

Agenda

Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 19 July 2022**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Emma Lund, Committee and Members' Services Officer, Committee
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 Louise Upton (Vice-Chair)	Walton Manor;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Shaista Aziz	Rose Hill & Iffley;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Laurence Fouweather	Cotteslowe & 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.

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

Agenda

		Pages
	<p>Planning applications - background papers and additional information</p> <p>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 <input type="text"/> box.</p> <p>Any additional information received following the publication of this agenda will be reported and summarised at the meeting.</p>	
1	Apologies for absence and substitutions	
2	Declarations of interest	
3	<p>21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY</p> <p>Site Address: Former Dominion Oils Site, Railway Lane, Oxford OX4 4PY</p> <p>Proposal: Redevelopment of the Former Dominion Oils site and adj. land to provide residential development comprising 100% affordable housing (50 houses and 40 flats) and open spaces. Estate road, access, footpaths, landscaping, and car parking. (Additional information, amended description and amended plans)</p> <p>Reason at Committee: The proposal is a major development</p> <p>Recommendation:</p> <p>The Oxford City Planning Committee is recommended to:</p> <ol style="list-style-type: none"> approve the application for the reasons given in the report and subject to the required planning conditions set out in 	13 - 80

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section 13 of this report and grant planning permission subject to:

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

**4 22/01215/FUL: Anna Watts Building, Radcliffe
Observatory Quarter, Woodstock Road, Oxford OX2 6GG**

81 - 120

Site Address: Anna Watts Building, Radcliffe
Observatory Quarter, Woodstock Road,
Oxford OX2 6GG

Proposal: Retention of existing research modular
building for the Department of
Experimental Psychology (Use Class D1)
for a temporary period of 4 years.

**Reason at
Committee:** The proposal is 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

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section 11 of this report and grant planning permission.

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

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

5 21/03582/FUL: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

121 -
160

Site Address: The Deaf And Hard Of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

Proposal: Conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.

Reason at Committee: The proposal is 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 subject to:
 - the satisfactory completion of a legal agreement under

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

6 21/03583/LBC: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

161 -
174

Site Address:	The Deaf And Hard Of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL
Proposal:	Demolition of C19 addition to 10 Littlegate Street and alterations to and refurbishment of the retained building
Reason at Committee:	The application is before the committee as it is the accompanying listed building consent application for planning application 21/03582/FUL

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

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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
- Issue the listed building consent.

7 **22/00289/FUL: 75 Langley Close, Oxford OX3 7DB**

175 -
192

Site Address: 75 Langley Close, Oxford OX3 7DB

Proposal: Erection of a part single, part two storey side extension. (Amended plans)

Reason at Committee: The applicant is an elected Councillor at 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 this report and grant planning permission
2. **agree to delegate authority** to the Head of Planning Services to:
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

8 **Minutes**

193 -
200

Recommendation: to approve the minutes of the meeting held on 21 June 2022 as a true and accurate record.

9 **Forthcoming applications**

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

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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
22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX	Called-in
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
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
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
22/00042/FUL: 6 Doris Field Close, Oxford OX3 0DP	Called-in
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

10 Dates of future meetings

Future meetings of the Committee are scheduled at 6.00pm on:
16 August 2022

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20 September 2022
18 October 2022
15 November 2022
13 December 2022
24 January 2023

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Information for those attending

Recording and reporting on meetings held in public

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

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

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

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

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

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

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

Procedure for dealing with planning applications at Area Planning Committees and Planning Review Committee

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

The following minimum standards of practice will be followed:

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
 - (a) the planning officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. In determining an application Committee members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

Public requests to speak

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

Written statements from the public

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

Exhibiting model and displays at the meeting

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

Recording meetings

This is covered in the general information above.

Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

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

Oxford City Planning Committee

19th July 2022

Application number: 21/01176/FUL

Decision due by 1st October 2021

Extension of time To be agreed

Proposal Redevelopment of the Former Dominion Oils site and adj. land to provide residential development comprising 100% affordable housing (50 houses and 40 flats) and open spaces. Estate road, access, footpaths, landscaping, and car parking. (ADDITIONAL INFORMATION, AMENDED DESCRIPTION AND AMENDED PLANS)

Site address Former Dominion Oils Site, Railway Lane

Ward Littlemore Ward

Case officer Clare Gray

Agent: Mr Nik Lyzba
Applicant: Cantay Estates Ltd And Oxford City Housing (Development)

Reason at Committee The application is a 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 subject to:

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

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

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

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

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers the development of this vacant previous industrial site located at the end of Railway Lane, Littlemore for the erection of 90 dwellings coming forward as 100% affordable housing. This report considers that the development site is highly constrained in its shape, and position with a significant level change across the south west of the site towards the railway that runs parallel with the site's southern boundary.
- 2.2. The report considers that the site has been vacant in excess of 10 years and is a brownfield site that has been left to become vegetated. Until recently the site appeared to have significant tree coverage however, the site was cleared and trees felled prior to this planning application being submitted with evidence of stumps that remain around the site.
- 2.3. The report considers that the site also has biodiversity value through its redundant vegetated state and large population of slow worms. However this value has been impacted through the significant site clearance that has been undertaken prior to the application being submitted.
- 2.4. Notwithstanding the above, the development of this site will bring forward 90 units all of which will be affordable housing. The development of the site for this number of homes would constitute a windfall development in the context of the Councils five year housing land supply as the site is not allocated in the Local Plan, despite in previous Local Plan documents, being allocated for residential housing. The report recognises that the delivery of housing is an important strategic objective of the Oxford Local Plan 2036 and would deliver vital housing which would address the urgent need for housing in the city. The report also considers the development would bring forward a previously developed site within the City's boundary which accords with the overarching planning objective of the NPPF which is a presumption in favour of sustainable development.
- 2.5. The report considers the proposal against the site's constrained and irregular shape and considers the character of Railway Lane and proximity to Littlemore Conservation Area, which is located to the east of the application site as well as the proximity to Beenhams Barn as a Grade II listed building. In considering the layout of the scheme it is considered that through the amendments made to the application that the layout is acceptable in respect of the pattern of development in the area which is largely defined by infill development with a cul-de-sac form. The dwellings, whilst being simple in

appearance would not be objectionable and the scale of houses would mirror adjoining domestic scale buildings, and the flats would be sited on lower ground to the west of the site. Officers consider that whilst the landscape framework plan is broadly a masterplan and is not specific would assimilate the development into its surroundings, would reinforce the existing tree belt along Railway Lane and would create attractive views from within the conservation area, and would thus be a positive development, enhancing public realm from its current neglected state.

- 2.6. The report has regard to residential amenity and recognises that overall the development would enable occupiers of the development and residents adjoining to have a reasonable level of privacy and not have an unacceptable outlook, or the proposal be overbearing. However, it is recognised that there is sensitivities in terms of the relationship with the adjacent building at 4 Railway Lane. These sensitivities relate to overlooking of rear gardens from a small balcony that is used by these occupiers for amenity. The solution considered by the applicant is the planting of a pleached tree to provide screening opportunities, and whilst tree planting is not ideal, equally it is recognised that this could provide such a solution and has been used as an approach at Barton Park. On balance, whilst it is recognised that it is not ideal, that considering the benefits of maximising the site for housing and for bringing forward 100% affordable housing, that this solution could be acceptable on this basis.
- 2.7. The report considers the additional impact of developing the site for housing on the local highway network and recognises the former industrial use of the site. Taking this into account and the proposed development, Oxfordshire County Council as Highway Authority have considered the submitted Transport Assessment and consider that subject to securing a package of contributions towards public transport services, real time passenger display and bus shelter, travel plan monitoring and a S278 and S38 to secure the access road, and a raised table at the junction of Chapel Lane and Railway Lane the development is acceptable in highway terms.
- 2.8. The site is not located in a CPZ and parking at 1 space per 1 unit is a maximum standard. In this instance the report considers a lower parking provision across the site and supports the lower parking as being compliant with the modal shift away from using cars to more sustainable forms of transport. Cycling and electric vehicle charging will be secured through conditions.
- 2.9. The report considers the former treed nature of the site and its biodiversity value and recognises that the site was unfortunately cleared prior to the application being considered. In respect of trees, regrettably because the site was cleared Officers are unable to ascertain the tree canopy coverage on site prior to any development. This therefore means that it is impossible to place a quantitative assessment on what is necessary to compensate for lost trees. However, it is considered that the landscape framework plan provides the opportunities to mitigate this loss and that this tree and soft planting will establish and offset the lost tree coverage. It is further recognised that the

trees that were on site were unlikely to be significant as they were mostly self seeded.

- 2.10. Officers also considered the biodiversity impact of clearing the site which is regrettable. Through the use of Biodiversity Metric 3.0 a pre clearance baseline has been established and is calculated that for the applicant to compensate what has been lost on site, and to provide a minimum of 5% Biodiversity Net Gain, that the development would need to secure some mitigation on site and the majority of mitigation off site, utilising the offset process that has been utilised for schemes where their loss on site cannot be mitigated on site. Through extensive discussion on this and with Trust for Oxfordshire's Environment confirmation, this can be secured as a financial payment between the applicant and TOE secured via a S106 Agreement. In recognition of a substantial amount of slow worms on site, there will need to be a translocation programme secured too. In respect of all other protected species there is considered no adverse impact.
- 2.11. The report considers the existing contamination and that the site has been subject to some remediation but requires further remediation to bring it to the acceptable standard for residential use having regard to its previous use as an oil depot and railway sidings. This can be required through appropriate conditions.
- 2.12. The dwellings would be all electric, incorporating PV panels on the flats and Air Source Heat Pumps (ASHP) to the houses which with other measures will enable a 41% reduction in carbon in accordance with the 2013 Building Regulations.
- 2.13. The report has regard to the impact on flooding, waste, archaeology, air quality and impact on social infrastructure, being education and health provision and consider the proposal is acceptable to that end subject to conditions.
- 2.14. The report has also had regard to noise and vibrations and considered the impact on future occupiers amenity by reason of its siting next to the freight line. The report considers this impact is acceptable.
- 2.15. Therefore on balance, it is considered that having regard to the policies of the Local Plan and the NPPF that planning permission is recommended to be granted, subject to a S106 to secure 100% affordable housing; a financial contribution to offset 16 habitat credits and a biodiversity gain plan detailing mitigation on site and 5% net gain; financial contribution to public transport, bus shelter, real time display and Travel Plan; a financial contribution towards waste; S278 and S38 for the access onto Railway Lane and a raised table at the junction of Chapel Lane and Railway Lane, it is recommended to Oxford City Planning Committee that planning permission is approved.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover the provision of 100% affordable housing.

- 3.2. A financial contribution to secure biodiversity offset off site through a payment from the applicant to Trust for Oxfordshire's Environment for 16 habitat credits and a plan to show the mitigation on site for 1.96 credits and 5% biodiversity net gain.
- 3.3. There is further a highways requirement to secure the following:
- £94,590 towards public transport for the continued provision of public transport services to Littlemore, specifically the retention and improvement of the 3A bus service as the main service to the city centre.
 - £17,678 towards public transport infrastructure contribution towards a shelter and real time passenger information at the Oxford bound bus stop.
 - £1,446 as a Travel Plan monitoring fee
- 3.4. There is a household waste requirement to pay a financial contribution of £8,456.40
- 3.5. An obligation to enter into a S278 Agreement will be required to secure the proposed new vehicular access on Railway Lane as indicated on the site plan and for a raised table at the junction of Chapel Lane and Railway Lane. This is to be secured by means of S106 restriction not to implement the development until the S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement. Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreement.
- 3.6. An obligation to provide a central minor access road as identified in Section 5.2 of the Transport Assessment and indicated on Site Plan No.21/3508/1 will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement. The S106 agreement will identify the following for the purpose of the S38 agreement; approximate location of the central minor access road and information as to provision eg minimum width of carriageway, footways etc as appropriate, timing, which may be staged, additional facilities and payments, such as on-site bus infrastructure and related payments.
- 3.7. The S106 agreement will also need to secure the 30 year management of the habitat creation, given the length of the period required for management

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. However, it is likely that as the application is for 100% affordable housing that the development could be exempt from CIL. The applicants haven't applied for any exemptions at the time of writing this report.

5. SITE AND SURROUNDINGS

- 5.1. The site is located to the end of Railway Lane, Littlemore. Railway Lane is a narrow, mainly residential lane, that leads from the Sandford Road down towards the disused railway, which runs in an east west direction at the end of Railway Lane. At the end of Railway Lane, to the west, is a former employment site, last used by Dominion Oils, which is a substantial site and encompasses a significant area of land located adjacent to the railway and to the rear, and south of, the residential streets of Chapel Lane and Gwyneth Road, as well as to the south of Sainsburys Heyford Hill.
- 5.2. The site has been vacant in excess of 15 years and thus had become vegetated, and rich in biodiversity. However, the site was cleared from tree cover prior to the application being submitted in April 2021, believed to be in Winter 2020. There are some isolated trees that remain around the perimeter of the site.
- 5.3. To the south west of the site, is a significant change in land levels with an overall change in levels of 6m towards the south west.
- 5.4. Beyond the railway, to the south at St Nicholas Place is an Abbey Development scheme that is under construction.
- 5.5. The site sits outside of, but adjacent to Littlemore Conservation Area. On Railway Lane is Beenhams Barn which is Grade II listed.
- 5.6. See location plan below:



6. PROPOSAL

- 6.1. The application proposes to redevelop this disused site for residential development. The scheme proposes to bring forward 90 units to be provided as 50 houses and 40 flats. All 90 units will be provided as 100% affordable.
- 6.2. The mix of dwellings proposed is as follows:

8 x 1 bed flats

32 x 2 bed flats

6 x 2 bed houses

34 x 3 bed houses

9 x 4 bed houses

1 x 5 bed house

- 6.3. The houses are proposed to front onto Railway Lane and a linear road through the site, off which includes 2 cul-de-sacs. The flats are proposed to be provided as 4 separate blocks at the end of the internal road to the west of the site. The buildings are to be constructed in brick.
- 6.4. Open space is proposed throughout the development off the internal road. Parking is provided on street and not on plot, adjacent to the road providing a total of 76 spaces.
- 6.5. An access footpath is proposed from the development to connect with Thomson Terrace/Chapel Lane. A ramped/stepped footpath leading up to Sainsburys Heyford Hill is proposed to the west of the site on the northern boundary. A further potential link to St Nicholas Place south of the railway is shown to the south between Blocks C and D.
- 6.6. Various amended plans have been received during the course of the application. These amended plans have been submitted to include the following changes:
- to improve the relationship of buildings on the frontage of the site with Railway Lane through turning the buildings 90 degrees, as well as detailing the inclusion of a stone wall to address the adjacent Conservation Area and a frontage wall and railings;
 - removal of a unit on the frontage to address the relationship of the proposal with 4 Railway Lane in respect of amenity;
 - removal, and subsequent reinstatement of a dwelling on the northern boundary adjacent Thomson Terrace;
 - modify a point of future access to Abbey development to south of the railway from the end of the cul-de-sac to between blocks C and D;
 - amendments to cycle stores to address concerns by Cyclox;
 - amended plans to remove PV panels on houses to respond to the revisions to the Energy Statement;
 - amended revision to windows on the side elevation of Blocks C and D and thus address overlooking between the respective blocks;

- revised windows to rear of Block B.

6.7. A series of additional information has been submitted during the course of the application by way of the following:

– submission of amended Energy Statement to remove gas boilers and introduce air source heat pumps (ASHP) all electric scheme;

- Submission of Biodiversity Metric January 2022 and July 2022.

7. RELEVANT PLANNING HISTORY

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

54/00439/M_H - Garage. Approved 7th September 1954.

63/00089/M_H - Site for extension of depot for storage and distribution of petroleum products.. Approved 21st November 1963.

64/00042/M_H - Depot for storage and distribution of petroleum products.. Approved 21st February 1964.

97/00310/NF - Change of use of Oil Store to Offices (Class B1) business use ancillary to oil storage depot including external alterations & enclosure / modification of loading bay to form 2 storey link / entrance between existing & proposed offices.. PERMITTED 28th May 1997.

04/02477/OUT - Demolition of Station House off Railway Lane and Garages off Thompson Terrace. Outline application (seeking siting and means of access) for residential development, nominally consisting of 33 houses (9 x 2 bed, 13 x 3 bed, 11 x 4 bed); 64 flats (20 x 1 bed, 44 x 2 bed); and 8 x 3 bed live/work units. Provision of 110 car parking spaces, landscaping and public open space.. REFUSED 29th June 2005.

07/01186/FUL - Demolition of Station House off Railway Lane and garages off Thompson Terrace. Erection of 85 residential units (11x1 bed flats, 27 x 2 bed flats, 8 x 2 bed houses, 23 x 3 bed houses, 14 x 4 bed houses and 2x 5 bed houses). Provision of 114 parking spaces and 6 garages, landscaping and public open space (Amended plans and description).. Finally Disposed Of 31st March 2009.

20/02654/CT3 – Erection of 3 x 2 bed dwellinghouses (C3). Provision of private amenity space, car parking, bin and bicycle stores. Land to the rear of Thomson Terrace – Approved 1 March 2021

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	119-125, 126-136	DH1, DH2, DH3		
Conservation/ Heritage	189-208	DH3		
Housing	60-80	S1, H1, H2, H7, H14, H15, H16		
Commercial	170-183	E1		
Natural environment	152-173	G2, G7, G8, RE1, RE2, RE3, RE4, RE7		
Social and community	81-85			
Transport	104-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	152-173, 174-188	RE1, RE2, RE3, RE4, RE7	Energy Statement TAN	
Miscellaneous	7-12		External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 28th July 2021, 14th February 2022, 14th March 2022, 15th June 2022 and an advertisement was published in The Oxford Times newspaper on the 29th July 2021; 3rd February 2022; 2nd March 2022; and 16th June 2022.
- 9.2. The consultation responses received in relation to the application are summarised below. Officers would make members aware that copies of all the consultation responses listed below are available to view in full on the Council's public access website.

Statutory and non-statutory consultees

- 9.3. Oxfordshire County Council Highways: The site is in a sustainable location with relative close proximity to a number of services, although links to and from services particularly via active travel modes could however be better provided for. The site is not currently in a controlled parking zone (CPZ) and that the parking provision is consistent with adopted local policy. It is noted there are concerns regarding impact on the local network. Whilst it is acknowledged, in considering the prior use at the site and in context of wider vehicle flows on the network, the County Council does not consider the additional vehicle trips to be of an unacceptable level, particularly considering the site's previous use. However, it will be necessary to secure a number of measures along Railway Lane and at the Chapel Lane/Railway Lane junction to assist in alleviating visibility, pedestrian accessibility and cycle priority measures as well as traffic calming. Therefore no objection subject to the applicant entering into a S278 agreement to secure mitigation and improvement works, including a new vehicular access on Railway Lane as indicated on the plans and a raised table at the junction of Railway Lane and Chapel Lane
- 9.4. Oxfordshire County Council Strategy: The site is being brought forward by Cantay Estates and Oxford City Homes Ltd (OCHL) expressly for the purpose of providing affordable housing. The site is not allocated in the current adopted Oxford Local Plan, but it is explained in the applicants planning statement that the lack of allocation arose out of the then landowner's intention to not develop the site in the immediate future (thereby making it difficult for the City Council to show that the site was deliverable). The previous Local Plan had the site allocated for housing. The Housing and Economic Land Availability Assessment (HELAA) in November 2017 found the site suitable for residential development.
- 9.5. Oxfordshire County Council Education: The proposed development is estimated to generate 6 additional nursery pupils requiring funded early learning places; 27 additional primary school pupils; 18 additional secondary school pupils including sixth form and 0.5 additional pupils requiring special school provision. Schools serving the area would be expected to have sufficient capacity to accommodate the expected pupil generation from the proposed development. As such no s106 contributions are required.
- 9.6. Oxfordshire County Council Local Lead Flood Authority (LLFA): No objection subject to conditions.
- 9.7. Oxfordshire County Council Waste: No objection subject to S106 contributions towards expansion and efficiency of Household Waste Recycling Centres.
- 9.8. Natural England: No comments
- 9.9. Environment Agency: No objection subject to a condition requiring submission of remediation strategy as a condition.

- 9.10. Historic England: Do not wish to offer any comments. Suggest that you seek the views of your specialist conservation and archaeological advisers as relevant.
- 9.11. Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT): Objection. The application does not provide a net gain in biodiversity. The application has not provided any detail about how the offsite measures are to be provided, and in the absence of any net gain calculation relating to off site mitigation, it is impossible to assess whether or not the requirement to provide biodiversity net gain set out in planning policy G2. For this reason, consider that the application in its current form is in contravention of the Oxford City Council Local Plan and should be refused. Evidence relating to the offsite mitigation should be submitted allowing the opportunity for this to be consulted on prior to the determination of the application.
- 9.12. Network Rail: No objection in principle to the proposal but due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway have included asset protection comments.
- 9.13. Crime Prevention Design Adviser: Whilst in general terms the layout of the site is not objectionable, it is felt that there are a number of improvements that could be made to improve the development from a crime prevention through environmental design perspective. This development is located in a higher crime area of Oxford and as such every opportunity must be taken to design out crime.
- 9.14. Thames Water: No objections. With regard to surface water network infrastructure capacity, would not have any objection to the above planning application, based on the information provided. With regard to foul water sewerage infrastructure capacity would not have any objection based on the information provided. There are public sewers crossing or close to the development. Thames Water will need to ensure that the development doesn't limit repair or maintenance activities or inhibit services. The proposed development is located within 15m of underground waste water assets and as such would like an informative attached to any approval. Thames Water recognises this catchment is subject to high infiltration flows during certain ground water conditions. The scale of the proposed development doesn't materially affect the sewer network and as such have no objection, however care needs to be taken when designing new networks to ensure that they don't surcharge and cause flooding.
- 9.15. Cyclox (original plans): Cyclox objects to the current application on the grounds that it does not prioritise walking, cycling and public transport, has unambitious targets for modal shift and does not provide adequate or compliant facilities for safe, secure and convenient cycle storage.
- 9.16. Comments in particular are the cycle stores set out in Blocks A, B and C are too small for the number of cycles to be stored; the spacing for each cycle is inadequate; the proposal to use semi-vertical racks is not compliant; there is no provision for three wheeled vehicles; there is no provision for non-standard

cycles to accommodate people with mobility impairment which should be 5% of the space provided; there is inadequate space for manoeuvring cycles; the TA is unimaginative; the assessment is silent on the subject of e-bikes and scooters.

9.17. Cyclox (amended plans): Cyclox welcomes the changes made to the cycle storage provision to make it compliant with LTN 1/20. Still believe that the inclined racks specified are not suitable for most cyclists because of the strength required to hoist the bikes in position. The experience of this type of rack in the communal area of the Blackbird Leys towers shows the problem. With respect to the Transport Plan Cyclox believes that the target of a 5% reduction in single occupancy car journeys in the first 5 years is very unambitious.

9.18. Littlemore Parish Council (original comments):

1. The issue of access to the area to be developed and the number of dwellings to be constructed associated with the density of vehicles requiring parking spaces and entering and leaving the site along a narrow roadway with limited visibility.

2. This volume of additional traffic will be coming onto the Oxford road, which is already heavily trafficked, posing risk to other motorists, cyclists and pedestrians. Although the speed limit is set at 20 mph through the village this is not adhered to, or enforced, which increases the level of risk to other road users.

3. The application makes reference to a nearby bus service and to the frequency of buses, which is not the case as they only run every 30 minutes and not on Sundays, or Bank holidays.

4. Although the transport assessment makes reference to 'the usual services' for residents of this development, this statement is ill-defined and, given that Littlemore is poorly provided for in terms of services, such as a doctor's surgery, dentist and specialist shops we do not agree that such infrastructural benefits are available as 'usual services'.

5. Reference is made in the planning document to 'a potential new station' on the Cowley line that would be accessible from this development. Apart from the fact that no plans have been announced for a passenger service to be opened on this line, we understand that the Littlemore station will be located at the Science Park and that this does not involve a halt accessible from the development.

6. Concerns have been raised by members of the Parish regarding contaminated land at this site and whether this has been addressed satisfactorily. The reports that accompany the application do not clearly indicate that this land is safe for properties to be built on, and for families to be safe from chemical contamination risks.

7. Finally, our Parish is being overburdened with housing developments without any mention of infrastructure projects to accompany the large increase in population and cars. Nothing has been proposed for improvements to services or to road and transport networks. In addition, with regard to the climate emergency, where are the measures to ensure sustainable building, reduce carbon emissions and pollution in our community. Gas heating appears to be the chosen method for use in these houses, but as a population we are advised to move away from gas boilers.

9.19. Littlemore Parish Council (second comments):

1. Littlemore Parish Council is very concerned by the proximity of this large development to the conservation area in Littlemore, particular with reference to the historic barn, which is located in Railway Lane and will be subjected to the large increase in traffic passing along the lane, with the associated pollution and vibration.

2. LPC is also concerned regarding ecological studies carried out on the flora and fauna in the area, and the destruction of habitats, already damaged by the developer. The preliminary ecological study was conducted after the ground had been disturbed and the trees cut down (report dated February 2021) and the survey was described as conducted at a suboptimal time. The site was also surveyed after the land had been cleared, when wildlife would have been disrupted. The addendum to the earlier report (dated November 2021) indicates populations of slow worms (protected species) and bats logged at the site. In conclusion, there appears to be no evidence of plans for a net biodiversity and ecological gain in this application.

3. It is not clear from the application what the level of sustainability of these houses will be, for example the level of insulation and heating systems to reduce Carbon emissions.

9.20. County Councillor Cllr M Paule: As a County Councillor I am focusing on the failure to address transport issues, in summary: I am concerned that the revised plans do not take into account the bus service changes, and do not address concerns about accessibility. The transport assessment states that 'Access to frequent bus services is available a short distance from the site'. Bus services have been cut and routes changed since this document was produced, but there is no update. While it points out that there are some "quiet off road national cycle routes providing connection to the City's facilities" the access including the bridge remains putative. We have no way of predicting if and when this would come about, and its absence means the site is not adequately connected.

9.21. The transport document state that there is "a variety of day-to-day facilities all within convenient walking distance". This is optimistic at best, and misleading at worst. In Littlemore there is no health centre or GP surgery, and no dental surgery; shopping beyond Sainsbury's is lacking. In reality most residents will travel to Cowley for such "everyday facilities". This is not within convenient

walking distance for young families or those with limited mobility. It will necessitate car use. The impact on the existing Oxford Road bottleneck will be significant.

