce Coburn, architect, spoke in favour of the application.

The Committee asked questions of officers about the details of the application.

In discussion the Committee considered various issues of concern, including (but not limited to):

- The implications on privacy, daylight and sunlight for the residents of nearby properties at 42, 43 and 44 South Parade, and the potential for overbearing impact on the property at 60 Stratfield Road;
- The visual impact of the development on Stratfield Road, given that the majority of the development would face onto Stratfield Road rather than South Parade. Although the development site is land belonging to and associated with 39 South Parade, the development would sit at the rear of 39 South Parade, fronting onto Stratfield Road.
- The insertion of a tall, flat-roofed contemporary building amidst existing Victorian and Edwardian buildings. The application site represented a transition between different patterns of development on South Parade and Stratfield Road;
- There were examples of successful juxtapositions between old and modern buildings elsewhere in the City; however, in such cases there was a need for careful consideration of building design in order to ensure an appropriate transition;
- Objections to the design had been expressed by local residents;
- The proposal was not considered to be in accordance with the design policies of the local plan and the neighbourhood plan.

In reaching its decision, the Committee considered all the information put before it.

A proposal to approve the application was moved and seconded. On being put to the vote the motion fell.

A proposal to refuse the application for the reasons set out in 1) and 2) below and with authority being delegated to the Head of Planning Services to finalise those reasons was moved and seconded. On being put to the vote the Committee resolved to refuse the application.

- 1) The design fails to comply with policies in the Summertown and St Margaret's Neighbourhood Plan and the Local Plan;
- 2) The impact of the proposal on neighbouring amenity; specifically the loss of privacy to the rear of properties at 42, 43 and 44 South Parade and 60 Stratfield Road caused by overlooking by stairwells, contrary to Policy H14.

The Oxford City Planning Committee resolved to:

1. Refuse the application for the following reasons:

- 1) The design fails to comply with policies in the Summertown and St Margaret's Neighbourhood Plan and the Local Plan;
- 2) The impact of the proposal on neighbouring amenity; specifically the loss of privacy to the rear of properties at 42, 43 and 44 South Parade and 60 Stratfield Road caused by overlooking by stairwells, contrary to Policy H14;

and

2. Delegate authority to the Head of Planning Services to:

- Finalise the above reasons for refusing the application including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary; and
- Refuse the planning application.

7. Minutes

The Committee resolved to approve the minutes of the meeting held on 12 April 2022 as a true and accurate record.

8. Forthcoming applications

The Committee noted the list of forthcoming applications.

9. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.47 pm

Chair

Date: Tuesday 21 June 2022

When decisions take effect:

Cabinet: after the call-in and review period has expired

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

All other committees: immediately.

Details are in the Council's Constitution.