- 9.22. The impact of construction traffic on Railway lane is glossed over. Concerns expressed over the initial plans have not been addressed. This narrow Victorian street cannot accommodate such traffic without an impact on residents that will be detrimental and significant.

Public representations

- 9.23. Letters of comment have been received from the following addresses

- 1, 18 Astrop Lane
- 7 Brocklesby Road
- 5, 7, 8, 9, 15, 17 Chapel Lane
- 31, 130 Cowley Road
- 2, 9, 11 David Nicholls Close
- 12, 30 Dudgeon Drive
- 13, 23 Kempson Crescent
- 2, 3, 5, 8, 9, Old Coach House, Lanham Way
- 85 Leafield Road
- 4, 9 Longwall
- 5, 14, 23, 32 Gwyneth Road
- 20, 83 Mandelbrote Drive
- 9, 20, 86, 120 Medhurst Way
- 14 Newman Road
- 4, 10, 20, 35C, 37, 70, 72, 80, anon, Oxford Road
- 4, Beenhams Cottage, Campion Cottage, Mulberry House, Old Post Office, Railway Lane
- 8, 22, 23 St Georges Manor
- 9, Corpus Christi Farmhouse, The Manor House, Sandford Road
- Lower Farm, Sandford on Thames
- 38 Spring Lane
- 2, 5c, 12, 22 Thomson Terrace
- Littlemore Community Association
- No address (9)

- 9.24. In summary, the main points of objection were:

- The size and density of the development is not appropriate for the site
- The construction of 588 homes from all of the other developments in Littlemore cannot be viewed in isolation from each other.
- There will be a need for more infrastructure – GP surgeries; frequent bus services. The community cannot absorb this level of development without sustainable improvements to amenities and infrastructure
- The development will cumulatively add to pressure in Littlemore with several other residential developments underway. There would be a conflict with Policy RE7

- The rate of growth in Littlemore is not sustainable, and needs to be mitigated by way of improved infrastructure
- Littlemore has already had a number of newish estates – Lawn Upton Close, David Nicholls Close, Medhurst Way, Astrop Lane. There are new estates at Barberi Close, Hillsale Piece, Milvery Way, Ripley Furlong, St Nicholas Place, Newman Place, St Georges Manor, Oxford Science Park, and Kassam Leisure Complex. Each development places pressure on the Littlemore highways and infrastructure network
- There have been previous applications refused on grounds the site is contaminated land, poor public transport etc, and would not provide a good quality environment for residents; development in part on greenfield land, overdevelopment, inadequate open space provision
- The land is contaminated with asbestos, lead and many more contaminants which makes the area unsuitable
- The need for housing was calculated pre pandemic where working patterns were different. There can be more flexibility as to where housing is developed in the UK let alone Oxford
- There needs to be rigorous methods in place to ensure appropriate decontamination is undertaken given this is going to social housing
- The development could result in a threat to the Littlemore Village Hall, community asset, from any parking controls on street
- There is not enough green space in Littlemore. This development should provide more substantial and attractive green space
- Thames Valley Police object on anti-social behaviour grounds
- The development will have an adverse impact on the conservation area
- The design is not very imaginative. It is bog standard housing
- The site is landlocked at the end of a narrow lane
- Railway Lane and its junction with Sandford Road has a number of Listed Buildings around it. These include examples of rare stone barns. None of these buildings have modern foundations and so the development could damage these.
- The increase in traffic will have an adverse impact on the historic appearance and peaceful environment of this part of Littlemore
- The flats will overlook the rear gardens of Gwyneth Road
- The access via Railway lane is already at capacity for residents of Chapel Lane, Thompson Terrace, Gwyneth Road, Kempson Crescent and Brocklesbury Road
- The increased traffic generation from this scheme will impact on the safety of the road network
- There will be wider impacts on the Eastern bypass from this and the other schemes in and around Littlemore
- The transport statement submitted is disingenuous, and does not assess the cumulative impact of development in Littlemore
- The LTNS have caused more pressure in Littlemore.
- There is not adequate public transport in Littlemore for residents or to help mitigate impact of this development
- Railway Lane is a single track road with unrestricted parking on it.

- The construction traffic will cause disruption
- There is not enough parking provided. The scheme is below standard (should be 137 space for 91 units), but only 79 spaces are assigned. There is no visitor spaces and only some of the 79 are electric charging points
- The development is not engineered for pedestrian and cycle safety
- The development will place pressure on Sandford Road without adequate crossing points for pedestrians and cyclists.
- A new access road should be provided over the railway line to the ring road via St Nicholas Place
- There should be a pedestrian and cycle connection over the railway
- The existing foul and surface water drainage cannot cope without upgrade
- The site is at risk of flooding, because Sandford Road floods in heavy rainfall
- The new housing will impact on the existing drainage systems ability to absorb surface water
- Will the houses conform with latest climate change requirements
- The proposal is seeking to use gas boilers which are not carbon neutral
- The energy statement does not go far enough to use all available technologies
- The site has rewilded whilst being vacant, but this has been stripped without any consideration to environmental impact assessments. It remains an area with potential for restoration.
- There will be a loss of protected trees
- There was a lack of public consultation on this scheme prior to submission
- The relationship between the city councils housing company and Cantay would appear to be conflicted
- The site would be better used for a community area or park
- The development should be paused until a community plan for Littlemore is drawn up which identifies precisely the infrastructure needs for Littlemore
- The site density should be reduced by 50%; direct access should be provided to the A4074; the site should be utilised for more parking for surrounding residents; green space / play space; and for a doctors and dental surgery
- The application as originally submitted has not included a biodiversity net gain improvement of 5%
- The biodiversity metric should be calculated to how it was before the site was cleared of vegetation
- A previous appeal case in Berkshire made clear that the mitigation hierarchy should be based on existing situation pre-clearance

9.25. 1 letter of support was received. The salient points are:

- The proposal will develop a derelict brownfield site into 100% affordable housing
- It is better to have developments like this than sprawling into new commuter villages which are car centric
- There is a dire need for social housing and so support this more than open market

- The number of cars needs to be controlled
- The path gets opened up to Sainsburys which will be of benefit

9.26. The following comments were made in response to the public consultation undertaken in March 2022

- The amendments do not address previous concerns
- The cumulative impact of development on Littlemore still needs to be assessed
- There will be pressure on local services and not addressed by the revised proposals
- These developments will increase traffic generation in the area
- The reduction in number of houses from 91 to 90, and also the number of car parking spaces is the opposite of what residents have sought
- The statements in the document 'additional information / revisions' are not accurate
- The traffic generation will have an adverse impact on the conservation area
- Railway Lane will not be a low traffic route
- Railway Lane cannot cope with the traffic generated by the scheme
- The parking pressure the scheme will place on Railway Lane will have an adverse impact on the existing pedestrian footpaths to the detriment of those that use them.
- The impact on the conservation area will not be positive as suggested by the applicant
- The amendments do not address long standing concerns over the contamination of the site
- The 40% reduction in carbon is based on outdated metrics
- The development is still using gas boilers
- The energy statement is not being ambitious enough in terms of the 40% reduction
- No response given to building an access road to the A4074
- The concerns over lack of bus services remain
- How affordable will the houses be in reality
- The developer has already removed trees and ecology
- There is a lack of parking in the scheme
- The access to the site is still inadequate
- There is still a lack of meaningful consultation of local residents
- There is no provision in the amended plans for a water pumping station to be provided in Railway lane, which is needed given Railway Lane is below the existing system
- The biodiversity net gain assessment is inadequate as highlighted by BBOWT
- The scheme is still an overdevelopment of the site
- No air quality monitoring has been undertaken
- The construction traffic will be significant and will need to remove a lot of material from the site. This will be beyond the 7.5 tonne limit
- There was a lack of public consultation prior to submission of the application
- There will be a negative impact on the Grade II listed buildings in the vicinity of the site.

9.27. The following comments were made in respect of the public consultation undertaken 1st June

- The very minor changes that the developer has made to the recent plans in no way addressed the numerous and significant concerns raised by the local community, local councillors and other stakeholders such as Littlemore Parish Council, the Littlemore Community Association, Thames Valley Police and BBOWT
- The issues connected with the previous application still remain – lack of local infrastructure, the density of the planned development, and significant contamination are still present with the new contamination
- Concerns about contamination still not have been addressed
- Poor access
- Concerns about cumulative impact of this and other large developments
- Lack of provision for parking, poor transport links, prior clearance of biodiversity and lack of 5% biodiversity net gain, and site not allocated in the Oxford Local Plan.
- The Transport Assessment (TA) considers this to be a sustainable location which is at odds with the previous refusals on this site.
- The TA suggests that traffic flow will not be as much as the previous use, which was a fuel depot some 20 years ago. This was before a number of additional houses were built in the area
- Concerned about the report from Thames Valley Police regarding the potential for the development to increase crime and antisocial behaviour due to design and layout. The Thames Valley Police are objecting on grounds of impact on crime and anti social behaviour
- The development will still impact on the rural charm of the lane and thereby conservation area
- The TA suggests that the provision of a bridge across the railway is not necessary for this development. However the provision of a bridge, particularly for vehicles would solve the issue of access on Railway Lane
- Railway Lane is still a narrow road and is already busy with people going to work and school. The impact of construction vehicles will make this unsafe. There will be an estimated 1000 lorry movements required to remove the contamination. This will damage the lane.
- Not enough parking across the site
- The amendments do not address concerns about impact on local services and infrastructure
- The density is still too high
- The shoe horning of development in is still contrary to the green agenda
- The scheme has not demonstrated how the 5% biodiversity net gain will be provided. There is a loss of green space and wildlife habitat.
- Not well served by public transport and not frequent enough
- Increased light, air and noise pollution for increased human activity
- The question of impact on infrastructure and services is still unanswered. Pressure on local schools and GP services which are already overrun.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Mix of affordable housing
- Self build
- Impact on the character and appearance of the area
- Impact on Heritage Assets
- Impact on Residential Amenity
- Outdoor Amenity
- Indoor Amenity
- Highway Impact
- Biodiversity
- Flooding Impact
- Land Quality
- Air Quality
- Archaeology
- Other considerations

Principle of the development

- 10.2. Paragraph 60 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.
- 10.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies,

or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.4. Policy S1 of the Local Plan reflects this objective set down in the NPPF of a presumption in favour of sustainable development and work proactively with applicants to find solutions which means 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.
- 10.5. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. In this instance, the application site is not allocated for development in the Local Plan, and thus is considered a windfall site. In the previous Sites and Housing Plan, the site was allocated under SP48 for residential development but a scheme did not come forward in that Plan's lifetime. The site was not promoted for development by the landowner in the preparation of the current Local Plan and thus was not allocated for development.
- 10.6. The Local Plan makes clear that addressing the need for housing is the number one priority for the City Council and that the Council will seek to ensure this housing need is delivered in order to meet the needs of the city.
- 10.7. In this instance, whilst the site is not allocated for development in the Local Plan, the site has been anticipated for coming forward for residential development for a lengthy period as detailed above. Moreover, this is a vacant and redundant brownfield site which is not contributing socially or economically to the community or the city. Therefore, the principle of this previously developed site being brought forward for housing would accord with the national and local objectives which supports the presumption of sustainable development and would accord with the strategic objectives of the Local Plan to boost and deliver much needed housing.
- 10.8. In terms of residential development, the principle of the provision of 90 dwellings would contribute positively to meeting Oxford's housing needs of which there is a considerable need. The principle of housing having regard to the former Local Plan strategy for Oxford and the ongoing need for housing in the city, would thus be addressed through the provision of 90 units.
- 10.9. It is also important to have regard to the site's former use as an employment site. Policy E1 of the Oxford Local Plan identifies employment sites across the city and utilising the Appendix of the Local Plan, it is clear that this site has the scope to be considered a Category 3 site. Policy E1 states that proposals for residential development will be assessed by a balanced judgement which will take into account a series of objectives including the desirability for much needed housing within the city; the need to avoid loss or significant harm to the continued operation of locally useful businesses; the essential importance of creating satisfactory residential living conditions and a pleasant environment

and the desirability of achieving environmental improvements such as biodiversity and remediation, highway improvements amongst others.

10.10. In this instance, the site is redundant having been vacant for a substantial period of time. It is considered that the provision of housing on this site would provide much needed housing for the city and would provide an opportunity to remediate this site which has a history of contamination from its former use as an oil depot and railway sidings. Further the use of the site for housing would be compatible with adjacent land uses that bound the site. In this context, it is considered that that the proposal would address those objectives set out in the policy.

10.11. Having regard to both the residential and employment policies of the Local Plan set out in S1, E1 and H1, it is considered that the scope for the provision of residential dwellings on this site is an appropriate and acceptable use of the site providing much needed housing and thus the principle of the scheme is considered favourable. However, it falls to an assessment of the proposal against the development management policies in the Local Plan which is dealt with below.

Affordable Housing

10.12. Policy H2 of the Oxford Local Plan requires provision of a minimum of 50% affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares.

10.13. In this instance all 90 units, 100% of the development, are to be provided as affordable housing in the context of the Oxford housing market. This would be provided as 80/20% social rented/intermediate housing. The proposed housing mix would comply with Policy H2 of the Oxford Local Plan. The provision of affordable housing at 100% would be secured through a Section 106 agreement.

10.14. As the proposal comprises 100% affordable housing, the proposal is exempt from First Homes.

Mix of affordable housing

10.15. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though this is only for the affordable element of developments. The target housing mix is expected to be as shown below:

1 bedroom 20-30%

2 bedroom 30-40%

3 bedroom 20-40%

4+ bedroom 8-15%

- 10.16. In this instance, the proposed scheme shows there will be 9% 1 bed, 42% 2 beds, 38% 3 beds and 11% of 4+ beds. This shows there is an undersupply of 1 beds and a slight oversupply of 2 beds. It is noted that this would represent a deviation from the target mix of 1 and 2 bedroom units outlined under Policy H4.
- 10.17. The City Councils Housing team have advised that the target mix has been developed on the basis of current housing need, which is greatest for two and three bedroom accommodation. It is noted that other City Council led sites within the City Centre and District Centres have recently delivered a high percentage of 1 bedroom units, on such sites where delivery of three bedroom units is complicated by the spatial constraints of City and District Centre sites. On balance accounting for the context of the site, a design approach which is more focussed on the delivery of family sized dwellings is accepted accounting for the character of the surrounding area. Notwithstanding the deviation from the target mix outlined under Policy H4, it is considered that the proposals provide a balanced mix of affordable units and is considered acceptable on this basis.

Self Build

- 10.18. Policy H7 of the Local Plan states on sites of 50 units or more, 5% of the site area developed for residential should be made available as self-build plots. The requirement for this extends from the Government's agenda to increase supply and to tackle the housing crisis.
- 10.19. In view of this policy, the applicant has been asked to respond to this requirement, given that none of the site area has been identified for self build.
- 10.20. The applicants response is that the scheme is providing 100% affordable housing which is considerable against the minimum requirements of the Local Plan to provide 50%. Therefore this would be providing a considerable additional supply of houses for those residents in need, contributing to the housing objectives of the Local Plan and to meet the needs of the Oxford residents. The agent for the applicant argues that against the need for affordable housing, the need for self-build is not matched. Therefore in view of the considerable amount of affordable housing being delivered, the agent argues that this is a material consideration to set aside policy H7.
- 10.21. Officers note that policy H7 does not list 100% affordable housing schemes as an exception to policy H7, however they recognise too that the self build would normally be brought forward from the market element of any residential scheme, of which there is none in this proposal. There could be a case that land is set aside for self-build that falls within the affordable housing definition but equally this is considered unlikely to be feasible given that it is unlikely those residents on the housing list will pursue self-build. Crucially, setting aside 5% of the site too would mean less affordable housing units coming forward, of which there is a significant desire to provide.
- 10.22. Overall, in considering the argument as presented by the agent for the application, regard has been given to the provision of 100% affordable housing

on site and the unlikely nature that self-build would be feasible in a scheme without market housing. Further the set aside of land for self-build would result in a reduction of affordable housing units. Given the considerable need for affordable housing, and the strategic objective to deliver affordable housing, it is considered this is a material consideration in the determination of the application against policy H7. Overall, it is considered that the requirements of policy H7 for the provision of self-build can be set aside. However in order to ensure that the site comes forward as 100% affordable housing to justify the set aside of policy H7, a Section 106 agreement must be entered into to secure the site as 100% affordable housing.

Impact on the character and appearance of the area

- 10.23. The NPPF states in paragraph 126 “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieved. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 10.24. Policy DH1 of the Oxford Local Plan 2036 states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.25. All developments will be expected to be supported by a constraints and opportunities plan and supporting text and or visuals to explain their design rationale in a design statement proportionate to the proposal in accordance with the checklist in Appendix 6.1. Planning permission will only be granted when proposals are designed to meet the key design objectives and principles for delivering high quality development.
- 10.26. Policy RE2 relates to efficient use of the land and recognises that land is a scarce resource in Oxford. The policy states planning permission will only be granted where development proposals make efficient use of the land. Development proposals must make best use of site capacity in a manner compatible with the site itself, the surrounding area and the broader considerations of the needs of Oxford as well as addressing a range of criteria.
- 10.27. The site is located at the end of Railway Lane and occupies a length of the Railway Lane frontage as it is sited adjacent to and parallel with the road. The site has been boarded up for a significant period and has been a redundant site that became vegetated, with trees, green infrastructure and rich biodiversity. The site has however been substantially cleared of vegetation only leaving a few trees left largely on the perimeter of the site, and leaving a visible band of trees to the railway siding at the end of the Railway Lane and along the length of the railway, visible through the site’s entrance and above the hoarding from Railway Lane. In recent times the site appears to be used for waste materials.
- 10.28. Context: Railway Lane links the former village of Littlemore to the railway line that runs along the southern boundary of the site. Railway Lane itself is a linear no through road characterised by a mix of old traditional buildings and

more modern infill plots and cul-de-sacs immediately opposite Railway Lane at Astrop Lane, and a cluster of dwellings to the rear of Chapel Lane adjacent to the northern boundary of the site. This creates a distinctly residential character with a varied layering of house typology and urban grain.

- 10.29. The site bounds Littlemore Conservation Area which is located to the east of the site. There are views from the Conservation Area down Railway Lane towards the site and the railway beyond. This view is characterised by a belt of trees that align the railway sidings and dominate the backdrop to the site.
- 10.30. The site is located at the end of Railway Lane abutting the railway line. The site is of an awkward, contorted shape and the Design and Access Statement recognises the opportunities and constraints of developing this site, most notably being its constrained nature caused by its irregular awkward shape, narrow in the middle, with a site wide change in levels in topography, as well as the position of the railway line.
- 10.31. Layout: The proposed layout has been formed in response to this irregular constrained site and proposes a single vehicular access into the site off Railway Lane and a linear street aligned in a north-west south-east direction on which houses are proposed with dwellings fronting onto the street. Off the street are clusters of dwellings facing onto a cul-de-sac. To the end of the road, are proposed 4 blocks of four storey flats. Car parking is proposed off plot but adjacent to the road.
- 10.32. The proposed layout is considered to maximise the use of the site and work within the site's constraints, in a manner that fits with the urban grain of its surroundings. A variety of house types and flats have been proposed and positioned off the main route through the development in a manner that is logical and responds to the site's shape and topography with the larger buildings proposed further into the site.
- 10.33. The most significant component of the development in design terms is how the scheme relates to, and addresses Railway Lane as this is the primary entrance into the site and effectively forms the end of the conservation area. Following discussions on design, the applicant amended the entrance buildings from the original scheme by turning them 90 degrees so that plots 1 and 90 turn and front Railway Lane. This is considered a positive amendment, and additional plans indicate that a dwelling has been removed on this frontage, which will enable the proposals to be set back from Railway Lane enabling some meaningful landscaping to be incorporated at this sensitive edge which will go some way to mitigate for the loss of considerable green views out from the conservation area that currently exist.
- 10.34. Much concern has been received through the public consultation in respect of developing the site at a high density which they consider to be out of keeping with the area. It is recognised that this site is a vacant and redundant site that presently is not being used in an efficient manner. Therefore in accordance with policy RE2 as outlined above, it is recognised that the site has the scope to be developed in a manner that would maximise the use of this site and contribute positively to Oxford's need for growth and housing. The density of

the development proposed is considered to maximise the use of the site and is considered in layout terms to reflect the pattern and form of development that surrounds the site's boundaries.

- 10.35. Overall, the proposed layout is considered to maximise the use of the site representing an efficient use of the land and the layout is considered to mirror existing street layouts of Gwyneth Road and Astrop Lane which are primarily cul-de-sac street forms. The proposed layout is considered acceptable in respect of the site's characteristics and the wider pattern of urban grain in Littlemore.
- 10.36. Scale: The proposed dwellings are 2 storey in height and the flat blocks are of 4 storey. The flat blocks are proposed to the west of the site where site levels are lower and thus has greater scope to accommodate buildings of a greater scale, in order that the visual impact of these buildings is minimised. A condition is suggested that requires further details of levels to be submitted in order to control this. However, it is considered that the principle of building at this height to the west of the site is acceptable. It is important to note that the development on St Nicholas Place includes an apartment block towards the rear of that site adjacent to the railway at 3 storeys height. Whilst the proposed block is a storey higher, officers do not consider this scale to be unacceptable in this urban context with the site surrounding by development. The scale of the development responds in a manner that addresses the character of the site and its location.
- 10.37. Appearance: The proposed houses vary in typology from terraced to semi-detached, but all take on a traditional and conventional form with pitched roofs, and are considered appropriate to the site's context. However, given the siting of the development adjacent to the Littlemore Conservation Area, it will be necessary to ensure that the materials are of a high quality and that the facing bricks are multistock, and not wire cut, to ensure the appearance of the bricks are elevated to provide a level of variation and texture. This detail can be controlled by condition.
- 10.38. In respect of the flats, the buildings are flat roof and more contemporary in appearance. The blocks are considered to be articulated well and provide sufficient detail to create an acceptable design.
- 10.39. There is a lack of detail regarding boundary enclosures throughout the development but a streetscene elevation has been provided detailing the treatment of the frontage dwellings. These plans indicate that the frontage dwellings will be bound by a low brick wall with railings above, and stone walls enclosing rear gardens. The inclusion of stone walls reflects the stone walls that feature in Railway Lane, and bound Astrop Lane opposite, which is a benefit as this is characteristic of Littlemore Conservation Area. It is considered that the choice of traditional materials including brick with brick detailing and projecting bays, as well as slate for the roofs and stone for the means of enclosure is considered positive. However some concerns remain with regards to how well the two brick types will sit together. Omitting the use of buff brick may be the best solution, and this will need to be carefully considered as part of any condition.

- 10.40. Further details of boundary enclosures such as between properties and fronting public open space would be required as a condition to any approval.
- 10.41. During the course of the application amendments were received in respect of the fenestration that has been incorporated into the flat blocks. This is a positive change and helps to provide interest and a sense of domesticity to the blocks. The projecting bays and brick detailing also help to avoid an overly monotonous appearance.
- 10.42. Landscape: A revised landscape framework plan has been submitted with the application which indicates a range of tree planting and green infrastructure along the frontage with Railway Lane and throughout the development, along the length of the principal access road through the site. Car parking adjacent to the road is proposed with intermittent tree planting as well as planting on corners of the street which works to break up the dominance of hardstanding for car parking and the road surface. Frontages too are defined with soft planting as are the areas of open space. Cumulatively the proposed soft landscape strategy has the scope to provide an attractive setting to the development, subject to securing a robust landscape plan as a condition to any consent.
- 10.43. Existing tree planting along the railway is outside of the site and will be maintained. Additional tree planting within the site along the southern perimeter will reinforce this tree belt.
- 10.44. Whilst the general landscape approach is considered positive, Officers have long considered that the public open spaces appear disjointed given that they are spread through the site. It would be more advantageous if the open space was consolidated so to provide one more useable area. There has also been concern raised in respect of how useable the main open space areas are north and south of the access road as these too perform the function of swales. However, it is recognised that is a constrained site, and its development presents constraints and challenges, such that this the open space strategy is considered on balance acceptable.
- 10.45. Further information has been requested on the swales and their compatibility for public open space. The information received indicates these are mainly dry swales and that any storage of water is likely only to be at times of extreme weather and very infrequently. The drainage consultants advise the swales are compatible for useable open space and the landscape framework plan has been updated to show these areas graded for use as a swale.
- 10.46. However, it will be necessary to impose a separate condition that requires a maintenance plan to be submitted which addresses how the open space and the storage crates within the open space will be maintained over the life time of the development and be assured that the open space is continued to be provided as functional open space.
- 10.47. Impact on visual appearance of Railway Lane and Thomson Terrace: The site is a former employment site that has been vacant and redundant for many years. To develop this site would bring about a considerable enhancement to

the public realm than its current vacant state and enhance Railway Lane. It is considered that through modifications to site layout at the entrance through turning the proposed dwellings through 90 degrees so that front Railway Lane, the site has a positive relationship with Railway Lane addressing the public frontage and the street. Views from Railway Lane into the site are also positive, and the landscape proposed creates an attractive environment.

- 10.48. The dwellings have also been set back to enable views of the belt of trees that define the end of Railway Lane, as well as for additional tree planting which will enable some meaningful landscape to be incorporated at this sensitive edge which will go some way to mitigate for the loss of considerable green views out from the conservation area that currently exist, creating a softened edge. The response is adequate and considered here.
- 10.49. In respect of views from Thomson Terrace, through the creation of footpaths through from the site to Thomson Terrace, the site will be visible from the north in public views. The buildings however will be seen behind existing housing and in the urban context of Littlemore. The development of this site in this context is considered to be appropriate to Littlemore.
- 10.50. Crime Prevention Design: The layout has been assessed by Thames Valley Police Crime Prevention Design Adviser (CPDA). The CPDA notes that the site is located in a higher crime area and thus makes recommendations for areas of improvement. These areas relate to the seating area adjacent to plot 41 and the ability for loitering; lack of maximum parking arrangements; concerns over lack of surveillance between blocks C and D over the access path.
- 10.51. In response, it is considered that the provision of less than maximum of parking arrangements is compliant with policy M3 and reflects the modal shift of transport policies away from car reliance, thus it is unreasonable to expect the development to provide car parking at 1 to 1 as a means to control neighbour disputes. In respect of the seating area adjacent plot 41, the applicant's agent states that these seats will be fixed so they cant be removed, but if required could be omitted from the scheme controlled through a hard surface condition. Officers consider this would be appropriate so that the steps and link is dissuaded as somewhere to gather.
- 10.52. In respect of surveillance over the footpath and the space between blocks C and D, side windows serving habitable rooms have been reintroduced (having first been shown aligned and in clear glass allowing overlooking, and then being made obscure glazed). The windows are now offset and overlook this area with clear glazing which will provide the necessary
- 10.53. Overall it is considered that the scheme is not objectionable on policy grounds and would be not conflict with policy DH1 of the Local Plan.

Impact on Designated Heritage Assets

- 10.54. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets. These asset are an irreplaceable

resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 10.55. Paragraphs 195 to 199 of the NPPF have regard identifying and assessing the significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
- 10.56. Policy DH3 of the Local Plan states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic development, 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, great weight shall be given to the conservation of that asset and to the setting of that asset.
- 10.57. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.
- 10.58. Paragraph 206 states Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution (or which better reveal its significance) should be treated favourably.
- 10.59. The application lies outside of Littlemore Conservation Area but adjacent to its boundary, its boundary being to the east of the application site and comprising the first 2 thirds of Railway Lane and terraces fronting Chapel Lane. A Grade II listed building also is sited on Railway Lane to the east of the site at Beenhams Barn.
- 10.60. A Heritage Statement has been submitted with the application and has regard to the impact of the proposal on designated heritage assets, including the impact on Littlemore Conservation Area. The conservation area is appraised and states "Railway Lane is a narrow gently curving village land with an intimate character and rural charm. The space is defined by boundary walls and buildings fronting directly onto the pavement." It goes on to state "Beenhams Barn is a historic reminder of the agricultural use that once dominated the village. The stone barn dates from 17th Century and is

characterised by a steep pitched red roofed tile and is slightly set back from the roadside. The remainder of Railway Lane suffers from a neglected character: the small industrial area towards the southern end of the road and the garages to the rear of the terraces of Chapel Lane are both areas that could benefit from some work or improvement”.

- 10.61. The Heritage Statement notes that the characteristics of the Conservation Area is that the line of Railway Lane includes a mix of traditional buildings and infill development on large plots, with boundary walls, predominately stone. However it notes that the remainder, or the southern end of the lane is neglected, and lacks any positive contribution to the Conservation Area. This is certainly reflected by the current treatment of the site which is a cleared industrial site, which has been used for dumping materials. Thus the site does not currently make a positive contribution to the character of Railway Lane or to the setting of the adjacent conservation area.
- 10.62. The development has sought to build upon these existing characteristics of Railway Lane, and has turned the frontage dwellings 90 degrees so that these dwellings address and relate to the lane. Amended plans have also been received which indicate that the walls that enclose the gardens to the front would be constructed in stone to reflect the overarching existing boundary feature.
- 10.63. A further characteristic of views out of the conservation area towards the site and down Railway Lane is of the trees that define the length of the railway in the background. Amended plans allow for reinforcing this verdant character by planting new trees along the frontage of the site in addition to the removal of the house on the frontage which will enable further grassed area.
- 10.64. By incorporating these described features into the proposal it is considered that these features of the development serve to enhance the setting of the conservation area from its current neglected and undesirable state, to providing a betterment allowing the characteristics of the Conservation Area to be better revealed in accordance with the guidance in the NPPF. These amendments to the scheme will thus have a positive effect on the setting of Littlemore Conservation Area and will not result in harm to its significance. The proposals are considered to accord with policy DH3 of the Oxford Local Plan. Further it is considered that the proposal would not have an adverse impact on the setting of Beenhams Barn as a Grade II listed building. The barn reflects the agricultural past and previous rural character, but that the infill proposal would be seen behind existing modern development as viewed from Railway Lane, and would not impact further on the setting of the barn. The proposal would thus satisfy policy DH3 of the Local Plan.
- 10.65. Special attention has been paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under sections 66 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed building.

10.66. Subsequently, the proposal is considered to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 195, 199 and 206 of the NPPF, policies DH1 and DH3 of the Oxford Local Plan 2036.

Impact on neighbouring residential amenity

10.67. Policy RE7 and H14 of the Oxford Local Plan seeks to ensure that development does not have an adverse impact on, amongst other things, neighbouring amenity including loss of privacy, overshadowing and overbearing impacts. Policy H15 ensures a good quality living accommodation is provided for new developments in accordance with National Spaces Standards. Policy H16 ensures dwellings have direct and convenient access to private open space: 1 and 2 bed flats should have a private balcony/ or shared garden; all houses should have an adequate sized private garden least equivalent in size to the original building footprint.

10.68. The application site is surrounded by residential land uses that back and side onto the application site, at Gwyneth Road to the north, Thomson Terrace to the north east, 2 storey housing on Railway Lane to the east and Astrop Lane to the south.

10.69. It is considered that the principle of residential development on this site in terms of its use will be compatible with the adjacent residential character of the area and would be an improvement over its previous industrial use.

10.70. In respect of the impact of the development on residential amenity, this has been closely assessed, in particular in respect of the proximity and relationship between proposed houses on the entrance into the development with existing housing to the immediate east on Railway Lane. This relationship in particular has been closely examined in respect of the position of existing houses and a maisonette on this eastern boundary.

10.71. In this area there is an existing close knit building relationship with existing houses overlooking existing gardens on the eastern boundary and as such the proposals will be no more harmful in terms of the windows within the front and rear of these dwellings over and above the existing relationship. Officers note that in respect of 6 and 8 Railway Lane that there are plain flank walls to the side of these properties adjacent to the existing boundary, and given this existing tight relationship of housing, it is considered that the proposed dwellings which back onto these houses would not materially harm the occupiers of these dwellings through overlooking or reduction in privacy.

10.72. However, there has been a concern raised throughout the application of the impact of the proposed housing on 4 Railway Lane which is a first floor flat over car parking spaces beneath, and is located adjacent to the entrance into the site with 2 windows on the western side elevation, unlike other dwellings on this boundary such as nos. 6 and 8 mentioned above. The case officer understands from the occupier of this property that the two windows serve a hallway to the left of the elevation when looking from the site and a kitchen window to the right of this elevation. There is further a balcony on the northern

elevation which provides the access up to the first floor front door and provides a small outside amenity space.

- 10.73. The entrance into the development has been altered during the course of the application so that the proposed properties are positioned so as to address Railway Lane. However, there has been the concern that the floor plan of the unit on the front entrance into the site would have an unacceptable relationship with 4 Railway Lane due to the presence of bedroom windows on the eastern elevation in close proximity to the existing windows within the side elevation of 4 Railway Lane. However, this unit on the entrance has now been removed so that there is no direct overlooking of windows to this dwelling and that further modifications have been made so that the unit on the entrance has had a bathroom window placed in the side elevation so there is no direct overlooking from a habitable room. The combination of these measures are considered to remove overlooking from the development directly into 4 Railway Lane. However, there is concern still with the presence of a balcony on the northern elevation of this property. Whilst its purpose is principally to provide an access into the property which is on the first floor, there is scope for this balcony to be used for amenity space as it has the potential for a small bistro table and chair to be accommodated. Officers have been in discussion with the applicants regarding this and the applicant has suggested that the potential for overlooking of this area could be ameliorated by the planting of a pleached tree that would provide screening so that the occupiers of 4 Railway Lane are prohibited from overlooking the rear gardens of the immediately adjacent property and vice versa.
- 10.74. Usually it is not considered sufficient to plant a tree to remedy an amenity impact. However, it is also recognised that this would provide screening benefits and has been utilised as an approach elsewhere to remove overlooking and interlooking such as on Barton Park. It is further noted that as the applicant would also be managing the accommodation, that it is reasonable that the tree would remain as planted and would not be under pressure for removal. In view of this and that it is acknowledged there is already a close knit relationship of buildings on this boundary that the proposed layout of dwellings to the east of the site on the entrance into the development would have an acceptable impact on residential amenity as measured against policy H14 of the Local Plan. Further it is recognised that in delivering a form of development that responds positively with residential amenity that this needs to be balanced with delivering the best layout that responds positively to the character of the area whilst maximising affordable housing and housing delivery. Against this, it is considered the approach taken here to designing the site reflects that balanced approach. It is further recognised that a pleached tree to a first floor window height may take time to establish, and it is recognised that there may be an initial unacceptable relationship, but this is considered to be acceptable against the delivery of affordable housing.
- 10.75. There is a further bedroom window to Plot 1 shown on the eastern elevation as obscure glazed which will need to be secured as a condition to any approval. This would be acceptable for the amenities of this unit as there is a principal window to that room with an aspect to the front (south). This will be

acceptable to these occupiers as there is a principal window to the front providing an outlook to that room.

- 10.76. In respect of existing houses on Thomson Terrace and Gwyneth Road, as well as on Astrop Lane, it is considered that the proposed layout is in a form that enables satisfactory separation distance such that this would not have a materially harmful impact on residential amenity.
- 10.77. Within the development itself, it is also considered the layout enables appropriate separation to ensure that the amenity of future occupiers of the development.
- 10.78. It has been recognised that an impact could occur between existing blocks C and D through proposed windows on the side elevations serving lounges facing each other's side windows. Previously the applicant had shown this to be obscure glazed and fixed shut, but following comments from the Crime Prevention Design Adviser regarding overlooking of this area, the applicant has amended these windows again to be off set from each other so they will not allow direct overlooking lounge to lounge, but will allow overlooking of the external area below.
- 10.79. Subject to imposing conditions on the specification/planting/retention of a pleached tree(s), and condition to windows to require obscure glazing/fixed shut, it is considered that the development would accord with policy H14 of the Local Plan.
- 10.80. In respect of outlook and overbearing it is considered the development is designed in a manner that serves to ensure the relationship of buildings is not unreasonably harmful to resident's amenity of the proposed dwellings or buildings outside of the site, in accordance with policy H14 of the Local Plan.

Noise

- 10.81. Policy RE8 of the Oxford Local Plan states 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.
- 10.82. The application site is located adjacent to a railway line that is used for freight transport only. A Noise and Vibration Report was submitted with the application and details the results of environmental noise and vibration surveys undertaken in order to measure prevailing background levels and proposed internal noise impact. At the time of the survey the background noise was identified as being dominated by road traffic noise from the A4142 220m west of the site and occasional contribution from the adjacent railway line.
- 10.83. The railway runs parallel to the southern boundary of the site. The dwellings nearest to the southern boundary are predominately those flats in Blocks B, C and D and Plot 82. Block B is approximately 13.5m distant from the centre of the branch line, Block C is 9.4m and Block D is 9.9m. Plot 82 is 7.8m.

- 10.84. In the case of the flats, the flats are largely designed so that their aspect is to the front of the building with kitchen and bathroom windows to the rear. So for Blocks C and D, their balconies and bedroom/lounge windows front to the north, and kitchen and bathroom windows to the rear. In the case of Block B, there is a secondary gable window to the side serving a lounge, with balconies, bedroom and lounge windows to the front. To the side of Plot 82 are no habitable room windows.
- 10.85. A noise survey and vibration survey were undertaken between 15:30 26 January 2021 and 14:30 29 January 2021 and recorded background levels accordingly. The results of this is that the without mitigation, the levels for external amenity space would be exceeded. Therefore it is proposed that acoustic attenuation by way of a solid timber screen will be necessary of a height between 2.5m to 2.8m will be necessary in places, including the north west boundary with Sainsburys car park, parts of the open space on the southern boundary and to the rear of plots 82 to 84. For all other gardens away from the rail line and supermarket, it is considered that no mitigation is necessary.
- 10.86. In respect of internal levels, regard has been had to the use of masonry which will contribute to a significant reduction in ambient noise levels. For windows on noise sensitive plots, levels are indicated for the glazing and will require installation of high performance glass as well as potential for acoustic trickle ventilation. These elements can be controlled by a planning condition.
- 10.87. In terms of vibration, the survey captured a number of freight train passes consistent with the freight timetable. From that, the survey identified that in the night time period the impact on those buildings nearest to the rail line could be of a concern. It is considered those buildings in excess of a distance of 20m away from the track vibration levels are not considered to be impacted. In assessing vibration, it is understood that a number of factors can impact on vibration such as building foundations and the difficulty with assessment, is that vibration surveys do not replicate the same assessment as a building. For example solid ground and foundations will be more accurate than assessments on soft ground, not on foundations. However, officers have indicated that notwithstanding this, a scheme can be designed that provides mitigation and prevent any adverse vibration impact. This is suggested as a condition.
- 10.88. Overall it is considered from the perspective of noise and vibration that with mitigation identified that levels will be acceptable for those occupiers of the development.
- 10.89. Subject to the receipt of satisfactory details regarding noise and vibration conditions requiring mitigation, it is considered the proposal would comply with policy RE8 of the Local Plan.

Indoor amenity

- 10.90. Policy H15 of the Local Plan states planning permission will only be granted for new dwelling that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes must comply with the Nationally Described Space Standard.
- 10.91. The applicant has provided the internal floor areas for all 90 proposed units and having compared this information against the space standards, the internal floor areas comply with the minimum standards. The internal floor areas are considered to provide a good standard of internal accommodation and would comply with policy H15 of the Oxford Local Plan.
- 10.92. Policy H10 of the Local Plan states that for proposals for all affordable dwellings that dwellings are constructed to Category 2 Standard set out in the Building Regulations Approved Document M4. Further, 5% of all dwellings for which the City Council is responsible for should be provided to Category 3 standards (wheelchair user).
- 10.93. In response to Category 2, a lift is shown to be provided in each flat block allowing ease of access to the respective units. In respect of wheelchair access, the applicant has confirmed that plots 8, 20, 74, 75 and 82 will be offered as Category 3 units. The provision of 5 units would comply with the policy requirement for 5% of the development.
- 10.94. It is considered the proposal complies with policy H10 of the Oxford Local Plan.

Outdoor Amenity

- 10.95. Policy H16 of the Oxford Local Plan states planning permission will only be granted for dwellings that provide direct and convenient access to an area of private open space (in addition to bin and bike storage) in accordance with a list of criteria. The accommodation provides both flats and houses. For flats, a private balcony should be provided. For houses, a private garden of adequate size and proportions for the size of house proposed should be provided.
- 10.96. The proposed houses range from 2 bed to 5 bed homes thus including family homes. The garden sizes to serve the dwellings are considered to be of a reasonable size and will allow for direct access and be of a size that will provide reasonable circulation and area for drying clothes.
- 10.97. The proposed flats are 1 and 2 bed and have all been provided with a private balcony on the front elevation which should enable an area for an airer and a table/chair.
- 10.98. It is considered the outdoor amenity provision accords with policy H16 of the Oxford Local Plan.

Highways

- 10.99. 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 required for a development of this type and size.
- 10.100. Policy M3 sets out the Council's policy for motor vehicle parking in areas outside Controlled Parking Zones (CPZ) of a maximum of one space per unit (regardless of size). Policy M4 requires Electric Vehicles changing points for all allocated parking and 25% of non-allocated parking. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development
- 10.101. The site is located at the end of Railway Lane, which is a narrow no through lane off Sandford Road. There has been substantial objection to the proposal on highway grounds in respect of the capacity of the local road network and infrastructure to accommodate the development.
- 10.102. Oxfordshire County Council as Local Highways Authority are responsible for assessing the development proposal in respect of the adopted Local Plan policies and have advised on the proposal. The County have also been attendance in community meetings to discuss the impacts of this development and the cumulative impact of other schemes with this on the local road network, as well as concerns held locally regarding the access via Railway Lane, the impact of heavy vehicles during preparation stages and construction, and parking deficit.
- 10.103. Highway Network and Impact: The application is accompanied by a Transport Assessment (TA) which is considered an appropriate level of analysis for the quantum of development proposed.
- 10.104. The TA presents a detailed capacity analysis of the junction of Railway Lane and Sandford Road, which demonstrates that this junction will continue to operate comfortably within capacity when the proposed development is in place. The Highways Authority advises that the data and methodology used in the analysis reflects standard practice, and the results and conclusion are considered sound. As a consequence, the Highways Authority consider that the proposed development is unlikely to have a significant adverse traffic impact on the surrounding road network.
- 10.105. Following concerns from local stakeholders, a meeting was held and the County Highways Officer was in attendance. The Highways Authority note that there is a level of local concern regarding the impact of additional vehicle movements on the local network. Whilst this is acknowledged, in considering the prior use at the site and in the context of wider vehicle flows on the

network, the Council County does not consider the additional vehicle trips to be of an unacceptable level, particularly taking into account the site's previous use. Due to the narrow nature of Railway Lane, lack of off-street parking for a number of residents, it is advised that the strategy team does consider it appropriate that traffic calming and pedestrian priority measures are delivered as part of the development along Railway Lane. This could be delivered as additional double yellow line markings at and around junctions to aid visibility, subject to safety checks.

- 10.106. County advise that the Chapel Lane/Railway Lane junction in particular is currently compromised by poor visibility, poor pedestrian accessibility and cycle priority measures. Additional vehicle pedestrian and cycle trips generated by the development risk further exacerbating this issue. County suggest that to help alleviate this, a traffic calming feature is required which improves pedestrian and cycle priority and amenity, is provided at this junction. A raised table is suggested as an appropriate response and this is sought by the County as mitigation of the proposal to be secured through a S278 agreement.
- 10.107. In respect of the vehicular access to the development, this is to be taken from Railway Lane at a point opposite Astrop Lane. The TA advises that visibility at this access point onto Railway Lane meets highway standards.
- 10.108. Active Travel: The County's adopted Oxford Local Cycling and Walking Infrastructure Plan (LCWIP) provides the basis of the County's aspirations on walking and cycling for the wider city area. Railway Lane and Thompson Terrace which are directly accessible from the site sit on the OXR18 route designated in the LCWIP. This route is already a well-used active travel link albeit the desirability of this route for users could be significantly improved.
- 10.109. The proposed development seeks to provide footpath links from the north east of the site to Thomson Terrace and Chapel Lane, as well as to the north west of the site up to Sainsburys. The provision of these routes is considered a positive feature providing accessibility beyond the site and promoting walking, and sustainable forms of movement. Equally an opportunity for a future link has been shown to be provided on the southern boundary that has the potential to link the development with St Nicholas Place south of the railway line. This link is shown between Blocks C and D, and plans have been amended to create a footpath between the blocks. This scope for connecting the two developments over the railway line has been a long established requirement for developing this site as it would link the two developments to Littlemore and was a requirement in the former site allocation in the Sites and Housing Plan. The County advise that they strongly support this active travel link across the Cowley Branch Line, and whilst the County recognises that the provision of the bridge is not an appropriate requirement for this development to provide, note the strong local desirability for this bridge to be realised at a later date.
- 10.110. In terms of any future bridge, Network Rail have been consulted on the proposal and are aware that there is an aspiration for this to be realised. Whilst there are no details of any bridge as no bridge is proposed as part of

the application, Network Rail have commented. Their comment considers earlier iterations where previous plans considered the use of Network Rail to access the site be it either as a footpath or bridge abutments, prior to the amendment of the footpath to its current position between blocks C and D. Network Rail comments on the previous iteration were that they are unable to confirm one way or the other whether the land could be used for either a footpath or abutments of a bridge as there is a formal regulated clearance process needed to go through to essentially dispose of railway land. A formal consultation with railway stakeholders would need to consider any proposal and this is likely to take several months to reach a formal agreement. However in planning terms Officers have secured the necessary provision of a route on site to ensure that a link of whatever form could come forward at a later date.

- 10.111. Parking: The proposed development site is not located in a controlled parking zone nor is it an employer linked housing area. Therefore the parking standards set out in policy M3 of the Local Plan, Appendix 7.3 would be relevant. This standard sets a maximum of one space per unit. Policy M4 requires electric vehicle (EV) charging provision for all allocated spaces and at least 25% of the non-allocated spaces.
- 10.112. The site plan shows 76 car parking spaces which falls below the maximum standard as set out in the Local Plan, and is acceptable in accordance with the Local Plan as the standard is a maximum and not a minimum. Lower parking provision also accords with the objectives of the Local Plan to minimise reliance on private cars and a modal shift towards sustainable modes of transport. The TA advises that there will be a combination of allocated and unallocated parking however the submitted site plan does not indicate which spaces are allocated and unallocated. Highways advise that a parking plan will be need to be submitted through a condition.
- 10.113. The site layout plan does not detail electric vehicle charging points but Officers are satisfied that these can be accommodated so this will need to be secured via a condition to comply with Policy M4.
- 10.114. Cycling: The minimum cycle parking requirements set out under Policy M5 and Appendix 7 require 2 spaces per 1 and 2 bed unit and 3 for 3+ bed units.
- 10.115. During the course of the application cycle parking details have been updated to reflect initial concerns raised by Cyclox that the spaces were of insufficient size and wouldn't allow for bigger cycles, such as three wheeled bikes, tandems, trailers. Modified stores have now been indicated on the plan to increase the size of the stores and the scale of internal provision.
- 10.116. The site plan clearly depicts the cycle parking for the flats to which they serve, provided for as cycle stores and as cycle stands. In total for the flats there are 56 spaces provided in a secure cycle store and 24 as stands providing a total of 80 cycle spaces. The flats are all 1 and 2 bed and there are a total of 40 flats which will generate a requirement for 80. Therefore the

quantum will satisfy policy M5 and Officers are also satisfied that the provision will on the whole be secure and covered.

- 10.117. In respect of the houses, the site plan doesn't indicate the position of the cycle stores but all houses have direct access to a rear garden which will be of sufficient size to accommodate a bike store. All rear gardens have separate access too which would enable an alternative separate access to the bike store. Details of the cycle stores can be secured via a condition to comply with policy M5 of the Local Plan.
- 10.118. Public Transport: The site is considered to be located in a sustainable location integrated with footpath links to allow pedestrian access through Littlemore and access to existing bus stops located on the Sandford Road. These bus stops are located outside The George Public House on Sandford Road and opposite David Nicholls Close. For residents within the development this distance to Sandford Road is between 200m and 650m away. These bus stops serve the 3A, as well as route 45 which the TA is silent on. Route 3A serves Oxford City and Sandford and Oxford Science Park. Route 45 serves Sandford Berinsfield and Abingdon. Stops for route 16 are located further along.
- 10.119. Services 3A and 16 are amongst the most commercially marginal services in the City and their continuation cannot be guaranteed. Bus service 45 is funded wholly with Section 106 contributions from developments on the corridor.
- 10.120. County Highways therefore note that it is important for the sustainability of this development site that these services are able to continue in operation, as without them there would be very limited access to bus services in the immediate vicinity. Therefore, the County Council seeks to ensure that new development is located in areas accessible to the local public transport network and to seek opportunities for improvement so that the services are as attractive as possible to potential users. This reduces the impact of the development on the transport network and the local environment, as well as helping to secure services for the benefit of the wider community.
- 10.121. To this end, the County Council's Bus & Rapid Transit Strategy, prepared as part of its current Local Transport Plan, sets out that it will seek financial contributions from new development where opportunities can be taken to retain or improve the network. The relevant paragraphs are 91 and 93-95. In order to secure the continued provision of public transport services to Littlemore the County Council will seek a financial contribution of £94,590 towards the improvement of bus services. This is based on the County's standard contribution rate of £1,051 per dwelling and it is expected that this will be utilised towards the retention and improvement of service 3A as the main service to the city centre. However, the Council reserves the right to utilise this contribution on other bus services on Sandford Road.
- 10.122. The nearest bus stop to the development site is at The George Public House on Sandford Road. These are very basic stops with no shelter or real time information at this location. In order to promote the attractiveness of the

bus service as a mode of travel from the development, a public transport infrastructure contribution of £17,678 is requested for the provision of a shelter and real time information display at the Oxford bound bus stop.

- 10.123. Travel Plan: The Highways Authority advise that the site is located in an area with good sustainable transport options and a full Travel Plan should be submitted by way of a condition, which should set out options to be given to residents on first occupation.
- 10.124. Construction Traffic Management Plan: A construction traffic management plan will also be required to be submitted by way of a condition and Highways advise that this approach is acceptable.
- 10.125. Section 278 Highway works: An obligation to enter into a S278 agreement will be required to secure the proposed new vehicular access on Railway Lane as indicated on the submitted plan and a new table on the junction of Chapel Lane and Railway Lane. This will need to be secured through a S106 agreement that no development is implemented until the S278 agreement has been entered into and when the development is completed to be within the S106 agreement.
- 10.126. Section 38 Highway works: An obligation to provide a central minor access road as identified in Section 5.2 of the TA and indicated on Site Plan No.21/3508/1 will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement. The S106 agreement will identify the following for the purpose of the S38 agreement; Approximate location of the central minor access road and information as to provision e.g. minimum width of carriageway, footways etc as appropriate; Timing, which may be staged; Additional facilities and payments, such as on-site bus infrastructure and related payments.
- 10.127. Conclusion: Overall Oxfordshire County Council as Highway Authority do not raise objections to the proposal subject to the imposition of appropriate conditions and the applicant entering into a S106 as detailed above. Further to the advice in the NPPF, the NPPF advises in para 11 “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In view of this, it is considered that the proposal would accord with policies M1, M2, M3, M4 and M5 of the Local Plan and guidance included in the NPPF.

Trees

- 10.128. Policy G7 protects against the loss of green infrastructure features such as hedgerows and trees. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. 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). 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/ brown roofs or walls. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement. New usable public spaces or small parks should have a variety of uses, for example a nature area, seating, a playground and a kick-about area.

- 10.129. The site is a former oil depot that has been redundant for some time. As a result the site has become vegetated with self seeded trees, scrub bushes and grassland which had over the passage of time dominated, and characterised, the site. Unfortunately however, the site was cleared prior to the application having been submitted and the Arboricultural Impact Assessment (AIA) submitted with the application indicates that a number of trees have been felled to their stumps. Only a few trees remain across the site. This is clearly very disappointing as this has removed green infrastructure and impacts upon biodiversity.
- 10.130. The loss of trees prevents a canopy cover assessment from being undertaken, contrary to the requirements of policy G7 of the Local Plan which is an important mechanism for ensuring lost trees are mitigated, and for measuring growth in green infrastructure over the longer term to compensate for tree loss. Therefore this is impossible to assess. There are some mature trees which remain just outside the red line of development outside the southern boundary on railway land. As does a scrub tree belt along the northwest edge of the site boundary with the adjacent Sainsbury's site, including a couple of low quality trees. However nothing significant remains in terms of value.
- 10.131. The scheme includes a landscape framework plan, which indicates the retention and reinforcement of the above described feature and proposed new tree planting associated with the scheme's road infrastructure, shared amenity spaces and in private gardens. Whilst it is not detailed and this will need to be submitted in any approved scheme by way of a condition, it does however indicate that there will be tree planting through the streets and in the open spaces through the development. This would enable trees to be planted and this will go some way to compensate for the trees lost. The replacement trees are indicated to be replanted along the boundaries akin to the position of trees lost. Existing trees along the railway sidings are to be retained and additional tree planting in the areas of open space which will support the visual function and role of trees lost.
- 10.132. This landscape framework plan has been updated to reflect the submission of a new metric and Officers are of the view that whilst it is regrettable that there is no ability to compare the replacement scheme with the pre clearance canopy coverage, that there is scope within the landscape strategy to ensure that meaningful landscape can be provided that will go some way to offset what has been lost. Planning conditions can be utilised to require the appropriate tree planting plan to come forward. These details should include a tree species planting list with typologies related to hierarchies of spatial capacity and landscape function.

- 10.133. It is important to have regard to a tree outside of the red edge of the site boundary identified as a sycamore, being T11 on the Arboricultural Impact Assessment. Officers have considered that whilst the tree is outside of the site, a significant portion of its root protection area lies within the site. Previously a house was proposed to be delivered in this area, however, in later amendments this house was removed following discussions with the applicant regarding its appropriateness in respect of the tree. However when a unit was removed on the frontage to overcome design concerns as detailed in previous sections of this report, this unit in the vicinity of T11 was reinstated.
- 10.134. Officers consider that the tree is attractive as viewed from Thomson Terrace, however note that it is equally multitemmed and of a moderate quality, despite its classification in the AIA as a category B tree. Officers consider that it would be more accurately regarded as a category C tree. The tree grows on the boundary and includes part of an old fence. Officers considered that it is not suitable for longer term retention and would be lost by the development. Whilst the tree is considered attractive, officers would agree that it would be difficult to retain the tree as the dwelling proposed in this area would encroach significantly into the RPA of the tree and would require the loss of a large area of crown to facilitate its build. It is also prudent to note that in a recent planning application, 20/02654/CT3 for housing on this part of the site, that this tree would have required removal to create car parking in this area. On that basis, it is reasoned that the loss of this tree has been accepted, and whilst that was a different context at that time, as the application was for a smaller site area, it is considered that it would be difficult to insist on its retention in this application. Having considered the proposed landscape framework plan, officers consider that there is scope for planting near to the site of the sycamore that when established will provide visual amenity value. Officers can ensure the planting of an extra heavy standard tree in this area to ensure this provides some initial visual compensation.
- 10.135. Overall, officers consider that it is unfortunate that the site has been cleared and this was done by the landowner as part of site clearance which is outside of the Local Planning Authority's control. As a result it has been impossible to qualify the canopy assessment to evaluate the base level. However, it is considered overall that the proposed landscape plan has the scope to provide some meaningful tree planting that will go some way to compensate for the loss of trees and provide green infrastructure on the site in accordance with policy G7 of the Oxford Local Plan.

Biodiversity

- 10.136. The Natural Environment and Rural Communities (NERC) Act 2006 sets out in Section 40 every public authority must in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. In Section 41, the Act identifies species and habitats of important for the purposes of conserving biodiversity.
- 10.137. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for

individual protection, development will only be granted where a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and c) offsite compensation can be secured via legal obligation. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity of 5% or more from the existing situation and for major development this should be demonstrated using a biodiversity calculator

- 10.138. Where development results in a loss of biodiversity value, policy G2 of the Oxford Local Plan 2036 requires mitigation and compensation measures that offset this loss and achieve a net gain for biodiversity. Where major developments are proposed on greenfield sites or brownfield sites that have become vegetated, the net gain should be measured using a recognised biodiversity calculator. The Defra Metric 3.0 was the correct version at the time the application was submitted and has been used for the assessment.
- 10.139. The preliminary ecological appraisal classifies the majority of the application site as disturbed ground. Paragraph 2.2.3 of the document refers to “tracks from heavy vehicles” and “evidence of recent felling”. This indicates habitats within the application site were damaged prior to the survey being undertaken. The photographs submitted in Appendix 2 of that Appraisal support this.
- 10.140. Consequently a precautionary approach was taken in the ecological assessments. Notably the application site is included within the draft Open Mosaic Habitats inventory, indicating the habitat was potentially present within the site.
- 10.141. Open Mosaic Habitat (OMH) is listed as a priority habitat in England in Section 41 of the NERC Act 2006. The term OMH refers to the development of a variety of different habitats in close proximity on previously developed land that has been subject to some kind of disturbance. It can support a rich assemblage of plants and invertebrates.
- 10.142. Biodiversity Metric 3.0: Officers in discussion with the projects ecologist agreed that for the purposes of the metric, utilising priority habitat maps, aerial photography and knowledge from site surveys undertaken (post damage/disturbance) was the best approach to inform the baseline in the metric. In assessing the extent to which open mosaic habitat is present, an element of judgement is required. A defining feature of OMH is the presence of early successional communities, rather than later successional communities such as dense scrub or woodland. The priority habitat description of OMH states that “Continuous blocks of a closed plant community greater than 0.25ha would be classified as a habitat other than OMH”. In the second scenario, the ecologist has identified areas of scrub (0.36ha and grassland (0.20ha) separately from the OMH (0.81ha). The scrub is formed of three blocks (rather than one) but given the small scale of the site and the time over which it developed, it is considered reasonable to assess this as a separate

habitat. The grassland is a continuous block and again the decision to assess it separately is satisfactory.

- 10.143. The condition assessment undertaken in relation to OMH is also considered appropriate. The Biodiversity Metric 3.0 User Guide published by Natural England states that a precautionary assessment should assume high distinctiveness and good condition for lost or degraded habitats in the absence of evidence to the contrary, however it is agreed one feature of OMH – pools – was unlikely to be present and therefore “fairly good” rather than “good” condition is appropriate for OMH.
- 10.144. Officers are therefore satisfied that the baseline value of the site, as shown in the latest submitted metric is 17.11 habitat units. Policy G2 of the Oxford Local Plan requires development to deliver a 5% biodiversity net gain. Therefore a total of 17.96 units must be delivered. This can be delivered on site or on off-site land. In their latest submission “Dominion Oils Railway Lane, Oxford – Delivery of BNG” the applicant proposes to deliver this partly on-site through the provision of wildflower grassland habitats and vegetated gardens (a total of 1.96 habitat units) and partly off site through the Trust for Oxfordshire’s Environment (TOE) for 16 habitat units. Officers are therefore satisfied that 5% net gain is feasible for this application.
- 10.145. It is important to note that in keeping with the Oxford City Council’s current approach to securing biodiversity offsetting, S106 provisions will be needed to secure the submission of a finalised biodiversity gain plan. This plan will need to be submitted prior to the commencement of the development.
- 10.146. Priority Habitat: Under the development proposals all existing habitats will be lost including the priority habitat OMH. Policy G2 states on sites of local importance for wildlife, including Local Wildlife Sites, on sites that have a biodiversity network function and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby a) there is an exceptional need for the new development that cannot be met by development on an alternative site with less biodiversity interest; and b) adequate onsite mitigation measures to achieve a net gain of biodiversity interest; and c) where this is shown not to be feasible then compensation measures will be required, secured by a planning condition.
- 10.147. In this instance, the scheme is providing 90 units that are 100% affordable. As identified in preceding paragraphs above, the provision of affordable housing is a strategic objective of the Local Plan and whilst it is recognised the site’s habitat value, that the site is vacant, is brownfield and has the scope to bring forward a reasonable amount of affordable housing that will go some way to meeting that objective for much needed housing. It is therefore considered that the exception test set out in a) has been met. Officers also confirm that the proposed approach to biodiversity net gain is sufficient to address the second and third criteria.
- 10.148. In this instance OMH will be compensated for through the provision of another high or very high distinctiveness habitat by TOE. In this instance

officers are satisfied that a like for like replacement is not a strict requirement in this instance and that the provision of high or very high value habitats (eg. Lowland meadow) would constitute sufficient compensation.

- 10.149. Protected Species – Badgers: The OPDM and DEFRA Circular 06/2005 Biodiversity and geological conservation paragraphs 123 and 124 provides ‘The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions’. Anyone submitting an application for development in an area where there are known to be badger setts must comply with the provisions of the Protection of Badgers Act 1992 and first obtain a licence from Natural England before interfering with a sett for the purpose of development.
- 10.150. The addendum ecological report states that during monitoring, an individual badger was recorded entering a mammal burrow within the site for a short period (12 seconds) with no other activity recorded over a 7 week period. It concludes the burrows did not constitute an active sett at the time of monitoring, which is accepted. However, where the holes have been retained, and as badgers are present in the area, there is the potential for species to occupy the burrows and establish a sett prior to closure. Therefore additional monitoring will be required immediately prior to closure to confirm absence. This monitoring should cover a minimum period of three weeks and should be secured via a planning condition.
- 10.151. Protected Species: The LPA 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 (paragraphs 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation).
- 10.152. The LPA as 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 31st 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.
- 10.153. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to deliberately capture, kill, injure or disturb protected species and against the damage or destruction of a breeding site or resting place of such an animal, unless it is carried out with the benefit of a licence from Natural England.
- 10.154. Protected species – bats: Justification has been provided for the reduced survey effort for bat activity levels at the application site. Given the small size and linear shape of the site, the extent of automated monitoring and the clear value of the railway line as a commuting route, in this instance it is

considered acceptable not to complete transect surveys. In almost all other circumstances this would be required.

- 10.155. It will be necessary to avoid impacts upon foraging and commuting bats utilising surrounding habitats to require a sensitive lighting scheme which should be secured via planning condition.
- 10.156. Protected species – reptiles: Natural England's guidance on Reptiles: advice for making planning decisions, is a material consideration to take into account when making planning decisions. The Wildlife and Countryside Act 1981 provides it is an offence to kill or injure slow worm. The Local Planning Authority must have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). Slow worms are on the Secretary of State's published list of living organisms (under section 41) that are of principal importance for the purpose of conserving biodiversity. Natural England's guidance provides that the Local Planning Authority need to consider if the Developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles in their development proposal.
- 10.157. An exceptional population of slow worm was identified within the site. Please note the term exceptional refers to a specific categorisation system used for reptile populations rather than a qualitative judgement. In essence a relatively high number of slow worm were recorded within the site.
- 10.158. A translocation exercise was commenced in 2021 to a receptor site identified in the Reptile Mitigation Strategy. Officers are content that the receptor site is being appropriately managed and this will continue in the long term.
- 10.159. Officers were unsatisfied with the process in relation to reptiles; and considered the approach taken in 2021 was against best practice to proceed with a translocation programme prior to planning permission being granted, albeit in principle not in breach of any planning policy. It would be usual in these circumstances to obtain a baseline surveys of the receptor site in advance. However, the translocation last year was paused and not completed prior to winter and would need to be resumed in this current active season (ending September/October). Officers are satisfied that the revised methodology submitted will involve the installation of an exclusion fence along the southern boundary of the application site to prevent the ingress of additional reptiles. This methodology should be secured via planning condition.
- 10.160. Protected species – invertebrates: Natural England's guidance on Invertebrates: advice for making planning decisions, is a material planning consideration for local planning authorities. The developer must comply with the legal protection of invertebrates. Some are European protected species so offered protection under the 2017 Regulations. Certain species are protected under the Wildlife and Countryside Act 1981. Many invertebrates

are listed as rare or threatened under section 41 of the Natural Environment and Rural Communities Act 2006.

- 10.161. One of the principal reasons for OMH being a priority habitat is its importance for invertebrates. A desk study assessment was undertaken to determine the potential value of the site for invertebrates given any suitable habitats present had already been damaged/removed. This was undertaken but didn't yield any information.
- 10.162. Overall, the biodiversity value of the site has been considered at length and it is recognised that in developing the site in the manner proposed would prohibit the scheme from being able to compensate for the lost biodiversity value on site. Therefore it is necessary to comply with the policy requirements of policy G2 that appropriate compensation is provided to mitigate the biodiversity value lost, which in this instance would be partly compensating on site for 1.96 credits and a financial contribution from the developer to Trust for Oxfordshire's Environment to secure 16 habitat credits. In view of this, and the exceptional need for affordable housing, it is considered that the policy requirements of G2 will be met and the minimum necessary biodiversity net gain provided in accordance with the policy subject to the conditions set out and a S106 Agreement.

Flooding

- 10.163. Policy RE3 of the Oxford Local Plan states that planning applications for development within Flood Zone 2, 3, on sites larger than 1 ha in Flood Zone 1 and, in areas identified as Critical Drainage Areas, must be accompanied by a Site Specific Flood Risk Assessment (FRA) to align with National Policy. The FRA must be undertaken in accordance with up to date flood data, national and local guidance on flooding and consider flooding from all sources. The suitability of developments proposed will be assessed according to the sequential approach and exceptions test as set out in Planning Practice Guidance. Planning permission will only be granted where the FRA demonstrates that:

*e) the proposed development will not increase flood risk on site or off site; and
f) safe access and egress in the event of a flood can be provided; and
g) details of the necessary mitigation measures to be implemented have been provided.*

- 10.164. 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.
- 10.165. The application was submitted with a Flood Risk Assessment and Drainage Strategy. This document indicates that the site has a fall of 6m in a south westerly direction, but that is not at risk of flooding and can be developed without increasing flood risk elsewhere. The report indicates that suitable provision is made for the disposal of surface water and foul water from the proposed development. For surface water drainage, the report indicates

that the closest watercourse to the site is a drainage ditch located 230m south west of the site at Morrell Crescent. Given the distance of this, this is not considered to be feasible for runoff disposal. Therefore it is proposed to discharge run off from the site into the existing Thames Water surface water network under Railway Lane at a run off rate which Thames Water have confirmed is acceptable. This will be achieved through a pump from the site to discharge to the sewer under Railway Lane.

- 10.166. A series of oversized geo-cellular storage crates will be installed within the green areas and under some private car parking spaces across the site to support attenuation and to provide storage run off. An attenuation basin will be provided on the southern boundary and a swale on the northern boundary. These will have a gravelled bottom through which runoff will be infiltrated into the crates accepting run off from the adjacent road. The below ground storage is necessary to supplement the capacity of the basin and swale.
- 10.167. Car parking spaces will be permeable which will also provide treatment to runoff into the geocellular storage crates underneath.
- 10.168. The proposed foul water drainage strategy is for gravity driven foul sewer. Thames Water indicate there is capacity within the network for foul water sewerage.
- 10.169. Thames Water also confirm capacity with regard to surface water network infrastructure.
- 10.170. However Thames Water state in respect of the existing water network infrastructure there may be an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Therefore they would recommend a condition is imposed that requires water upgrades to accommodate the additional flows.
- 10.171. Overall, the site is indicated to be very low risk from surface water flooding apart from the south eastern corner of the site, which is indicated to be low to medium risk. Maintaining the existing flood flow paths and raising the finished floor levels of the proposed properties by 300mm above the adjacent road levels provide mitigation to the potential risk of the surface water flooding.
- 10.172. Oxfordshire County Council as Local Lead Flood Authority raised objections initially to the proposal on various matters. Those issues related to
- the lack of evidence regarding impermeable area of the site
 - clarification on discharge rate
 - calculations not in accordance with guidance and need for runoff to be managed at source and the proposed drainage to mimic the existing drainage regime of the site as much as possible
 - requires submission of a Surface Water Management Strategy

- 10.173. In response the applicant produced a Technical Note to respond to the LLFAs comments, as well revised hydraulic calculations and a revised drainage strategy drawing. The Technical Note addresses that infiltration is not permitted on the site due to the risk of mobilising historic contamination within the subsoils. In this case all run off is to be released at annual average peak flow rate which provides a betterment on the high return period storms and therefore does not require additional volume control.
- 10.174. Further the Note has regard to the steep existing gradient at the west of the site which presents a challenge for locating SUDS and the need for additional storage below the swales and car park areas with deep storage crates and this will address the need for approaching SUDS.
- 10.175. Overall this position is accepted by the County Council and they advise they have no objection subject to the use of planning conditions. The proposals are therefore considered to comply with the provisions of Policies RE3 and RE4 of the Oxford Local Plan.

Sustainability

- 10.176. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.
- 10.177. The application is accompanied by an Energy Statement, which has been modified and updated during the course of the application. The updated Energy Statement follows the submission of the initial document which indicated the use of low nitrogen gas boilers and solar photovoltaic panels throughout the development. However, following objection to the use of gas boilers by Officers, gas boilers have been removed in favour of the use of air source heat pumps (ASHP) to the houses and solar photovoltaic panels to the flat, thus providing an all electric heating scheme. Other measures include:
- High water efficient fittings
 - Energy efficient lighting
 - Enhanced U values and enhanced building fabric standards
- 10.178. The development would exceed the requirement to achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations, with a reduction of 41% carbon emissions which in conjunction with the range of sustainability measures incorporated in the development, the proposals would meet this part of the requirements of Policy RE1 of the Oxford Local Plan.

- 10.179. It is noted that the Building Regulations have been updated in June 2022, however, given how advanced this application is, officers accept that the position is reasonable to require compliance against the 2013 base.
- 10.180. Details of the ASHP have also not been submitted, but details would be required by a condition. Details of the PV panels and their placement will also be required as a condition. Subject to this, is considered the application complies with policy RE1 of the Oxford Local Plan.

Air Quality

- 10.181. Policy RE6 of the Oxford Local Plan has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced.
- 10.182. The baseline assessment shows that the site is located within the Oxford city wide Air Quality Management Area. Pollutant concentrations at monitoring locations representative of the Application Site, show compliance with the annual mean nitrogen dioxide levels in recent years. The results indicate that concentrations at proposed receptor locations within the site boundary are well below relevant air quality objectives for nitrogen dioxide.
- 10.183. According to the submitted Air Quality Assessment, the railway line that passes close to the site the railway line does not fulfil any of the criteria identified for assessment, hence potential emissions from trains are considered to be negligible. Although it is recognised that is an aspiration for reopening this line for passenger transport but the application must be assessed and determined on the basis of the use of this trainline at the present time.
- 10.184. As detailed in the preceding section, the energy statement has been updated to indicate an all electric development, as amended from previously using a combination of individual ultra-low NOx gas combination boilers with PV panels, limiting impact on air quality.
- 10.185. According to the Transport Statement and Air Quality Assessment, the development will result in a maximum of 328 additional daily vehicular trips. An air quality assessment has been carried out using the ADMS-Roads dispersion model to determine the impact of emissions from road traffic on sensitive receptors. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO₂ and particulate matter (PM₁₀) concentrations are well below the objective levels in the 'with' development scenario. The Air Quality modelling results show that the development will cause NO₂ and PM₁₀ concentrations to increase by 0.5 and <0.1 µg/m³, respectively, which is classed as a negligible impact. Therefore, no mitigation is required as the air quality objectives are predicted to be met.
- 10.186. This development includes the delivery of 76 parking spaces. Policy M4 (Provision of Electric charge points) of the Oxford Local Plan 2036 requires a

minimum of 25% of parking spaces to be provided with charging points on non-residential developments, and 100% of parking for residential developments to be Electric Vehicle ready. This is required to support air quality objectives across the city and will need to be controlled via a condition.

10.187. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed in the Air Quality Assessment, and the risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. This will be secured via a condition.

10.188. Having reviewed all the above documents and the proposal, Officer consider that the air quality levels at this development will be below current limit values for NO₂, PM10 and PM2.5 as long as the recommended conditions are imposed. Subject to this it is considered the scheme accords with policy RE6 of the Oxford Local Plan 2036.

Archaeology

10.189. Policy DH4 of the Local Plan has regard to archaeology and the historic environment. The archaeological implications of the proposed scheme have been considered based on an assessment of the information in the Oxford Historic Environment Record and the submitted Heritage Impact Assessment (John Moore Heritage Services 2021).

10.190. Officers consider the site is of interest because it is located within an area that has produced extensive and dispersed evidence for prehistoric settlement and Roman pottery manufacturing activity (to the north, south, east and west). It therefore has general potential for archaeology of these periods. However it is noted that the Dominion Oils site has seen extensive previous disturbance (not all fully characterised) and that any survival of archaeological remains in this location is likely to be restricted to parts of the site where geotechnical work suggests the presence of un-truncated natural.

10.191. In view of this and in consideration of the Heritage Impact Assessment, officers indicate that any consent granted for this application should be subject to a condition to secure archaeological trial trenching followed by further mitigation as appropriate. Subject to imposing such a condition, the application would accord with policy DH4 of the Local Plan 2036 and the NPPF.

Land Contamination

10.192. Policy RE9 of the Local Plan states planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which details the investigation that has been carried out to assess the nature and extent of contamination and the possible impacts it may have on the development and future users, biodiversity, the natural and built

environment. Further the report sets out detailed mitigation measures to allow the development to go ahead safely and without adverse effect in respect of removing the contamination, treating the contamination, protecting and/or separating the development from the effects of the contamination and validation of mitigation measures.

10.193. The Environment Agency and Land Quality Officer has considered the submitted Contaminated Land Desk Study and Site Investigation Report, undertaken by The Brownfield Consultancy Ref BC537 ES01 April 2021.

10.194. The site has a history of former contaminative uses having previously been used as an oil depot and adjacent railway sidings. The Environment Agency notes that the previous use of the site as an oil depot presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

10.195. Although some remedial works has occurred in the past, this is understood to not be to a level deemed appropriate for residential use. Officers advise it is apparent that there are several potential on-site contamination sources that have not been adequately investigated yet during the recent contamination risk assessment work completed at the site. As a result there is a requirement to conduct further detailed intrusive site investigation work to refine the Conceptual Site Model and determine what remedial works may be necessary to mitigate any potentially significant contamination risks and render the site suitable for use.

10.196. This requirement for further contamination risk assessment work is acknowledged within the Brownfield Consultancy Report (Section11). As a result it is recommended that planning conditions are included in any approval. This too would reflect the concerns of the Environment Agency who advise that the Report demonstrates that it will be possible to manage the risks posed to controlled waters by this development and the proposed development will be acceptable in terms of groundwater quality subject to a condition to secure the submission of a remediation strategy to deal with the risks associated with contamination. This is necessary as the report submitted does not give sufficient details regarding proposed remediation.

10.197. Subject to the imposition of conditions to require this further work, it is recommended that the proposal complies with policy RE9 of the Local Plan.

Social Infrastructure

10.198. Objection has been received during the application regarding the capacity of Littlemore for a development of this scale in terms of social infrastructure in respect of healthcare and education. The Clinical Commissioning Group who control healthcare and capacity, have not made any comments on the application, and there is no indication from the Local Plan adoption that there is no capacity within existing surgeries for additional growth from residents on this development. Further the County Council Education department indicate that there is capacity in existing schools to

meet the educational needs arising from residents. Overall, there are no grounds to support a reason for refusal on lack of social infrastructure to support this scheme.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 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.
- 11.4. 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.
- 11.5. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policies in the Oxford Local Plan 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.
- 11.6. 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 NPPF, 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.

- 11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed and the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject also to the conditions in section 12 below.

12. CONDITIONS

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

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

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

Reason: To control the extent of the development and to accord with policies S1, DH3, H14, G2, G7, RE1, RE3, RE4 of the adopted Local Plan 2036

- 3 Samples of the exterior materials to be used on the elevations, means of enclosures, railings and hard landscape surfaces, shall be submitted to, and approved in writing by the Local Planning Authority before the start of work above ground levels on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the setting of Littlemore Conservation Area in which it is adjacent and to achieve a high quality development and to accord with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

- 4 Prior to any work above ground, details of all means of enclosures as well as details of the proposed railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the setting of Littlemore Conservation Area in which it is adjacent and to achieve a high quality development and to accord with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

- 5 Notwithstanding the submitted plans, prior to any works commencing above ground, details of all proposed levels for the external areas and Finished Floor levels, as well as existing levels shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriate to the context of the site given the change in levels and is delivered in a manner that is acceptable

for the residents and to accord with policies DH1, DH3, G8, M1, M3, M5 of the Local Plan.

- 6 Notwithstanding the submitted plans, prior to the commencement of development above ground, a soft and hard landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show details of treatment of paved areas, informal play equipment and furniture, areas to be grassed or finished in a similar manner, existing retained trees and proposed new trees, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types. 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.

- 7 The landscape plan as approved in condition 6 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.

- 8 Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape plan in condition 6 that fails 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.

- 9 Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

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

- 10 No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall

be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 11 Notwithstanding the submitted plans, prior to the commencement of development above ground, details of the cycle parking areas including dimensions and means of enclosure for both the apartments and for the dwellings, 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 parking of cycles.

Reason: To ensure each dwelling is provided with cycle store provision in order to encourage sustainable modes of transport and to accord with policy M5 of the Oxford Local Plan.

- 12 Prior to commencement of the development above ground, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The plan must also specify which spaces are allocated and which spaces are unallocated. The development shall be carried out in accordance with the details as approved and retained as such for the purposes of car parking thereafter

Reason: To ensure that parking is provided in a manner that is safe and to accord with policy M3 of the Oxford Local Plan

- 13 Prior to the commencement of any development, a Construction Traffic Management Plan (CTMP) which addresses the elements as specified in Policy M2 of the Oxford Local Plan as a minimum should be submitted to and

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and to accord with policies M1 and M2 of the Oxford Local Plan.

- 14 Prior to the commencement of any development above ground, details of the siting of electric vehicle charging points to be installed shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details, prior to the first occupation of the development and permanently so retained thereafter.

Reason: To provide infrastructure for supporting electric vehicle charging to assist modal shift to electric vehicles and to accord with policy M4 of the Local Plan.

- 15 Prior to the commencement of any development above ground, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel plan shall be implemented on first occupation of the site and adhered to thereafter.

Reason: To encourage the use of sustainable modes of transport and to comply with the guidance in the NPPF and policy M2 of the Oxford Local Plan.

- 16 Notwithstanding the submission of any plans, prior to the first occupation of the development, details of the bin stores for each dwelling 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 and provided for each dwelling prior to first occupation of that dwelling and shall thereafter be retained as such for the purposes of bin storage only

Reason: To ensure that there is adequate bin storage and to comply with policy DH7 of the Oxford Local Plan 2036

- 17 Notwithstanding the submitted plans, prior to any works above ground, details of all proposed levels for the external areas and finished floor levels for all buildings as well as existing levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is appropriate to the context of the site and is delivered in a manner that is acceptable for the residents and to accord with policies DH1, DH3, G8, M1, M3, M5 of the Local Plan.

- 18 Prior to first occupation of Plot 1, the proposed bedroom window on the first floor of the eastern elevation shall be fitted with obscure glass and be

permanently fixed shut and retained as such thereafter

Reason: To safeguard the residential amenity of 4 Railway Lane and to comply with policy H14 of the Local Plan.

- 19 Prior to the commencement of works above ground details of the proposed pleached tree(s) to be planted along the north eastern boundary including their size, number and position, shall be submitted to and approved in writing by the Local Planning Authority. The pleached tree(s) will be planted in accordance with the approved details prior to first occupation of the development and retained in perpetuity. Should the tree(s) 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 beforehand by the Local Planning Authority.

Reason: To safeguard the residential amenity of 4 Railway Lane and to comply with policy H14 of the Local Plan.

- 20 Prior to the commencement of development above ground, a management maintenance plan for the open space including underground crate storage, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of frequency of maintenance, form of management, any replacement planting and frequency, treatment of areas. The management and maintenance plan shall be adhered to thereafter

Reason: To ensure that the open space is provided and maintained as functional open space in perpetuity in accordance with policy G8 of the Oxford Local Plan.

- 21 No development shall be occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. 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.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development and to accord with policy RE4 of the Oxford Local Plan

- 22 Prior to first occupation of the development, details of the proposed air source heat pumps (ASHP) shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development proposal is designed to minimise carbon reductions in accordance with policy RE1 of the Oxford Local Plan.

- 23 No development shall take place until an update badger survey has been undertaken, no more than three months prior to the commencement of development. The survey shall include a minimum of 21 days monitoring of the previously identified mammal burrow. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable

Reason: To comply with the Protection of Badgers Act 1992 and policy G2 of the Oxford Local Plan 2036

- 24 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Reptile Mitigation Strategy (Reference E2052r2, produced by Bioscan and dated August 2021) as modified by the Response to Comments from Ecology Officer (Reference SW21/E2052/CGL1, produced by Bioscan and dated May 23rd 2022)

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

- 25 No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds shall be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To comply with the wildlife and Countryside Act 1981 (as amended) and to comply with policy G2 of the Oxford Local Plan

- 26 Prior to occupation of the dwellings hereby permitted, a lighting design strategy for biodiversity 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 internal and 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 requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

27 No development shall take place (including demolition, 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.

- 28 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, both on and off-site;
- 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; and
- 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 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 in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 29 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme will include specifications and locations of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing shall include gaps suitable for the safe passage of hedgehogs. The development shall only be implemented in accordance with the approved details.

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.

- 30 No development approved by this planning permission shall commence until a contamination risk assessment to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has

been submitted to, and approved in writing by, the local planning authority. This risk assessment will include the following components:

a) A site investigation scheme, based on the submitted contaminated land desk study & site investigation report (The Brownfield Consultancy Ref: BC537 ES01. dated 18th April 2021) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 31 The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 – 2036 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 32 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason- To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 – 2036 and in accordance with paragraph 174 of the National Planning Policy Framework to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

- 33 No development shall take place until the applicant, or their agents or owners or successors in title, has secured the implementation of a programme of archaeological work comprising stage 1) trial trenching and stage 2) archaeological recording in accordance with a written scheme of investigation which has been submitted to 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 and Roman remains and to comply with Oxford Local Plan Policy DH4 and the NPPF.

- 34 No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on page 21 of the Air Quality Assessment that was submitted with this application, are included 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.

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

- 35 Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- Location of EV charging points;
- The amount of electric car charging points should A) cover at least 25% of the amount of permitted parking of the commercial development; B) correspond to 100% for each residential unit with an allocated parking space
- Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

Reason - To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no structure including additions, windows and outbuildings shall be erected to the dwelling house or within its curtilage as

defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area and the amenity of neighbouring properties and occupiers of the dwellings in accordance with policies DH1, DH3, H14 and H16 of the Oxford Local Plan.

- 37 Notwithstanding the submitted plans, prior to first occupation of the development details of the footpath link to Sainsburys Supermarket on the northern boundary showing removal of seats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be provided in accordance with the approved details prior to first occupation of the development.

Reason: To enhance opportunities for designing out crime and to accord with policy DH1 of the Oxford Local Plan.

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

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour and to accord with policy DH1 of the Oxford Local Plan

- 39 Prior to commencement of development above slab level, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The development shall be in accordance with the approved details.

Reason: To safeguard future residents and the buildings themselves from crime and antisocial behaviour and to accord with policy DH1 of the Oxford Local Plan

- 40 No development, shall commence until a revised scheme has been submitted to and approved in writing by the Local Planning Authority which takes into account the future upgrade of the freight line to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA L_{eq} 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA L_{eq} 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA L_{eq} 16 hour during the day and 30 dBA L_{eq} 8 hour at night. The submitted scheme shall

ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected and to accord with policy RE8 of the Oxford Local Plan.

- 41 No development, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which takes into account the future upgrade of the freight line to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field]. The scheme of noise mitigation as approved shall be constructed in its entirety prior to the first occupation of any dwelling and shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected and to accord with policy RE8 of the Oxford Local Plan

- 42 As the development is close to transport infrastructure, no development, other than demolition and foundation installation shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected and to comply with policy RE8 of the Oxford Local Plan

- 43 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting and to accord with policy RE7 of the Oxford Local Plan

- 44 Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays No works to be undertaken on Sundays or

bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site and to comply with RE7 of the Oxford Local Plan

- 45 Notwithstanding the submitted drainage strategy, a further drainage strategy shall be submitted to and approved in writing by the Local Planning Authority, development shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- 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;
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan for SuDS in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- 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
- Phasing
- Detailed drainage layout with pipe numbers
- Sizing of attenuation
- Discharge rates
- Discharge volumes

Reason: To control drainage and flooding and to ensure compliance with policies RE3 and RE4 of the adopted Local Plan 2036.

- 46 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 accord with Section 21 of the Flood and Water Management Act 2010 and to accord with policy RE4 of the adopted Local Plan 2036.

- 47 The development shall be carried out in accordance with the details of the sustainability measures as specified within the Energy Statement PR8451 Rev 5 dated 23rd June 2022 and retained and managed thereafter unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with policy RE1 of the adopted Local Plan 2036

- 48 Prior to the first occupation of plots 8, 20, 74, 75 and 82, these plots will be provided so as to accord with Category 3 of Building Regulations Approved Document Part M, unless otherwise agreed in writing by the Local Planning A

Reason: To ensure the homes provided are accessible and accord with policy H10 of the Oxford Local Plan 2036.

Informative

1. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
2. 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.

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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OXFORD CITY PLANNING COMMITTEE

19th July 2022

Application number:	22/01215/FUL		
Decision due by	16th August 2022		
Extension of time	Not applicable		
Proposal	Retention of existing research modular building for the Department of Experimental Psychology (Use Class D1) for a temporary period of 4 years.		
Site address	Anna Watts Building, Radcliffe Observatory Quarter, Woodstock Road, Oxford – see Appendix 1 for site plan		
Ward	Walton Manor Ward		
Case officer	Jennifer Coppock		
Agent:	Miss Rebecca Bacon	Applicant:	The Chancellor, Masters And Scholars Of The University
Reason at Committee	Major development		

1. RECOMMENDATION

1.1. The 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 11 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 an application for the retention of a research modular building for the Department of Experimental Psychology ('Anna Watts Building') as academic non-residential institution use (Class F1) for a temporary period of either four years or until such a time that the Life and Mind Building (LaMB) has been completed and any ongoing experiments taking place at the Anna Watts building have concluded, whichever is the sooner.

- 2.2. The temporary building continues to result in harm to the setting, and in consequence the significance, of a number of heritage assets. The harm is less than substantial but cumulative, however the proposal has already produced public benefits in the form of the retention of 201 jobs and the continued contribution to Oxford's economy and knowledge base. It is considered that the public benefits outweigh the harm to heritage assets. The harm will also cease following the planned removal of the structure after the temporary period of consent therefore the proposal is found not to conflict with policy DH3 of the Oxford Local Plan 2036 or the NPPF and section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 2.3. Due to the separation distance between the building and the neighbouring properties and the acoustic mitigation measures in place, the development continues to be considered acceptable in terms of its impact on neighbouring amenity and noise in accordance with Policies RE7 and H14 of the Oxford Local Plan.
- 2.4. Highways, archaeology, flooding, land contamination and biodiversity impacts and the impact on existing trees are found to be acceptable in accordance with policies M1, M2, M3 and M5, DH4, RE4, RE9, G2 and G7 of the Oxford Local Plan 2036.
- 2.5. Officers consider there to be exceptional circumstances arising from the closure of the Tinbergen building which, to ensure the continued function of the Department of Experimental Psychology, warrants the retention of the temporary building for a maximum period of four years.

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 on the former Radcliffe Infirmary Hospital site, between Woodstock Road and Walton Street. The site was the location of the former Maternity Hospital and is on the western side of the Radcliffe Observatory Quarter (ROQ) site to the south of New Radcliffe House.
- 5.2. The western boundary is formed of a high wall at the back of the pavement to Walton Street. The northern boundary comprises the access road into the ROQ site from Walton Street. To the east is a central vacant plot, with a resolution to grant planning permission for a new University Humanities building (ref. 21/03057/FUL). To the south is St Paul's, a former church and Listed Building, now known as Freud's bar/ café.
- 5.3. The site lies immediately to the south of the Walton Manor Conservation Area boundary and to the west of the Jericho Conservation Area boundary but does not fall within a conservation area itself. The site is surrounded by and falls

within the setting of a number of heritage assets. Radcliffe Observatory, a Grade I listed building is located immediately to the north east of the site on the opposite side of the ROQ site.

- 5.4. The site is within Flood Zone 1 (lowest probability of flooding). The site is located within the Radcliffe Observatory Quarter Site Allocation.
- 5.5. A site location plan is provided below:

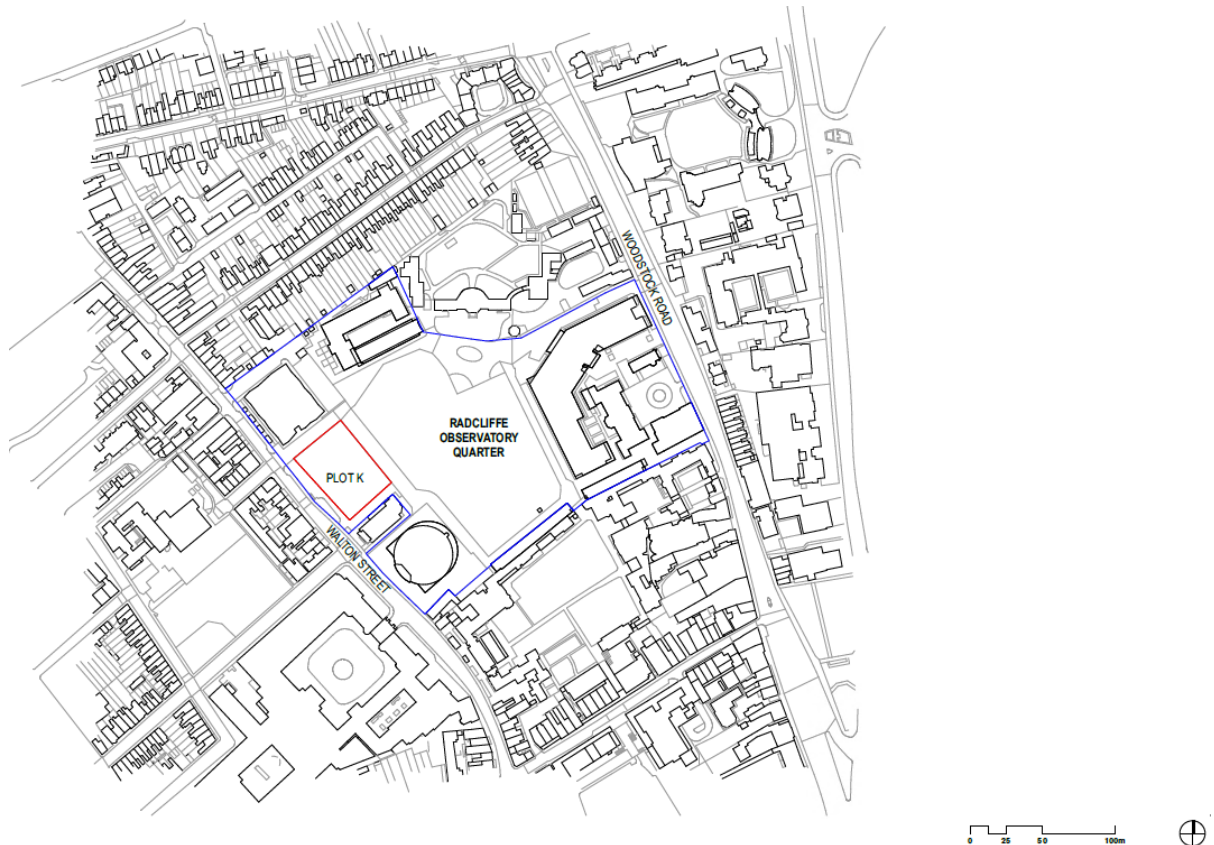


Fig.1 Site Location Plan

6. PROPOSAL

- 6.1. The application proposes the retention of the Anna Watts building - a Research modular building for the Department of Experimental Psychology as academic non-residential institution use (Class F1) for a temporary period of either four years or earlier, being such a time that the new LaMB is completed and ongoing experiments at the Anna Watts building have concluded, whichever is the sooner.
- 6.2. The building is a two storey modular building which measures 2680 sq. m. (GEA) and measures approximately 8.2 metres in height. The building is finished in a mid-grey steel cladding. The layout comprises the following:

Ground Floor

- Main Reception and plant room;
- Developmental Science Centre testing booths;

- Cognitive Neuroscience Centre;
- Cognitive Neuropsychology Centre;
- Waste and recycling store.

First Floor

- Administrative offices;
- Open plan workstations;
- Open plan experiments testing space;
- Small and medium meeting rooms;
- Staff common area;
- Principle Investigator single offices.

RELEVANT PLANNING HISTORY

- 6.3. The table below sets out the most relevant planning history for the application site and the University's re-provision of other services whilst the LaMB is under construction:

Application site

17/01187/FUL - Research modular building for the Department of Experimental Psychology as academic non-residential institution use (Class D1) for a temporary period of five years. Approved 8th August 2017.

Zoology Research and Administration Building, 11A Mansfield Road

22/00887/FUL - Retention of the existing research and administrative modular building for the department of Zoology (Use Class D1) for a temporary period of 4 years. Pending decision

17/01144/FUL - Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry for a temporary period of 5 years. Approved 08.08.2017

17/01259/FUL - Erection of a research and administrative modular building for the department of Zoology for a temporary period of 5 years. Approved 08.08.2017

Life and Mind Building, Former Tinbergen Building, South Parks Road

20/02471/FUL - Erection of research and teaching building (Use Class F.1) over five storeys plus basement level including associated café, offices, laboratories and roof level greenhouses, plant, PV panels and flues. Creation of new public open space with basement level access. Hard and soft landscaping works,

installation of cycle and car parking, alterations to existing access points and service road, creation of new pedestrian and cycle access, installation of electricity substation and ancillary works. Approved 16.03.2021 and under construction.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	NPPF	Local Plan	Other planning documents
Design	126-136	DH1 - High quality design and placemaking	
Conservation/Heritage	189-208	DH3 - Designated heritage assets	
Natural environment	174-188	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	
Transport	104-113	M1 - Prioritising walking, cycling and public transport M5 - Bicycle Parking	Parking Standards SPD
Environmental	152-173	RE4 - Sustainable and foul drainage, surface RE8 - Noise and vibration	Energy Statement TAN
Miscellaneous	7-14	S1 - Sustainable development RE2 - Efficient use of Land RE7 - Managing the impact of development SP54 – Radcliffe Observatory Quarter	

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 14th June 2022 and an advertisement was published in The Oxford Times newspaper on 16th June 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 8.2. No objection

Thames Water Utilities Limited

8.3. No comments made.

Historic England

8.4. No comments made.

Public representations

8.5. No local representations were made in response to this application.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design and impact on the historic environment
- iii. Impact on neighbouring amenity
- iv. Highways
- v. Other matters

i. Principle of development

9.2. In assessing the acceptability of the principle of development, it is important to first set out the relevant background which has led to the current submission. Planning permission was granted for the demolition of the Tinbergen Building on 6th September 2019 under application reference 19/01636/FUL. Planning permission was later granted for the new Life and Mind Building (LaMB) on the site of the former Tinbergen Building on 16th March 2021 under application reference 20/02471/FUL. In 2017, permission was granted for the temporary buildings, subject of this application, which established the principle of the development. This temporary permission will expire in August 2022, therefore this current application simply requests the retention of the buildings for a maximum of four years.

9.3. The LaMB is currently under construction and is due to be completed towards the end of 2024. Once completed, the departments that were relocated within the Anna Watts building will move into LaMB. The existing temporary buildings therefore need to be retained until LaMB has been completed. Due to the nature of the departments and ongoing experiments that take place over several months in controlled environments, it will take some time for the departments to move over to LaMB as it will depend on when experiments come to an end. Therefore, it is suggested that the time limit condition is worded in such a way that allows for the gradual transition over to the LaMB (set out at section 11 below).

9.4. Local Plan policy E2 supports the growth of the University of Oxford through the redevelopment and intensification of academic and administrative floorspace on existing University of Oxford sites. It is recognised, within the preamble of policy E2, that the two universities have a significant economic impact on the city as direct employers, purchasers of goods and services, hosts to over 30,000

students and in the research and development opportunities that they facilitate and inspire. The University of Oxford is a world-renowned centre of academic excellence as well as one of the largest employers in Oxford. Officers are mindful that the premature loss of the temporary academic floorspace would have a serious and detrimental impact on both the staff and students at Oxford University but also would have resonating impacts for the wider economy of Oxford. Therefore, the retention of the Anna Watts building is supported in principle, subject to other materials considerations and compliance with the objectives of the Local Plan as a whole set out within this report.

- 9.5. Further, site allocation policy SP54 supports the development of academic institutional use within the ROQ, providing that development is designed to ensure that there is no adverse impact on the Oxford Meadows SAC.
- 9.6. Therefore, considering the exceptional circumstances arising from the closure of the Tinbergen building; the temporary nature of the proposed building, the clear and demonstrable need for the continued use of the temporary building for academic use, Officers consider that the proposal would comply with the aims of the NPPF and would be compliant with Local Plan policies E2 and SP54.

ii. Design and impact on the historic environment

- 9.7. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 9.8. As above, the application site is not located within a Conservation Area but lies to the south of Walton Manor Conservation Area boundary and to the west of the Jericho Conservation Area boundary. Immediately adjacent to the south of the site is St Paul's, a former church and Listed Building, now known as Freud's Café and as such Local Plan policy DH3 is applicable. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.
- 9.9. 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. Decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations). 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.

- 9.10. The NPPF (July 2021) requires proposals to be based upon an informed analysis of the significance of all affected heritage assets, including conservation areas and listed buildings, and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraphs 194 and 195). In making any such assessment great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (paragraph 199). When assessing the impact of a proposal on designated heritage assets the NPPF requires any potential harm to be clear and convincingly justified (paragraph 200), and for the Local Planning Authority to undertake a balanced judgement having regard to the scale of any harm or loss to the significance of the heritage asset and any public benefits that may outweigh the harm (paragraphs 201 and 202). While the site is outside of a conservation area it is in close enough proximity to impact on the setting of the conservation areas which surround it.
- 9.11. As considered by Officers within the committee report for the original application, the temporary building causes less than substantial harm to the setting of the Jericho Conservation Area by interrupting views from within the ROQ to the Conservation Area. The building would also cause less than substantial harm to Grade II listed St Paul's Church due to its interruption of important views to St Paul's (as shown in fig. 2 below). However, the building has already produced public benefits by retaining 201 jobs and is continuing to contribute to Oxford's economy and knowledge base. It is therefore considered that the retention of the building for a further four years would continue to provide these benefits which would outweigh the less than substantial harm identified. As such the proposal is considered to comply with NPPF paragraph 202 and policy DH3 of the Oxford Local Plan 2036. For the period of time that the temporary building remains on this site, the harm will endure however this period would be limited and the harm would cease following the planned removal of the structure.



Fig 2. Anna Watts Building in relation to the view onto Walton Street and St Paul's to the left.

- 9.12. The two storey building measures 8.2 metres in height, significantly lower than the surrounding buildings, and therefore Officers consider that the building height is not unduly harmful and acknowledge that the building is partially screened by the existing 3.2 metre high boundary wall with vegetation (as shown in fig. 3 below). Officers conclude that the existing building is not unduly harmful to the immediate visual amenity of the streetscene.



Fig. 3 View of Anna Watts building from Walton Street

- 9.13. The building is utilitarian in appearance with a grey clad finish (Merlin Grey). Fenestration comprises top hung awning windows with frames in a matching grey finish and glazed doors also in the same matching colour. While the appearance of the building is functional, it is not found to be unduly incongruous or to create significant harm to the surrounding visual amenity.
- 9.14. Officers conclude that the retention of the building is acceptable in design terms, considering the temporary nature of the structure. It is considered that there will not be significant harm to the character of the immediate surrounding area as a result of the proposed building and any public benefits derived from the building outweigh the harm to heritage assets. Therefore, the proposal is found to comply with policies RE7 and DH1 of the Oxford Local Plan 2036. Due regard has been had to section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990.

iii. Impact on neighbouring amenity

- 9.15. The building is surrounded to the north-west and west by New Radcliffe House and University buildings respectively. To the north east is a large area of undeveloped land. To the south is Freud's bar and the Blavatnik School of Government. To the east across Walton Street are residential properties. Due to the siting of the proposed building and the significant separation distances between the building and the nearest neighbouring buildings, Officers are satisfied that the building has not resulted in harmful overlooking, overbearing or loss of light. The building is set back within the plot to increase the amount of separation

distance between it and the listed building to the south and while there are south facing windows within the proposed building, Officers consider that the commercial use of the neighbouring building to the south ensures that there has not been significant harm caused to neighbouring occupiers. The development is considered to comply with the requirements of policies RE7 and H14 of the Oxford Local Plan 2036.

Noise

- 9.16. The applicant submitted an acoustic report in support of the 2017 application to establish the prevailing noise climate at a location considered representative of the closest noise sensitive receptors. The closest noise sensitive receptors were identified as the Jericho Health Centre, which is approximately 11 metres to the north of the site boundary. The residential properties on Walton Street were also identified.
- 9.17. Officers are not aware of any complaints in relation to noise emitted from the building and consider that this is due to the nature of the use of the building and the significant separation distance from residential properties. A condition would be carried forward to ensure that appropriate controls remain in place in relation to mechanical plant noise. As such the development would accord with RE7 of the Oxford Local Plan 2036.

iv. Highways

- 9.18. Vehicle access is via Woodstock Road, by way of the existing access road to the north of the site. This access is controlled by barriers and intercom and used largely for service/delivery/access-only purposes to the inner core of the ROQ. Disabled car parking provision is located at the south east of the site and accessed from Woodstock Road. Cycle parking is located to the north-west side of the building, adjacent to the main entrance. Pedestrian access is from Walton Street and from within the surrounding ROQ site.
- 9.19. Officers and the Local Highway Authority consider that the resultant transport impact has been limited to a localised area immediately surrounding the site. Likewise, given that the development only provides four disabled parking spaces, sufficient cycle parking and is located with good access to public transport, the development has not had a significant traffic impact. As such it is therefore considered acceptable in accordance with policies M1, M2, M3 and M5 of the Oxford Local Plan 2036.

v. Other matters

- 9.20. Officers have previously considered flooding, land contamination, air quality, archaeology, energy and biodiversity impacts and impact on trees, as set out within the committee report at appendix 2, and as such, officers continue to find the proposal to be acceptable in accordance with policies RE1, RE4, RE6, RE9, DH4, G2 and G7, subject to a number of conditions that would be partially carried forward from the 2017 permission, where relevant, as set out in section 11 of this report.

10. CONCLUSION

- 10.1. Officers consider there to be exceptional circumstances arising from the closure of the Tinbergen building and the temporary nature of the building, the clear and demonstrable need for the short-term retention of the temporary building, lead Officers to conclude that the proposal would comply with the aims of the NPPF and would accord with Local Plan Policies E2 and SP54.
- 10.2. The temporary building continues to result in harm to the setting, and in consequence the significance, of a number of heritage assets. The harm is less than substantial but cumulative, however the proposal has already produced public benefits in the form of the retention of 201 jobs and the continued contribution to Oxford's economy and knowledge base. It is considered that the public benefits outweigh the harm to heritage assets. The harm will also cease following the planned removal of the structure after the temporary period of consent therefore the proposal is found not to conflict with policy DH3 of the Oxford Local Plan 2036 or the NPPF and section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 10.3. Due to the separation distance between the building and the neighbouring properties and the acoustic mitigation measures in place, the development continues to be considered acceptable in terms of its impact on neighbouring amenity and noise in accordance with Policies RE7 and H14 of the Oxford Local Plan.
- 10.4. Highways, archaeology, flooding, land contamination and biodiversity impacts and the impact on existing trees are found to be acceptable in accordance with policies M1, M2, M3 and M5, DH4, RE4, RE9, G2 and G7 of the Oxford Local Plan 2036.
- 10.5. 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 S1 of the Oxford Local Plan 2036 repeats this.
- 10.6. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 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.
- 10.7. 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 NPPF, 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.

- 10.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions in section 11 below.

11. CONDITIONS

1. This permission shall be for a limited period of 4 years only from the date of this permission or until such time that the Life and Mind Building, consented under 20/02471/FUL, is completed and occupied and any ongoing experiments taking place within the Anna Watts building have concluded, whichever is the sooner.

After this time, the building(s) and works carried out under this permission shall be removed and the land reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: The temporary nature of the building and the harm it would cause to the setting of nearby conservation areas and surrounding listed buildings is such that it is considered inappropriate to allow the additional changes on a permanent basis in accordance with policies RE7, DH1 and DH3 of the adopted Oxford Local Plan 2036.

2. The development permitted shall be retained 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 policies RE7 and DH1 of the Oxford Local Plan 2036.

3. In respect of any retained air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing noise level is not increased when measured one metre from the nearest noise sensitive premises. In order to achieve this the plant must continue to attenuate noise so that it is 5 dBLAeq,t below the existing background levels of 46 dB LA90,1 h daytime and 35 dB L90,5min night time.

Reason: To maintain the existing noise climate and prevent ambient noise creep in the interests of residential amenities in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

4. There shall be no variation to existing underground services and soakaways (details shown on previously approved plan 00-C-EX-ALL-01 rev. 1) without the prior written consent of the Local Planning Authority.

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

5. The building shall be retained in accordance with the previously approved

Biodiversity Method Statement (dated 13th July 2017) and on drawing number: 11564 - WMS - EP - ZZ - DR - A - 90002 - S2 - P1 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy G2 of the Oxford Local Plan 2036.

6. The development shall retain at least the following biodiversity enhancement measures installed on the Radcliffe Observatory Site:
 - o 4 x bird nesting boxes, (to be installed on retained trees);
 - o 2 x bat roosting boxes (to be installed on retained trees);
 - o nectar providing plants, and;
 - o 1 pollinator house.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy G2 of the Oxford Local Plan 2036.

7. Any changes to the Drainage Strategy, including details of Sustainable Drainage (SUDs) as shown on previously approved drawing no. 11564 - WMS - ZZ - XX - DR - C - 39001 - S1 - P02 and within the Surface Water Drainage Strategy report (dated 23rd June 2017) shall be submitted for approval in writing to the Planning Authority.

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

8. The approved drainage infrastructure, including the Drainage Strategy (as updated and approved by the Local Planning Authority in accordance with condition 7, if applicable) shall be retained and maintained throughout the duration of the buildings occupation.

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

9. The covered and secure cycle storage shall be retained on-site as shown on previously approved drawing no. D-LE-80000 Rev01. The cycle provision shall not be adapted for any other purpose without written permission from the Planning Authority.

Reason: To encourage the use of sustainable modes of transport in accordance with policies M1 and M5 of the Oxford Local Plan 2036.

12. APPENDICES

Appendix 1 – Site location plan

Appendix 2 – Committee report for planning permission 17/01187/FUL

13. HUMAN RIGHTS ACT 1998

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

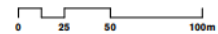
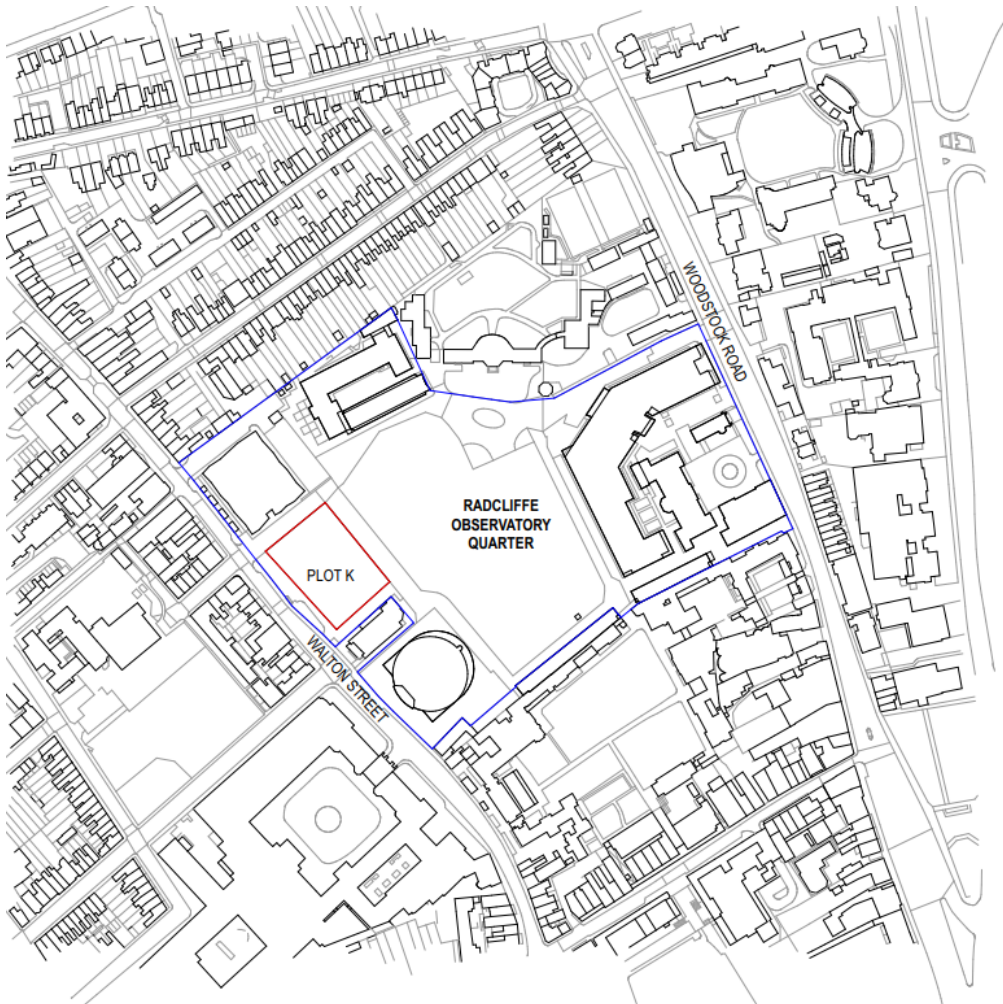
14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 – Site Location Plan

22/01215/FUL – Anna Watts Building



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WEST AREA PLANNING COMMITTEE

11th July 2017

Application Number: 17/01187/FUL

Decision Due by: 15th August 2017

Extension of Time: Not Applicable

Proposal: Research modular building for the Department of Experimental Psychology as academic non-residential institution use (Class D1) for a temporary period of five years.

Site Address: Plot K, Radcliffe Observatory Quarter, Woodstock Road, Oxford, OX2 6GG

Ward: North Ward

Agent: Mr Michael Crofton-Briggs

Applicant: The University of Oxford

Reason at Committee: Major Application

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

Grant planning permission for the reasons given in the report and subject to the required planning conditions set out in section 10 of this report and agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the erection of a research modular building for the Department of Experimental Psychology as academic non-residential institution use (Class D1) for a temporary period of five years.

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

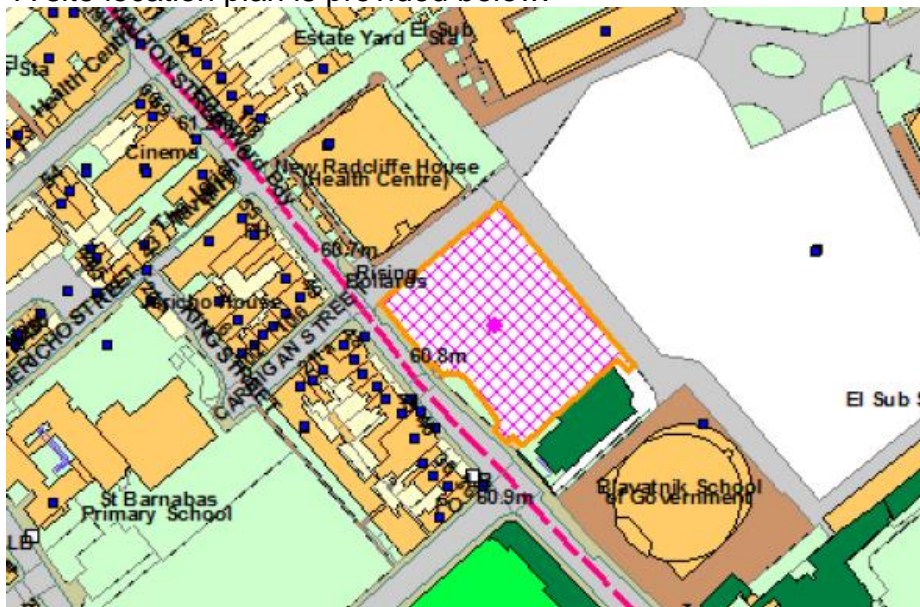
- Principle of development;
- Heritage, design and impact on the character of the surrounding area;
- Impact on neighbouring amenity;
- Highways and traffic impacts;
- Energy Impacts

- Other Matters - Ecology; Flood Risk; Trees; Air Quality and Archaeology.

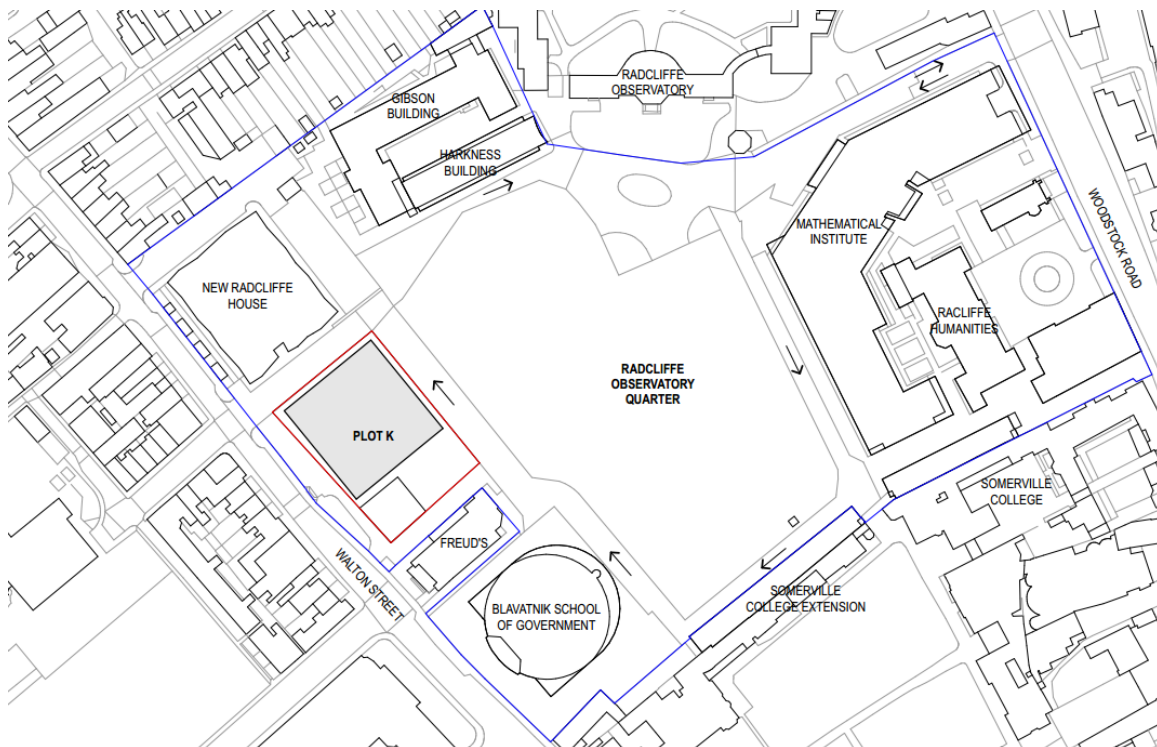
2.3. Officers consider there to be exceptional circumstances arising from the closure of the Tinbergen building which, to ensure the continued function of the Department of Experimental Psychology, warrants the erection of a temporary building.

3. SITE AND SURROUNDINGS

- 3.1. The application site (known as 'Plot K') is located on the former Radcliffe Infirmary Hospital site, between Woodstock Road and Walton Street. Plot K was the location of the former Maternity Hospital and is on the western side of the Radcliffe Observatory Quarter (ROQ) site to the south of New Radcliffe House.
- 3.2. The site is currently surrounded by a temporary hoarding due to its previous function as the works compound site while the Blavatnik School of Government (located to the south east of the site) was under construction.
- 3.3. The western boundary is formed of a high wall at the back of the pavement to Walton Street. The northern boundary comprises the access road into the ROQ site from Walton Street. To the east is a central vacant plot, allocated for further University development. To the south is St Paul's, a former church and Listed Building, now known as Freud's bar/ café.
- 3.4. The site lies to the south of Walton Manor Conservation Area boundary and to the west of the Jericho Conservation Area boundary. The site is within Flood Zone 1. The site is located within the Radcliffe Observatory Quarter Site Allocation.
- 3.5. A site location plan is provided below:



3.6. The block plan is shown below:



4. PROPOSAL

- 4.1. The application proposes the erection of a Research modular building for the Department of Experimental Psychology as academic non-residential institution use (Class D1) for a temporary period of five years.
- 4.2. The proposed building is a two storey modular building which would measure 2680m² in size (GEA), 36.3 metres by 37 metres. The building would be between 8.2 metres in height.
- 4.3. The proposal would be constructed from 66 modular units, based around a steel frame and is proposed to be clad in a composite insulated panel system with a plastic coated steel cladding with a mid-grey colour finish.
- 4.4. The proposed layout would be comprised of the following:

Ground Floor

- Main Reception and plant room;
- Developmental Science Centre testing booths;
- Cognitive Neuroscience Centre;
- Cognitive Neuropsychology Centre;
- Waste and recycling store.

First Floor

- Administrative offices;
- Open plan workstations;
- Open plan experiments testing space;

- Small and medium meeting rooms;
- Staff common area;
- Principle Investigator single offices.

5. RELEVANT PLANNING HISTORY

- 5.1. There is specific planning history for the application site however previously the Former Maternity Hospital was located on the application site.
- 5.2. The University purchased the Infirmary site from the NHS in 2003 and took possession in the early part of 2007. In November 2008 a Masterplan for the Infirmary site was brought before the Oxford City Council Area and Strategic Planning Committees for consideration. The Masterplan was not submitted as a planning application and so no specific planning application has been approved but it set out a context within which individual proposals could be drawn up with some flexibility in response to changing circumstances. The Masterplan did not propose a single or preferred layout, but sought instead to establish certain principles.
- 5.3. The Masterplan set out the following key principles:
- Optimising floor space requirements should be informed by detailed design considerations and assessment of impact;
 - The extent and location of any 5 storey development should be informed by an assessment of impact on views and context;
 - Taller buildings generally to front primary routes;
 - Development to Walton Street frontage to generally be no more than 3 storeys;
 - A hierarchy of streets and spaces to be created across the redevelopment site with east-west routes at the head of the hierarchy;
 - The primary east-west routes to constitute “public spaces” at all times;
 - The principal entrances to buildings to front all publically accessible spaces;
 - The redevelopment site to be linked by a series of high quality formal and informal landscaped spaces; and
 - Provision for periodic review and revision of Masterplan.
- 5.4. The table below sets out other applications submitted by Oxford University as a result of the closure of the Tinbergen Building:

Application Reference	Description of Development	Decision
17/01144/FUL (Land To The Rear Of The University Club, 11 Mansfield Road)	Erection of a teaching laboratory modular building for the Departments of Zoology and Biochemistry (Use Class D1) for a temporary period of 5 years.	Decision Pending
17/01259/FUL (Land To The	Erection of a research and administrative modular building for the department of	Decision Pending

Rear Of The University Club, 11 Mansfield Road)	Zoology (Use Class D1) for a temporary period of 5 years.	
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6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7 Paragraphs 56 - 68	CP.1, CP.6, CP.8, CP.9, CP.10, CP.13, CP.25	CS18		
Conservation/ Heritage	12 Paragraphs 126 – 141, of particular relevance is paragraphs 128 and 129	HE.3			
Natural Environment	11 Paragraphs 109 – 125,	CP.11, NE.16, NE.21, NE.22	CS9, CS11, CS12		
Social and community	8 Paragraphs 69 – 78, of particular relevance is paragraph 74.		CS19, CS29	Site Allocation SP47	
Transport	4 Paragraphs 29 - 41	TR.1, TR.2, TR.3, TR.4, TR.6, TR.12, TR.13	CS13		Parking Standards SPD
Environmental	10 Paragraphs 93 - 108	CP.20, CP.21, CP.22, CP.23	CS10		Energy Statement TAN

7. CONSULTATION RESPONSES

7.1. Site notices were displayed around the application site on 18th May 2017 and an advertisement was published in the Oxford Times newspaper on 25th May 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

- 7.2. No objection subject to conditions. Suggested conditions to secure a Construction Transport Management Plan (CTMP), drainage details and cycle parking.

Heritage Officer

- 7.3. No objections but acknowledged that the proposal would result in harm to the settings and significance of a number of heritage assets that lie adjacent to the site. The Officer considered that the public benefits of the proposal may be weighed against the harm.

Tree Officer

- 7.4. No objections subject to conditions to ensure that trees are adequately protected during the construction phases and to ensure that any new underground utility services and drainage avoid damage to tree roots.

Biodiversity Officer

- 7.5. No objections subject to conditions to secure the submission of a Biodiversity Method Statement; to secure protective measures during construction and biodiversity enhancements. Also requested an informative relating to vegetation clearance and nesting birds.

Environmental Health (Noise) Officer

- 7.6. No objections subject to a condition to ensure appropriate noise levels of mechanical plant/ ventilation/ air conditioning.

Flood Mitigation Officer

- 7.7. No objections subject to conditions relating to Sustainable Urban Drainage (SuDs) and the construction and on-going maintenance of the drainage infrastructure.

Land Quality Officer (Contamination).

- 7.8. No objections subject to condition requiring a watching brief for any unexpected contamination.

Other

- 7.9. The following consultees raised no objection:
- Oxford Preservation Trust;
 - Archaeology Officer;
 - Air Quality Officer.

7.10. The following consultees provided a response of no comment:

- Natural England;
- Historic England;
- Environment Agency.

7.11. The following consultees did not provide a response:

- Oxford Civic Society

Public representations

7.12. No public comments have been received at the time of writing this report.

Officer Response

7.13. A more detailed balancing assessment of the heritage impacts is set out in section ii of this report.

8. PLANNING MATERIAL CONSIDERATIONS

8.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Heritage, design and impact on the character of the surrounding area;
- iii. Impact on neighbouring amenity;
- iv. Highways and traffic impacts;
- v. Energy
- vi. Other Matters - Ecology; Flood Risk; Trees; Air Quality; Archaeology.

i. Principle of Development

8.2. In assessing the acceptability of the principle of development it is important to first set out the relevant background which has led to the current submission. The proposed temporary building would be used to accommodate staff and students from the Department of Experimental Psychology. Until Monday 13th February 2017 this department was located within the Tinbergen building (located to the north of the application site) however during renovation works it was discovered that the levels of asbestos within the building were more extensive than previously thought and it became apparent that works could no longer be effectively managed while the building was still occupied.

8.3. The total net usable area of the building (as of December 2016) was 14,377m². For the academic year 2016/2017 there were 201 staff, 159 post graduates and, 328 undergraduates within the Department of Zoology and 16 staff and 400 undergraduates within the Biochemistry building using the Tinbergen building. The closure of the Tinbergen building has resulted in the loss of facilities for these students and staff and the application for a temporary building forms part of the strategy to address this problem. The applicant has identified the following types of spaces are required as part of the re-provision:

- Standard office space/meeting rooms;

- Laboratory space and research write up facilities;
- Specialist laboratory space;
- Space with specialist equipment for key research projects, including Cat 2 and Cat 3 facilities¹ ;
- Teaching space with and without laboratory provision. The teaching labs provide space for approximately 240 students across the departments at any one time, of a total of approximately 350-500 students across the two undergraduate courses.
- Subject testing rooms and ancillary support space.

- 8.4. Core Strategy Policy CS29 (The Universities) states that planning permission will be granted for new academic floorspace on existing University of Oxford sites where proposals respect the character and setting of Oxford's historic core. The supporting text for the policy emphasises the significant contribution that Oxford University makes to the growth and competitiveness of Oxford's economy and the benefits arising in terms of skills, employment and wealth creation. The University of Oxford is a world-renowned centre of academic excellence as well as one of the largest employers in Oxford. Officers are mindful that the closure of the Tinbergen Building without any replacement provision would have a serious and detrimental impact on both the staff and students at Oxford University but also would have resonating impacts for the wider economy of Oxford. Therefore, the erection of a building to mitigate against the loss of facilities is supported on the basis that all other determining issues are found to be acceptable.
- 8.5. Local Plan Policy CP25 (Temporary Buildings) states that permission will only be granted for temporary buildings when the short term need has been clearly demonstrated. Officers consider that the submitted details demonstrate a clear need for the proposed building to ensure that the displaced Departments can continue to operate in both the short and long term.
- 8.6. Policy CP25 also states that temporary buildings need to ensure that they do not adversely affect visual attractiveness, trees or parking provision; and adequately address, where appropriate landscaping; noise insulation; access for people with disabilities; relationship to existing buildings; prejudice future developments; access points; and provide a suitable external appearance.
- 8.7. The qualifying criteria set out in Policy CP25 are considered further in this report. Officers consider the principle of a temporary building on the site to be acceptable due to the exceptional circumstances arising from the closure of the Tinbergen building.
- 8.8. The application site is located within the Radcliffe Observatory Quarter Site Allocation SP47 as set out in the Sites and Housing Plan. Site Allocation SP47 states that planning permission will be granted for academic institutional and student accommodation at the Radcliffe Infirmary Quarter site and that proposals must respect the character of the conservation area and preserve and enhance the nearby and on site listed buildings and their setting. Development should minimise car parking and promote sustainable transport and should ensure there is no adverse impact on the Port Meadow SSSI.

- 8.9. The application proposes a temporary building with an academic non-residential institution use (Use Class D1). As such the proposal is found to comply with Policy SP47 of the Sites and Housing Plan. The qualifying criterions set out in Policy SP47 are considered further in this report.
- 8.10. Therefore, considering the exceptional circumstances arising from the closure of the Tinbergen building; the temporary nature of the proposed building, the clear and demonstrable need for the temporary building and the academic use proposed Officers consider that the proposal would comply with the aims of the NPPF and would be compliant with Local Plan Policy CP25 and Sites and Housing Plan Policy SP47.

ii. **Heritage, Design and Impact on Character of Surrounding Area**

- 8.11. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy require that development proposals incorporate high standards of design and respect local character. The application site is not located within a Conservation Area but lies to the south of Walton Manor Conservation Area boundary and to the west of the Jericho Conservation Area boundary. Immediately adjacent to the south of the site is St Paul's, a former church and Listed Building, now known as Freud's Café and as such Local Plan Policy HE3 (Listed Buildings and their Settings) is applicable.
- 8.12. Policy HE3 states planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and has due regard to the setting of any listed building.

Heritage

- 8.13. 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] 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."

- 8.14. For development within Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. This does not mean that no harm must ever be done to a Conservation Area but instead that consideration must be given to the balance of public benefits against harm. While the site is outside of a conservation area it is in close enough proximity to impact on the setting of the conservation areas which surround it.

8.15. Section 12 paragraph 134 of the NPPF 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 securing its optimum viable use.”

8.16. The site for the temporary buildings is surrounded by and falls within the setting of a number of heritage assets. Radcliffe Observatory, a Grade I listed building is located immediately to the north east of the site on the opposite side of the ROQ site. The setting of the Observatory has been substantially altered since its original construction and more so in recent years with the clearance of the former infirmary site its acquisition by the University and the construction of a number of individual buildings on both the Woodstock Road and Walton Street sides of the site.

8.17. It is possible to gain views of the Observatory when standing on the west side of Walton Street looking through the gap in the 3.2 metre high, coursed rubble stone wall which forms the western boundary of Plot K and the medical centre building. These views will include the double height temporary buildings which will appear in juxtaposition to the Observatory.

8.18. As a result of the substantive changes that have already occurred to the setting of the listed building and consequently to its significance the harm that will arise from the construction of the proposed buildings would be less than substantial. This harm would not be mitigated by the utilitarian design of the proposed building.

8.19. Also in the immediate vicinity is the former St Paul's Church, which was saved from demolition through its current use as Freud's bar and café and listed at Grade II together with its piers and railings that form the boundary to Walton Street and which are independently listed Grade II. This heritage asset lies immediately to the south of the application site and important views of this building from both south and north along Walton Street will include the intervention of the upper part of the temporary building whose utilitarian appearance will contrast dramatically with the understated, classical elegance of the former church and its distinctive, ionic portico.

8.20. As a result of the substantive change that has occurred on the former Infirmary site the harm that would occur to the setting of St Paul's would be less than substantial. There would be some mitigation of the harm that would occur through the siting of the temporary building back from the Walton Street frontage and the retention of the existing trees that have grown behind the stone wall whose canopies will partially screen the upper part of the building. The effectiveness of this tree screen will vary according to the season.

8.21. The application site is located to the west of Jericho Conservation Area which was designated in February 2011. At present, partially as a consequence of rising ground level across the ROQ site from west to east there are views across the site toward the 19th Century buildings that sit within the conservation area on

the west side of Walton Street.

- 8.22. These views offer an interesting panorama of this section of Walton Street, a glimpse of the former working class suburb that is not possible to gain otherwise and are at present only broken by the stone boundary wall and the assorted collection of trees that are aligned behind it. However the views which provide an important connection to the conservation area will be interrupted by the relatively large, 37 metre profile of the two-storey Portakabin building which will extend across most of Plot K. This interruption will cause some harm to the setting of the conservation area and consequently to its significance a harm that will not be mitigated through design of the temporary buildings and ancillary structures that surround them.
- 8.23. Therefore Officers conclude that the erection of the temporary building would result in harm to the setting, and in consequence the significance, of a number of heritage assets. The harm would be less than substantial but cumulative, however the proposal would produce public benefits in the form of the retention of 201 jobs and the continued contribution to Oxford's economy and knowledge base.
- 8.24. The resultant harm would not be mitigated by the functional design of the buildings and ancillary structures, as has been the case elsewhere on the ROQ site, but it would be partially mitigated through siting the buildings away from Walton Street and through a commitment to decluttering and improving the setting of the boundary between Plot K and Freud's bar. For the period of time that the temporary buildings and structures remain on this site the harm will endure however this period would be limited and the harm would cease following the planned removal of the structure. To help to mitigate some of the harm to the setting of the heritage assets the applicant has agreed to clear the existing storage area which is being used adjacent to Freud's bar/ café. While the impact of this will be limited it will nevertheless improve the immediate setting of the listed building.

Design

- 8.25. The siting of the building would be within Plot K on the ROQ site which is currently unused space surrounded by hoarding with a 3.2 metre high stone wall running along the boundary to Walton Street to the south west.
- 8.26. Vehicle access is proposed via Woodstock Road, by way of the existing access road to the north of the site. This access is controlled by barriers and intercom and used largely for service/delivery/access-only purposes to the inner core of the ROQ. Disabled car parking provision would be located at the south east of the site and would be accessed from Woodstock Road. Cycle parking is proposed to the north west side of the building, adjacent to the main entrance. Pedestrian access is proposed from Warton Street or from within the surrounding ROQ site.
- 8.27. The design of the building is based on a modular construction where modules are pre-fabricated off site and then assembled and finished on site. Rooms that

require natural light are proposed around the perimeter of the building, with spaces not requiring natural light proposed in the deep plan part of the building.

- 8.28. The proposed building would be two storey with a total height of 8.2 metres which would be significantly lower than the surrounding buildings, including the adjacent 3 storey New Radcliffe House building. Officers consider that the building height would not be unduly harmful and are mindful that the building will be partially screened by the existing 3.2 metre high boundary wall along Walton Street. There is also existing vegetation located along the boundary wall which would further increase the levels of screening and partially mitigate the perceived size and scale of the proposed building. While the proposed building would be more prominent in private views from the upper floors of the buildings on the western side of Walton Street directly opposite the site these views will be limited to users of these buildings and therefore are not considered to fully represent the potential visual impact of the building on the overall streetscene. Notwithstanding the heritage assessment above, Officers conclude that the proposal would not be unduly harmful to the immediate visual amenity streetscene.
- 8.29. The proposed building would be utilitarian in appearance with a grey cladding finish (Merlin Grey). Fenestration is proposed to comprise top hung awning windows with frames in the matching grey finish and glazed doors also in the same matching colour. Once again, while the appearance of the building would be functional it is not found to be unduly incongruous or to create significant harm to the surrounding visual amenity.
- 8.30. The associated plant required for the building would be located externally to the south of Plot K. It is proposed to be enclosed by a 2 metre high chain link fence with a 3 metre high plant boundary wall proposed to the south west and south east boundaries. The proposed wall would contribute to the acoustic mitigation of plant noise levels. Officers are of the opinion that views of the plant enclosure would be predominantly screened by the existing boundary wall along Walton Street so views when approaching from the south east and south west would be limited. Viewed from the north west would be limited as a result of the positioning of the proposed building. Views of the plant from the east by the listed building and the north east would be visible however, considering the limited period of time for which the building would be visible, Officers do not consider this to create significant, substantiated harm. Therefore, this element of the proposal is considered to be acceptable.
- 8.31. External LED lighting is proposed around the perimeter of the building. This comprises pole lighting to match the existing on the wider site and wall mounted wall washer lighting. A condition has been included to restrict the brightness of the proposed lighting in the interests of visual amenity.
- 8.32. In terms of landscaping the application proposes to retain all existing trees and planting, provide a 2 metre high chainlink fence at the rear of the existing stone wall to protect existing trees and planting and match all external landscape finishes to the existing finishes around the site. Considering the temporary nature of the proposal the proposed landscaping is found to be acceptable.

- 8.33. Officers conclude that the design of the proposed building is acceptable considering the temporary nature of the structure. It is considered that there will not be significant harm to the character of the immediate surrounding area as a result of the proposed building. Therefore, the proposal is found to comply with Policies CP1, CP6 and CP8 of the Oxford Local Plan and Policy CS18 of the Core Strategy.

iii. Impact on Neighbouring Amenity

- 8.34. The proposed building would be surrounded to the north west by New Radcliffe House and west by University buildings. To the north east is a large area of undeveloped land. To the south is Freud's bar and the Blavatnik School of government. To the east across Walton Street are residential properties.
- 8.35. Due to the siting of the proposed building and the significant separation distances between the building and the nearest neighbouring buildings Officers are satisfied that the proposal will not result in harmful overlooking, overbearing or loss of light. The building would be set back within the plot to increase the amount of separation distance between it and the listed building to the south and while there would be south facing windows within the proposed building Officers consider that the commercial use of the neighbouring building to the south would ensure that there would not be an significant harm to neighbouring occupiers. The development is considered to comply with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

Noise

- 8.36. The applicant has submitted an acoustic report in support of the application to establish the prevailing noise climate at a location considered representative of the closest noise sensitive receptors. The closest noise sensitive receptors have been identified as the Jericho Health Centre which is approximately 11 metres to the north of the development boundary and the residential properties on Walton Street.
- 8.37. Officers consider that due to the nature of the proposed use of the building and the significant separation distance from residential properties there will not be any harmful noise impacts arising from the proposed development. A condition has been included to ensure that there are appropriate controls in place in relation to mechanical plant noise.

iv. Highways and Traffic Impacts

Parking

- 8.38. The proposed building is located in relatively close proximity to the existing Tinbergen Building and would not result in an increase in staff or student numbers. As such the relocation of facilities to the proposed temporary building would have a similar transport impact to that of the existing Tinbergen Building, albeit with different access arrangements on a local level.

- 8.39. The submitted Transport Statement states that the proposed building would be used by up to 107 staff members and up to 87 subjects for the psychology testing facilities. However, it is predicted that the buildings would be used up to 75% of the capacity at any given time. The development is proposed to be car free with the exception of four disabled parking spaces and access by service vehicles.
- 8.40. Officers and the Local Highway Authority consider that given that the proposal is to accommodate uses that are currently displaced by the closure of the Tinbergen Building, the transport impact of the proposal is limited to a localised area immediately surrounding the site. Likewise, given that the development will only provide four disabled parking spaces, cycle parking well over required standards and is located with good access to public transport, the development is not expected to have a significant traffic impact.

Cycle Parking

- 8.41. The adopted cycle parking standards for higher education uses require the provision of 1 space per 5 staff as well as 1 space per 2 students. In this instance, the standard for students has been used to assess the cycle parking provision for the test subjects. To accord with these standards a total of 59 cycle parking spaces (42 spaces for staff and 17 spaces for test subjects) would be required. The proposal intends to provide 70 cycle parking spaces which exceeds the above standards and therefore is welcomed by Officers.
- 8.42. A condition to secure details of the cycle parking has been included.

Site Access and Servicing Arrangements

- 8.43. The site would be accessed by vehicles via the existing access from Woodstock Road which is controlled by barriers. Pedestrian access is provided from Walton Street and Woodstock Road. The site benefits from accessibility to public transport with high frequency services available on the Woodstock Road. Servicing vehicles will access the site via the existing access to Woodstock Road.
- 8.44. Therefore, Officers consider the site access and service arrangements to be acceptable. A condition has been included to secure the submission of a Construction Traffic Management Plan (CTMP) as the submitted CTMP was missing the required detail.

v. Energy

- 8.45. Core Strategy Policy CS9 (Energy and Natural Resources) states that all developments should seek to minimise their carbon emissions and should demonstrate sustainable design and construction methods and energy efficiency through design, layout, orientation, landscaping and materials. Qualifying developments, i.e. 10 or more dwellings or developments for over 2000m², should be energy efficient, deliver a proportion of renewable or low-carbon

energy and incorporate recycled or reclaimed materials.

- 8.46. The proposed development would meet the definition of qualifying development and the applicant has submitted an Energy and Sustainability Statement in support of the application.
- 8.47. While the proposed building would constitute qualifying development under Policy CS9 it is important to note that the building is only proposed due to the closure of the Tinbergen Building. As such, the development will not be creating additional energy requirements but accommodating part of the existing requirement. Therefore, while Oxford City Council seeks to ensure that all new developments are energy efficient in themselves, the application of the policy in this instance should be proportionate to the type of development.
- 8.48. Notwithstanding this, the proposal does demonstrate a number of features which contribute towards energy efficiency and sustainability. The pre-fabricated modular construction of the building means that once the structure is no longer needed it can be re-used and repositioned elsewhere which increases the sustainability of the temporary building. The building would also demonstrate air tightness within the building and thermal insulation performance of the external fabric which would exceed current Building Regulations Part L2A standards.
- 8.49. Likewise, the design of the building would incorporate a number of elements to minimise the energy use of the building including:
- High efficiency lighting including light-emitting diode (LED) fittings with daylight dimming and occupancy or absence detection;
 - Mixed mode ventilation strategy will be employed;
 - Heat recovery on ventilation systems;
 - Air source heat pumps / variant refrigerant flow (VRF) systems to provide heating / cooling and to facilitate energy recovery / re-use;
 - Intelligent control systems to align plant/lighting operation to the building use;
 - Point of use local hot water heating to minimise standing water and distribution heat losses
- 8.50. Officers consider that due to the temporary nature of the proposed building it would be unreasonable to require renewable/ low carbon energy to be provided on this site.
- 8.51. Having regard to the temporary nature of the proposed building and the measures taken through the construction of the building that would contribute towards energy efficiency and sustainability Officers consider that the proposal would minimise the carbon emissions resulting from the development and does demonstrate sustainable design and construction methods and energy efficiency through design and materials. As such, Officers do not consider the proposal to conflict with the aims of Core Strategy Policy CS9.

vi. Other Matters

- 8.52. Officers have considered flooding, land contamination, air quality, archaeology, energy and biodiversity impacts and impact on trees and have found the proposal to be acceptable subject to the conditions set out in section 10 of this report.

9. CONCLUSION

- 9.1. Officers consider there to be exceptional circumstances arising from the closure of the Tinbergen building and the temporary nature of the proposed building, the clear and demonstrable need for the temporary building and the academic use proposed, lead Officers to conclude that the proposal would comply with the aims of the NPPF and would be compliant with Local Plan Policy CP25 and Sites and Housing Plan Policy SP47.
- 9.2. The proposed temporary building would result in harm to the setting, and in consequence the significance, of a number of heritage assets. The harm would be less than substantial but cumulative, however the proposal would produce public benefits in the form of the retention of 201 jobs and the continued contribution to Oxford's economy and knowledge base. The harm would also cease following the planned removal of the structure after the temporary period of consent therefore the proposal is found not to conflict with Policies CP1, CP6, CP8 and HE3 of the Oxford Local Plan and Policy CS18 of the Core Strategy.
- 9.3. Due to the separation distance between the proposed building and the neighbouring properties and the acoustic mitigation measures proposed, the development is considered to be acceptable in terms of its impact on neighbouring amenity and noise.
- 9.4. Highways, archaeology, flooding, land contamination and biodiversity impacts and the impact on existing trees are found to be acceptable.
- 9.5. Therefore, it is recommended that the West Area Planning Committee resolve to grant planning permission for the development proposed subject to conditions set out in section 10 of this report.

10. CONDITIONS

1. Temporary Consent

This permission shall be for a limited period of 5 years only, from the date of this permission. After this date the building(s) and works carried out under this permission shall be removed and the land reinstated to its former condition to the satisfaction of the Local Planning Authority unless prior to that date a renewal of the permission shall have been approved in writing by the Local Planning Authority.

Reason: The temporary nature of the building(s) is such that it is considered inappropriate on a permanent basis in accordance with policies CP1 and CP25 of the Adopted Oxford Local Plan 2001-2016

2. Development in Accordance with Approved Plans

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

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

3. Materials

The materials to be used in the new development shall be as shown on the approved plans and as detailed within the submitted Design and Access Statement. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. Artificial Lighting (external)

The development shall not be occupied until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

5. Noise – Mechanical Plant / Ventilation & Air Conditioning

In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing noise level is not increased when measured one metre from the nearest noise sensitive premises. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 5 dBLAeq.t below the existing background levels of 46 dB LA90,1 h daytime and 35 dB L90,5min night time.

Reason: To maintain the existing noise climate and prevent ambient noise creep in the interests of residential amenities in accordance with policies CP1, CP10, CP19 and CP21 Oxford Local Plan 2001-2016.

6. Landscape – Underground Services (Tree Roots)

Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the

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

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

7. Landscape – Tree Protection Plan (Tree Roots)

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

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

8. Biodiversity Method Statement

No development shall take place (including any demolition, ground works, site clearance) until a method statement for protection of trees, shrubs, grassland and fox earth on the southwest boundary of the site (during and after development) has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

9. Protective Measures during Construction

No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Biodiversity Method Statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

10. Biodiversity Enhancement

Prior to the commencement of the development, details of biodiversity enhancement measures including at least: • 4 x bird nesting boxes, (to be installed on retained trees) • 2 x bat roosting boxes (to be installed on retained trees) • nectar providing plants, and • 1 pollinator house 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 dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

11. Drainage

Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The plans, calculations and drainage details submitted shall demonstrate that;

- i. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event.
- ii. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- iii. Excess surface water runoff must be stored on site and released to receiving system at greenfield rates.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

12. Sustainable Urban Drainage (SUDS)

Prior to the commencement of development, a Sustainable Drainage (SUDs) Maintenance Plan shall be submitted to and approved in writing 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 Sustainable Drainage 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 in perpetuity.

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 CS11 of the Oxford Core Strategy 2011-2026.

13. Drainage Infrastructure

Prior to the occupation of the development the drainage infrastructure shall be constructed in accordance with the approved details and thereafter retained and maintained.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011- 2026.

14. Construction Traffic Management Plan (CTMP)

The details of the Construction Traffic Management Plan must be agreed by Local Planning Authority in consultation with the Highway Authority prior to commencement of works. This should identify:

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

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.

15. Cycle Parking

Prior to use or occupation of the new development a cycle parking strategy which includes covered and secure cycle parking, shall be provided within the curtilage of the site. The location and type of this provision should be submitted and agreed by the Local Planning Authority in writing.

Reason: To encourage the use of sustainable modes of transport.

16. Unexpected Contamination

A watching brief should be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a

competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

Informatives

1. Vegetation clearance outside the bird nesting season

Removal of vegetation and demolition of buildings 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 or buildings shall not be removed until the fledglings have left the nest.

2. Bats

The applicant and contractors should be aware that all bats and any structures or trees used by them are protected by law, and that works likely to disturb bats or their resting places (even if undertaken at a time of year when the bats are absent) require a licence from Natural England.

Before the removal of limbs from the trees adjacent to the point of access, a visual check for bats must be carried out by a suitably experienced ecologist immediately prior to the work being carried out. Should a bat be encountered during development, work should cease immediately and advice should be sought from Natural England (tel. Batline 0845 1300228). Bats should preferably not be handled (and not without gloves) but should be left in place, gently covered, until advice is obtained

14. APPENDICES

Appendix 1 – Site Location Plan

14. HUMAN RIGHTS ACT 1998

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

with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 13.1. 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 refusal of planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community

Oxford City Planning Committee – 19th July 2022

Application number:	21/03582/FUL		
Decision due by	20th April 2022		
Extension of time	TBA		
Proposal	Conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.		
Site address	The Deaf And Hard Of Hearing Centre, 10 Littlegate Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Osney And St. Thomas Ward		
Case officer	Sarah Orchard		
Agent:	Mr Phillip Taylor	Applicant:	Z Hotels
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 12 of this report and grant planning permission subject to:

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

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

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers a full planning application for the conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a 130 bed hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.
- 2.2. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to meet the need for additional short stay tourist accommodation. The proposal is found to be acceptable in principle, would be acceptable in design and heritage terms (with public benefits outweighing less than substantial harm to designated heritage assets), the proposal would also have an acceptable impact on archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

3. LEGAL AGREEMENT

- 3.1. This application would be subject to a legal agreement to secure the retention of a community facility on the site at an affordable rent. The agreement would also secure that development cannot commence until a S278 agreement is entered into to secure improved pedestrian crossings in Littlegate Street. A separate unilateral undertaking would also be agreed with the County Council to secure a financial contribution as a travel plan monitoring fee.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL payment of £39,836.69.

5. SITE AND SURROUNDINGS

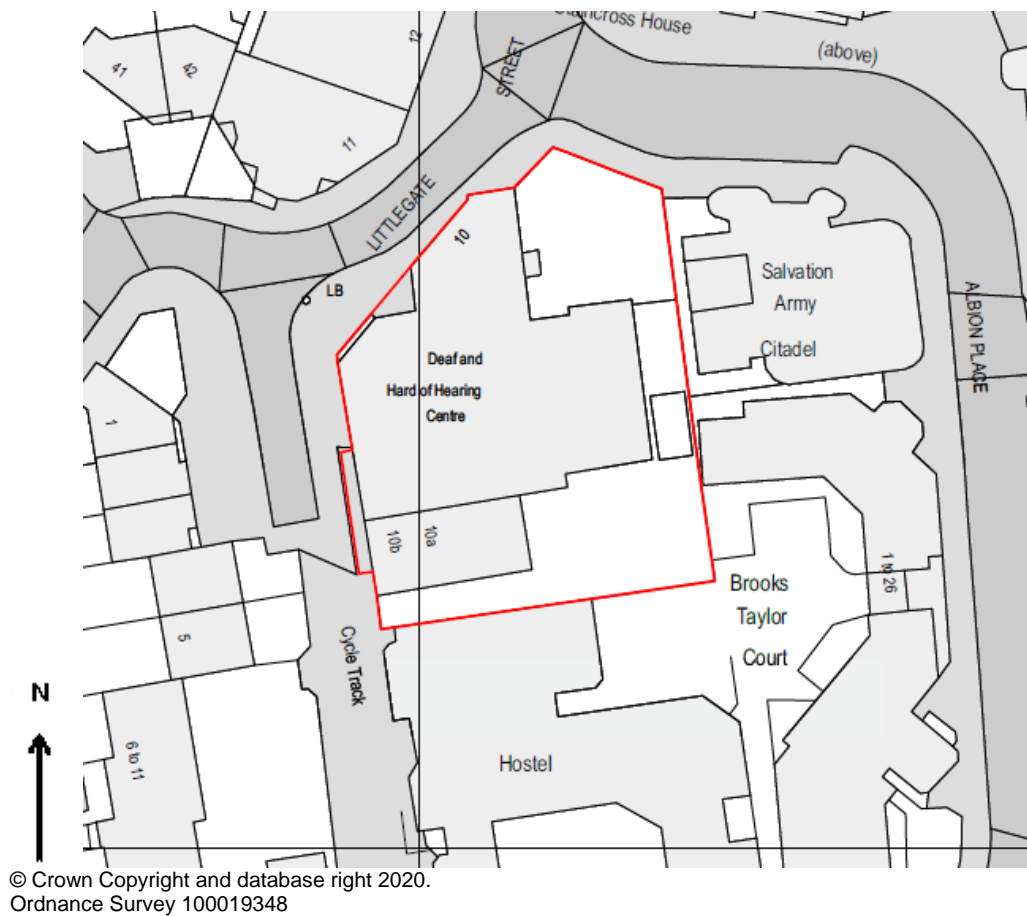
5.1. The site lies at the junction between Littlegate Street and Albion Place within the Central Conservation Area and comprises a 17th Century two storey, three bay, timber framed with rubble stone facing linear cottage with later two-storey gabled outriggers projecting from the east side. Adjoining to the south west is a 19th century former Baptist Chapel building. The latter is historically a single-volume building with facades that express two floors with attic accommodation. To the South-East is a late 19th century single storey former school room.

5.2. The site lies within the southern part of Oxford City Centre within the West End Area of the City which is a focus area for regeneration. There is a mix of uses in the surrounding area; this includes adjacent predominantly low-rise 1980's residential development in Faulkner Street to the West of the Site, as well as more recent flatted development to the north on the corner of Faulkner Street and Albion Place. There is an existing commercial building used as Class B1 office space to the north east of the site. A large four storey residential building is adjacent to the east of the site, which comprises retirement accommodation. The site of the former Lucy Faithfull House homeless hostel is located to the south of the site; the former three storey hostel building has been removed and the site cleared in association with planning permission for residential development comprising 36 apartments (19/03106/FUL) which is currently under construction.

5.3. The original 17th Century Cottage has been subject of a number of historic additions, the largest of which is the 19th century stone Baptist Chapel, which was constructed in the 1820's/1830's adjacent to the cottage, though later additions have attached the Chapel to the cottage. A further extension was added to the Baptist Chapel in 1884, which is referred to as the school room extension; this is a single storey structure which extends off the east elevation of the Baptist Chapel. A further two storey element attaches to the Baptist Chapel which dates between 1873 and 1898 and was likely historically used as a house. The building has also been subject of a number of 20th Century additions including a single storey rendered rear extension to the 17th Century Cottage and large box dormer extension to the rear of the Cottage. The later 20th Century extensions have joined the cottage to the various historic additions including the Baptist Chapel and School Room extension and therefore the building falls under a single entity for the purposes of its existing use.

5.4. The building is vacant and understood to be last used by three organisations, principally the Oxford Deaf Centre and Trinity Church for mix of purposes and a smaller area of the ground floor also used as a commercial photography studio. It is understood that the building was used mainly for office admin purposes and community uses associated with the Deaf Centre and Church, although it is also understood that there was an ancillary residential use in the upper floors of the cottage at some point. However it does not appear to have been a residential dwelling within its own right and is no longer there.

5.5. See site location plan below:



6. PROPOSAL

- 6.1. The application proposes the conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension to the rear of the cottage and chapel/hall; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.
- 6.2. The proposals relate to the redevelopment of the site to provide a 130 bedroom hotel. The proposals would involve the erection of a new building of up to four storeys, whilst the existing three storey 17th century cottage would be converted along with the 19th century Baptist chapel. It is proposed that the school room extension and two storey 19th century extensions to the Baptist Chapel would be removed.
- 6.3. The proposed extension would measure a maximum height of 13.9 metres and would extend approximately 32.8 metres from Faulkner Street to Brooks Taylor

Court and a maximum depth of approximately 26 metres from Littlegate Street at the front of the site to Lucy Faithful House at the rear of the site.

- 6.4. The application is being considered alongside an associated listed building consent application 21/03583/LBC for works affecting the listed cottage.

7. RELEVANT PLANNING HISTORY

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

67/19100/A_H - Change of use from residential to Deaf and Hard of Hearing Centre and extension to provide canteen, library and Warden's flat (revised). PERMIT. 26th September 1967.
68/19100/A_H - Alterations to cottage to display Abbey Gateway. PERMIT. 28th May 1968.
68/20409/AA_H - Garage for private car for temporary use as a shop. TEMPORARY PERMISSION. 10th September 1968.
68/20409/A_H - Garage for private car. PERMIT. 23rd July 1968.
68/20410/A_H - Use of garage as shoe repair shop for temporary period only. TEMPORARY PERMISSION. 23rd July 1968.
69/01846/P_H - Lettering on fascia. PERMIT. 14th October 1969.
71/26425/L_H - Erection of single storey extension to provide new offices and demolition of existing garage / temporary shop. PERMIT. 21st September 1971.
78/00835/A_H - Outline application for extension for billiard room. PERMIT. 4th October 1978.
80/00197/NF - Relocation of office accommodation within existing building and provision of external staircase. PERMIT. 20th May 1980.
89/00112/NFH - Disabled access and exit with external ramp and balustrade (Amended plans). PERMIT. 5th May 1989.
94/01058/DFH - Change of use from Wardens Accommodation on 1st and 2nd floor (Residential) to offices for Specialist Deaf Team including use of 4 parking spaces. RAISED NO OBJECTION. 21st October 1994.
21/03583/LBC - Demolition of C19 addition to 10 Littlegate Street and alterations to and refurbishment of the retained building. PENDING CONSIDERATION.

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	126-136	DH1, DH2, DH7		
Conservation/ Heritage	194-208	DH3, DH4,		
Housing		H14		
Commercial	83	E1		
Natural environment	153-158, 159-169, 174, 180,	G1, G2, G7, G8		
Social and community	92-97	V5, V8, V9		
Transport	110-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	119-120, 123-124, 183-188	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1, AOC1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 2nd February 2022 and an advertisement was published in The Oxford Times newspaper on 3rd February 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. Initial objection due to lack of clarification of how taxi drop offs and servicing would take place. Request if permission is granted for a S106 agreement to secure Travel Plan Monitoring contribution and a section 278 agreement to provide pedestrian and public realm improvements. Further discussions took place and the objection was removed subject to conditions requiring further details of cycle parking areas, a construction traffic management plan and a travel plan.

Oxfordshire County Council (Drainage)

- 9.3. Initial objection requesting detailed drainage calculations, a detailed drainage strategy drawing, public sewer undertaker technical approval, ground investigation report, surface water exceedance plans and restriction of runoff to a greenfield rate. Further discussions took place and the objection was removed subject to a condition requiring a finalised drainage strategy.

Thames Water Utilities Limited

- 9.4. No objection in relation to foul and surface water waste capacity, however Thames Water have identified an inability in of the existing water network infrastructure to accommodate the needs of the development proposal. A condition is recommended that water network upgrades are carried out prior to the occupation of the development.

Oxford Architectural and Historical Society

- 9.5. An associated listed building consent application is required. National amenities societies should be consulted. It does not appear that the Oxfordshire Buildings Record was consulted as part of the preparation of the application. Investigative and recording work should form a condition of part of the application. No historic chimney stacks should be demolished. Original roof timbers should not be lost. Gateway needs to be opened up and made publically legible. Bedrooms should not be on the ground floor of the listed building as this could cover up original features. Buildings should be re-used rather than demolished. Concern with the scale and form of the new building. Concern with the number of hotels appearing in the city centre and what would happen to these if they were no longer required in the future.

Historic England

- 9.6. No comment. Refer to local conservation and archaeological advice.

Natural England

- 9.7. No objection.

Oxford Preservation Trust

- 9.8. Building constitutes one of the last standing remains of the Blackfriars Priory. OPT have some reservation regarding the overall scale, size and massing of the proposed development. Concern this could detract from remaining historic buildings on the site. Concern that the large area of flat roof would include plant which would be prominent in views.

Environment Agency

- 9.9. Do not wish to be consulted on this application.

Thames Valley Police

9.10. No comments received.

Public representations

9.11. 2no. third party comments received (from addresses in Faulkner Street and Church Cowley Road.

9.12. In summary, the main points raised were:

- Too many hotels appearing in Oxford City Centre.
- Loss of privacy for neighbouring residents.
- Loss of a music venue and would welcome if this could be brought back into use.

Officer response

9.13. The national amenities societies were consulted as part of the adjoining listed building consent application and no comments were received.

9.14. All other comments raised above relating to material considerations are addressed in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Archaeology
- Neighbouring amenity
- Transport
- Trees/Landscaping
- Air Quality
- Biodiversity
- Flooding/Drainage
- Land Quality
- Energy

a. Principle of development

Hotel use

10.2. In terms of the intended use of the site for Class C1 hotel space, Policy V5 acknowledges that there is a deficit of short stay accommodation in the city

centre and states that new hotel accommodation is acceptable providing it meets the following criteria:

- a) it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements
- b) there is no loss of a residential dwelling; and
- c) it will not result in an unacceptable level of noise and disturbance to nearby residents.

10.3. Whilst there is objection to additional hotel accommodation in the city centre, the principle of providing new hotel accommodation in this location is acceptable in principle subject to the material considerations discussed below.

Loss of existing uses on the site

10.4. The building was last shared by three organisations, these being primarily the Deaf and Hard of Hearing Centre, a voluntary organisation; alongside the ancillary use of Trinity Road Church which is understood to have used the hall element of the building; in addition to a photographic studio who use the ground floor space of the school room extension. It is understood that the building was used by the Deaf Centre for general office admin functions ancillary to the main community use and community uses such as group activities and drop-in sessions in the hall. It is understood that the hall is also used by Trinity Church as a place of worship and a meeting space.

10.5. Policy V7 affords protection to community facilities and states that planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

10.6. Policy E1 does not recognise the site as either a category 1 or 2 employment site. Any employment use on the site (photography studio), formerly Use Class B1 (now Use Class E) would be classed as a category 3 employment site. Policy E1 highlights that category 3 employment sites comprise of sites which are not performing well due primarily to their size and location. If the sites become available they can be considered suitable for redevelopment of housing. Whilst the proposal is not for housing, but a hotel use, the Class E use on the site was not the predominant use of the site and should not be seen as an obstacle for redevelopment of the site which would meet the criteria for a hotel development in accordance with other local plan policies.

10.7. Whilst the proposal would result in the loss of some employment uses, the site overall would result in a gain in employment from 4no. full time staff and 1no. part time staff to the potential for up to 25no. full time members of staff, significantly increasing the employment opportunities from the site.

10.8. The Deaf and Hard of Hearing Centre has already vacated the site as they no longer require the premises and the whole site now remains vacant. The proposal would seek to retain the hall on the site for community use. This would be secured through a S106 agreement. There therefore would be no loss of a community use, including the community church. The loss of employment use

would be very minimal would be outweighed by the gain of a more efficient use of the site for a large hotel which would provide greater employment opportunities.

10.9. The proposed loss of existing uses is therefore considered acceptable in principle subject to the material considerations set out below.

b. Design and Heritage

10.10. Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 202 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.

10.11. Special attention also has to be paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted are higher duties.

10.12. The site comprises a small plot of land at the southern end of Littlegate Street (a street that runs north-south from St Aldates towards the River Thames) on which three buildings of different date of origin sit. The proposals would involve significant alterations to a Grade II listed building and development of a significant scale within the Central Conservation Area.

10.13. The following buildings presently occupy the site:

- a linear, three bay, two storey building of domestic appearance aligned north south, of ostensibly 17th Century origin (vernacular form and surviving elements of a much altered timber frame) with evidence of surviving 12th Century monastic fabric and a 19th Century addition substantially altered in 20th Century on its western flank (Grade II listed).
- a 19th Century , two storey former Baptist chapel, attached to the domestic building aligned north- south flanking Faulkner Street as it runs south to Oxpens Road.
- a 19th Century former schoolhouse attached to the eastern flank of the former chapel building. The building is visibly a single volume building of brick under a slate roof.

10.14. All the buildings are linked together by a collection of late 19th Century and 20th Century built elements. A small courtyard in the north-east part of the site onto which the apparently domestic building faces and in which there are two trees whose canopies contribute to the character and appearance of the site as it is seen in views looking south down Littlegate Street.

Significance of the heritage assets

- 10.15. 10 Littlegate Street is a Grade II listed building. The significance of the building is primarily derived from its surviving 17th Century structure and plan form however there are earlier elements surviving within the building fabric that give both historical value from the structure's evident association with the 12th Century Blackfriars monastery which occupied this area of the city until its dissolution in the 16th Century and aesthetic value deriving from the architectural qualities of these elements. Additionally the building has a cultural value that derives from association with the former monastery given the significance of these religious institutions and their role in the development of Oxford during the medieval period. The 17th Century building has been subjected to substantial alteration with truncation and loss of elements of the timber frame structure but it is still possible to discern the form and nature of the 17th Century domestic building from the exterior of the building. The existence of a 12th Century structure also gives the building a high level of significance.
- 10.16. The former Addullam Chapel is considered a non-designated heritage asset. The building dates from 1832 and was built as a Baptist chapel. The external appearance, the form, architecture and arrangement of elements within the building's facades defines its original function and contributes to its significance. The interior of the building has been partially altered but the fundamental elements of single volume central space with upper gallery are still discernible within its surviving fabric and these make a significant contribution to its importance. Overall the building has a moderate level of local significance. There is nothing particularly rare in its internal arrangement or detail or in its historical background.
- 10.17. The former Victorian school building sits to the rear of the site and is one of a number of such buildings which survive across Oxford and was associated with the Baptist chapel. The building has been substantially altered internally and although it retains some original external features such as a window and door that identify its former function there are no substantial conservation values that would raise its level of significance higher than a low level of local significance.
- 10.18. The site falls into the 'Western fringe' chapter of the Central Conservation Area character appraisal; the 'Medieval and Commercial Core' chapter provides the setting for this site and does inform its character. The former St Ebbe's housing surrounding the site has been cleared and has been replaced with small pockets of later 20th Century rebuilding. These are small scale domestic buildings of mostly two storeys. There are some surviving elements of medieval street pattern both inside and outside the medieval city wall (Brewer Street/Pembroke College) of which St Ebbes which runs into Littlegate Street is one. The area is also characterised by 20th Century Court buildings and buildings associated with the judiciary including associated office buildings to the south and east of the site. These fall outside the conservation area. These comprise essentially large floor plate three and four storey buildings with open yards (car parks) between them. The site falls onto land that was part of the Blackfriars monastery from the late 12th and 13th Centuries through to the Dissolution of Monasteries Act in 1536. The monastery grounds are thought to have extended along what is now Rose Lane (probably then the open Trill Mill Stream to the western end of Clarks Row), running south to the banks of the River Thames and its tributary streams, extending west along the northern bank of the river and then north along the

western bank of the bifurcated stream to a northern boundary that ran back to the Gatehouse or Priests House, the remains of which survive buried within No.10 Littlegate Street. The monastery buildings lie to the south of No.10 Littlegate Street within the southern part of the application site and then to the south and east of that point.

Views

- 10.19. The site forms a stop-end to views down St Ebbe's leading into Littlegate Street. Elements of the medieval city wall, medieval and post-medieval buildings, Holy Trinity Vicarage (No.15 Littlegate Street) and the western building ranges of Pembroke College frame the views up and down Littlegate Street providing some historical reference to the earlier form and pattern of this area. The area is now dominated to the west by the Westgate shopping centre (outside the conservation area boundary) whose second floor terraces offer important views over this part of the city and notably of the application site and its immediate surroundings.

The proposal

- 10.20. It is a requirement that special regard is had to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character or appearance of the conservation area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Decision makers must give considerable importance and weight to the desirability of preserving listed buildings and their settings 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.
- 10.21. Due weight must be given to Paragraph 199 of the NPPF, which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The proposals involve a number of direct interventions which would impact on the significance of the listed building, some positively others negatively.
- 10.22. The application proposes the alteration and refurbishment of No.10 Littlegate and the former chapel building with the removal of the former school building and later extensions to the south of the chapel. The proposal to add a four storey hotel building in the southern portion of the site changes the present built scale and mass and the building hierarchy (in terms of size) from that which exists at present. The buildings to be removed have at most a low level of local significance and their loss would cause a low level of less-than-substantial harm to the character and appearance of the conservation area, removing an element of the 19th Century social history of this part of the city.
- 10.23. The replacement building would represent a very different size of building which would be reinforced by the relative scale of elements of the building's

facades. For example, windows which would be of a very different scale to those of the listed building, although more comparable to the scale of the primary windows of the former chapel, which are proposed to be retained. The strong contrast in size between the buildings would enable the observer to see them as individual elements each with their own character. The design of the new building has evolved through engagement with Officers resulting in facades that address the different contexts that present to the site at each aspect but with an overall consistency of materials and detailing that allow the building to be seen as a single entity. The proposed extension would measure a maximum height of 13.9 metres and would extend approximately 32.8 metres from Faulkner Street to Brooks Taylor Court and a maximum depth of approximately 26 metres from Littlegate Street at the front of the site to Lucy Faithful House at the rear of the site. The proposed extension/building would be finished with mainly with brick, the exact colour and finish would be secured by condition. This is designed to be subtle and not compete with the listed building on the site. The massing of the building would also be broken up with elements of glass and a proud timber frame to accentuate the height of the existing buildings on the site to attract attention to their level which more simplistic detailing above. The massing would also be broken up with climbing plants.

10.24. The north façade of the new building would address the courtyard (to be retained as an open courtyard) and be seen in the important views down St Ebbes and Littlegate Street as a backdrop to No.10 (listed building). The façade has gone through a number of design changes through a pre-application process in response to both officers' comments and the advice of the Oxford Design Review Panel. The present iteration breaks down into three parts with more restrained unbroken sections at each end and a central section that would sit directly behind and adjacent to the listed building and that has been designed as a tight rhythm of glazed elements and frames, the pitch or size of sections changing at each floor or level of the building to provide variation, much as a classical façade might do. Key horizontals within the façade have been placed to respond to and reflect significant elements of the 17th Century which would be seen in profile against the new building in the key view down St Ebbes. A larger element of glazing at ground floor would provide a strong contrast with the solidity of the 17th Century building's principal east facing façade and indicate or define the entrance to the hotel.

10.25. The other façade of the building that would be seen against and in the context of the existing buildings is the west façade. This is altogether a much shorter, visible façade as much of this part of the new building wraps around the back of and is screened by the former chapel building. The junction between the southern end of the chapel and the new building has been designed as a primarily glazed element to provide a visual distinction or break between new and old. This would enable the existing former chapel building to be preserved in form and architectural detail and is a considered response to the context in which the new building would sit. This façade has been designed to repeat the larger, less articulated or apparently blank elements of the northern façade with windows limited to the connecting section and to the southern end of the façade where it will sit adjacent to the new buildings on the site immediately to the south. Although the scale of individual elements of the building's west façade are relatively large, their pared back or muted appearance would be such that they

would not dominate or overwhelm the more domestic scale of the 20th Century houses that sit on the opposite side of the street, which is again an important and considered response to the immediate context of the building.

- 10.26. The other two facades of the new building would be primarily screened by existing apartment buildings to the south and east of the site. Any elements of the façade that may be visible from viewpoints, either at high level from the Westgate or in longer views at street level would be in glimpsed views and have been designed to be part of the architectural language of the building as a whole.
- 10.27. Paragraph 203 of the NPPF states that the effect on non-heritage assets should be taken into account when determining an application. A balanced judgement is required having regard to the scale of any harm or loss of the significance of the heritage asset. The loss of the former Victorian School building (a non-designated heritage asset) would result in substantial harm to an asset of low, local significance. Given its significance is very low, the loss of considered justified to allow the development of the site.
- 10.28. The alterations to the former chapel building comprising the loss of the upper level of the main part of the building through complete alteration and the intervention within its roofspace to create an additional floor of hotel rooms would result in a moderate level of less-than-substantial harm to an asset of moderate local significance. The overall level of harm would be mitigated through retention of the overall building envelope as well as principal elements of the building's facades as a distinct element within the overall development of the site so as to preserve the fundamental appearance of the building, as well as retention of the ground floor of the building as a single volume space much as it is at present. This would retain the ability for it to be used by the local community and community groups, again much as it is presently used. This would preserve, in part, the cultural and social values that contribute to the significance of the building thus reducing the overall level of harm to a low level of less-than-substantial harm to a local heritage asset.
- 10.29. The siting of a large new building immediately adjacent to the 17th Century listed building would result in a degree of harm to the setting of the building. The harm would be less-than-substantial and the setting of the building has been severely damaged through recent alterations and interventions in both the immediate as well as the wider surroundings. The present setting is therefore not considered to make an enormous contribution to the significance of the listed building and the level of harm needs to be assessed in that context. It is therefore considered that the overall harm to the significance of the listed building that would be caused by the siting and design of the new building would be a low level of less-than-substantial harm in relation to paragraph 202 of the NPPF.
- 10.30. The present use of the site is apparently not sufficiently economically sound to be able to maintain the existing buildings.
- 10.31. The applicant presents a clear and convincing justification for the proposed additions, the new building, the loss of the former school building and the alteration of the former chapel as well as the changes to the listed building (covered in the report for the listed building consent application) in terms of

preserving those parts of the 17th Century building that are important and of revealing earlier elements of building that have substantial historical, architectural and social values and that have been buried in the later building fabric.

10.32. Additionally the applicant proposes to remove some of the harmful, more recent interventions to the fabric of the listed building, in particular those in the roof and to provide some explanation of the exposed, early building fabric and the historical significance of the site for public benefit.

10.33. Overall it is considered that there would be a weight of public benefit that would arise directly from the interventions in the buildings that would outweigh both the low level of less-than-substantial harm that would be caused to the listed building by the siting of the new building adjacent to it, and the low to moderate level of less- than-substantial harm that would be caused to the significance of the other heritage assets, the conservation area and the locally listed former chapel building.

10.34. As such the proposal is therefore considered acceptable in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036 and paragraphs 199-203 of the NPPF and the higher duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

c. Archaeology

10.35. The application site sits on the site of the Oxford Blackfriars, although this site is not scheduled, it can be assessed as of national significance and of equivalent status to a scheduled monument. This is because it was an unusually large friary that served as a Studium Generale (college) for the Dominican order attracting an international intake and playing a significant role in the evolution of the University town and also in national affairs (i.e. was the location for the signing of the Provisions of Oxford in 1258).

10.36. The friary was heavily robbed in the post-Dissolution period and the archaeological interest can be identified as follows:

- The architectural detail that may be preserved in pits and robber trenches (e.g. distinctive use of decorative tiles, architectural fragments, building materials, plaster detail etc.), along and other aspects of the material culture of the friary (for example the hour glass base previously recovered from the site).
- The faunal and environmental information that may be preserved in waste pits/channel deposits.
- The layout of the friary as preserved by wall lines/robber trenches and floor make up/surfaces.
- The scientific information regarding origins, lifeways, diet and health that may be preserved in the burial assemblages.

10.37. In recent years an evaluation and excavation have been undertaken on the site directly to the south of the application site (Lucy Faithfull House) by Museum

of London Archaeology. Furthermore, two phases of archaeological evaluation have been undertaken on the application site by Oxford Archaeology (2020 & 2022). These investigations have clearly identified the depth and character of remains relating to the Blackfriars church, cemetery and a possible masons yard as well as post medieval activity at the site including 18th century tanning activity.

10.38. It has not been possible to evaluate the area currently covered by standing buildings of the Deaf Centre complex, however it is believed to lie within the north-west extent of the friary precinct adjacent to the gatehouse (the upstanding remains of the gate belonging to the gatehouse is encased within the 17th Century cottage at No 10 Littlegate Street). Parts of the gatehouse structure may survive below ground directly to the west of the cottage.

10.39. The phased evaluation work undertaken by Oxford Archaeology has allowed the identification of the presumed extent of the cemetery and has identified locations free from burials that are suitable for piling. The pile cap and beam foundation grid has been designed to sit on top of the medieval archaeological horizon (with a small amount of cross over) and above any burials. The piling impact through medieval horizons is calculated at 1%. Thus substantial preservation in situ has been designed in, with foul sewer impacts raised above the level of the burials.

10.40. The foundation grid would cut through post-medieval archaeology and into the top of the medieval horizon and with therefore requires strip, map and sample archaeological excavation (following the foundation lines). This needs to be carefully programmed to precede the laying of the pile mat (which must sit at an appropriate level above the medieval horizon).

10.41. Burials previously recovered from this site in the 1970s have been repatriated to the Oxford Blackfriars for re-internment and are therefore not easily accessible for academic study. Therefore in the event that unforeseen human remains are encountered at this site the expectation would be that full analysis of the remains would be undertaken (i.e. isotopic/ DNA analysis) because of the strong likelihood that long term retention by the museum would not be possible.

Burials Act

10.42. The applicant has been advised to contact the Ministry of Justice (MoJ) for formal guidance on the appropriateness of development and the treatment of human remains in this location bearing in mind Section 25 of the Burial Act 1857 provides it is an offence to remove human remains which have been interred in a place of burial unless certain conditions are complied with. Officers understanding is that the MoJ have no objection to the proposed approach.

Impact of the scheme and significance

10.43. The impact of the development is likely to result in harm to the significance of the asset which can be assessed as nationally significant as a well-studied Dominican friary and Studium General. The harm would be localised and less-than-substantial and is weighed against the public benefits and merits of the application. In this case, the proposal makes a more efficient use of the site,

seeks to improve the quality of the listed buildings and their landscape setting on the site and reveal the archaeological importance of the site through public art. As such it is considered that the public benefits would outweigh the less-than-substantial harm.

- 10.44. The proposal is therefore considered acceptable in relation to policy DH4 of the Oxford Local Plan and paragraph 202 NPPF subject to conditions requiring a method statement for demolition, a foundation design sensitive to archaeological preservation, historic building recording, a written scheme of investigation and a finalised scheme of public art.

d. Impact on neighbouring amenity

- 10.45. Policies RE7 and H14 of the Oxford Local Plan 2036 require consideration to be given to the amenities of neighbouring occupiers during the course of construction and post completion of the development in relation to privacy, daylight and sunlight and sense of enclosure.

- 10.46. Whilst policies focus on ensuring new residential homes are built with adequate privacy, daylight and sunlight, there is no requirement for hotel rooms to have access to daylight, sunlight or outlook. Whilst all the proposed hotel rooms do not have a window. The Z Hotel model is to provide high quality affordable rooms for short stay accommodation. This is achieved by providing small rooms, just designed for sleeping, so without a window. Given the lack of policy requirement for windows and that hotel rooms are solely used for short stay sleeping accommodation, this is considered acceptable.

- 10.47. The site is adjacent to a number of residential buildings of varying scale. To the west of the site is a row of two storey houses which face the site on the opposite side of Faulkner Street. A building of four storeys is proposed and there would be an obvious difference in the scale of the proposed building, compared with the modest two storey houses opposite.

- 10.48. Brooks Taylor Court to the West of the site is a residential retirement apartment building. There are a number of windows serving rooms which overlook the site at No.10 Littlegate Street. The gable end of Brooks Taylor Court closest to the boundary with Lucy Faithfull House is blank; however there is a range of rear facing windows along the west elevation of Brooks Taylor Court which faces the site.

Privacy

- 10.49. The proposed development would introduce new windows in the extension which would face to the west over Faulkner Street, south over the Lucy Faithful House development, east towards Brooks Taylor Court and the Salvation Army building and north towards Littlegate Street. To the west the proposal would include the conversion of the chapel building to hotel rooms utilising existing windows, approximately 16 metres from houses opposite in Faulkner Street. The new build windows would be kept to a minimum, small in scale and would be sited between approximately 13.5 and 17.7 and 21.8 metres between properties in Faulkner Street. Windows in the south elevation would be kept to a minimum

to safeguard the privacy of Lucy Faithful House residents and have been primarily sited in a staggered east elevation with adequate distance of 20 metres or more west facing windows of Brooks Taylor Court. To the front/north elevation the proposal would overlook Littlegate Street.

- 10.50. The scale of the bedrooms proposed are very small and therefore are unlikely to lend themselves to be used for any other purpose than sleeping accommodation at night. Given the context of the site in an urban environment and relationship between existing properties in the surrounding area the proposal is therefore considered acceptable and adequate regard has been given to privacy in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

Daylight/Sunlight

- 10.51. The application has been accompanied by a daylight/sunlight assessment as well as the drawings giving consideration to 45/25 degree guidelines under policy H14 of the Oxford Local Plan 2036. Officers consider that the assessment and design of the development ensure that the nearest neighbouring occupiers primarily in Brooks Taylor Court, Lucy Faithful House (under construction) and Faulkner Street would still receive an acceptable level of daylight and sunlight and due to the design of the building stepping away from neighbouring windows would not have an unacceptable sense of enclosure or overbearing impact.

- 10.52. The proposed development would sit directly adjacent to north facing windows in the Lucy Faithful House development which is currently under construction. These are secondary windows to the main living area in the flats and the development would still benefit from adequate light and outlook to the west. The proposal is therefore considered not detrimental to the amenity of these flats and the side facing windows onto the site should not be viewed as an obstruction to the proposed development.

Noise

- 10.53. The site is bounded by Littlegate Street and Albion Place to the north, Faulkner Street to the west, Brooks Taylor Court and the Salvation Army Building to the east. It is understood that the proposed plant would be installed in a dedicated plant area to the south-east corner of the new building.

- 10.54. The closest noise sensitive receiver to the proposed plant area to the south-east corner of the building has been identified as being a first-floor residential window on Brooks Taylor Court. The closest noise sensitive receiver to the proposed rooftop plant has been identified as being a top floor residential window of the future building Lucy Faithful House to the south.

- 10.55. An Acoustic Noise Assessment has been submitted with the application and appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233:2014 and BS 4142:2014. The plant noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.

- 10.56. Calculations show that noise emissions from the proposed plant would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers, providing that the mitigation measures stipulated in submitted acoustic assessment are implemented.
- 10.57. An appropriate façade design strategy has been outlined in the assessment which would meet current guidelines and give users protection from any excessive external noise.
- 10.58. Officers offer no objections to the application subject to conditions to ensure that the design and structure of the development would be of a standard that would protect residents within it from existing external noise and are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night. In respect of any proposed air conditioning, mechanical ventilation or associated plant, a condition should be imposed to ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant would need to be designed/ selected or the noise attenuated so that it is 10dB below the existing background level and would require the details of the plant and revised acoustic calculations to be submitted which would maintain the existing noise climate and prevent ‘ambient noise creep’, again secured by condition.
- 10.59. Also in the interests of the amenity of neighbouring occupiers a condition is recommended that a demolition method statement and construction management plan are submitted to and approved in writing before works take place on site which would control dust, noise, vibration, lighting delivery location and hours of construction.
- 10.60. Subject to these conditions the proposal is considered to comply with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

e. Transport

Transport sustainability

- 10.61. Policy M3 of the Oxford Local Plan 2036 states that parking for non-residential development will be assessed on a case by case basis through the submission of a transport assessment or travel plan, however parking should always be sought to be kept to a minimum. The application site is located in a sustainable location within the city centre of the Oxford. The site is within easy walking and cycle distance of the rest of the city centre and bus and rail connections. Given this location it is considered acceptable that the development is car-free except for the provision of 2no. disabled parking spaces within the existing car park area. Members of staff and residents would be expected to travel to the site by public transport and the level of parking proposed is considered acceptable in accordance with policy M3.

Cycle parking

10.62. Policy M5 of the Oxford Local Plan sets out that hotels and guest houses are expected to provide a minimum of 1 cycle parking space per 5 non-resident staff, plus 1 space per resident staff. Given that 25 full time staff are proposed, resulting in a requirement of 5no. spaces, the proposal exceeds these standards and seeks to provide 8no. internal spaces at the hotel entrance for guests or staff and 10no. external short stay spaces in the car park. The proposal is therefore considered acceptable in accordance with policy M5.

Servicing and deliveries

10.63. Oxfordshire County Council, as the Local Highway Authority, raised concerns with the proposal in relation to servicing, deliveries and taxi drop offs/collections. Following this concern being raised further information was provided about the scale of deliveries and traffic movements expected to and from the site. It was agreed that servicing would be at a low level and could take place on the street or within the car park area to the front of the site without having a harmful impact on the highway network.

Construction management

10.64. The Local Highway Authority has raised no concerns in relation to the development subject to a construction traffic management plan being provided by condition.

Section 278 agreement

10.65. The development site is located on a key north-south cycle route as identified in the County's Local Cycling and Walking Infrastructure Plan. Given the minimal provision for cars, access to and from the site by walk and cycle modes will be all the more important. It is expected that there would be significant movement of pedestrians and cyclists between the site and Queen Street. Current provision to support pedestrians and cyclists on this desire line is far from optimal and the developer is required to provide pedestrian and public realm improvements. An obligation to enter into a S278 Agreement would be required to secure mitigation/improvement works, comprising the following:

- Footway crossover treatment on Littlegate Street at its junction with Brewer Street.
- Footway crossover treatment on Littlegate Street at its junction with Turn Again Lane.
- Active Travel and highway improvements on Littlegate Street and Albion Place to the area of its frontage on Littlegate Street and Albion Place at the frontage of the development.

10.66. The precise form and design of these works would be the subject of consultation with Oxfordshire County Council.

10.67. This agreement would be secured by means of S106 restriction not to implement development until a S278 agreement has been entered into. The

trigger by which time S278 works are to be completed would also be included in the S106 agreement.

f. Trees/Landscaping

- 10.68. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible, however where their loss is justified then a suitable replacement should be found. Enhanced green landscaping features should also be sought wherever possible.
- 10.69. There are two prominent, mature trees located to the front of the site (hornbeam and cherry) and a self-seeded Goat Willow located along the eastern boundary of the car park. The frontage trees are not subject of a Tree Preservation Order but the trees are in a Conservation Area and are therefore afforded statutory protection. The trees are important in terms of public views and amenity and provide a green backdrop within an area characterised by a fairly hard, densely developed urban area and form part of a grouping of street trees along Littlegate Street and Faulkner Street.
- 10.70. The proposals show that the cherry and hornbeam are to be retained. The willow is poorly situated and is proposed to be removed which is considered to be reasonable and acceptable. Whilst there is no tree canopy cover assessment study provided, a suitable replacement for the willow tree of similar canopy could be secured through landscape details condition and as such the canopy would be replaced. On this basis therefore officers consider that this is sufficient in this case.
- 10.71. The existing tarmac car park is within the Root Protection Area (RPA) of the retained trees and proposals here will need careful detailed design. The existing car park tarmac top is proposed to be removed and replaced with a resin bonded gravel surface; this is considered acceptable in principle, but further detail is required to show existing and proposed finished levels within the RPAs and an acceptable design, which avoids regrading and provides permeability to the RPA. This is recommended to be secured and approved through conditions.
- 10.72. The drainage plan design appears to be supportive of a tree-friendly treatment of the RPA in the car park area, however full details are recommended to be secured in detail by condition.
- 10.73. Subject to conditions requiring a finalised landscaping plan, implementation of the landscaping plan, reinstatement of any tree of planting which fails to establish, a landscaping management plan, landscape surface design in relation to tree roots, the location of underground services in relation to tree roots, a tree protection plan, arboricultural method statement and arboricultural monitoring programme the proposal is considered acceptable in relation to policies G2, G7 and G8 of the Oxford Local Plan 2036.

g. Air Quality

- 10.74. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This

should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

- 10.75. 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 and the application site is therefore considered suitable for its intended use without the inclusion of mitigation measures.
- 10.76. According to the site's energy statement, the hotel will be provided with heating, cooling and hot water via an electric Variable Refrigerant Flow (VRF) system, with the potential for further provision from solar panels located on the roof of the building. As such, there will be no on-site combustion sources.
- 10.77. Standard car parking is not proposed on-site due to the spatial limitations of the site and potential impact on the listed cottage. It is proposed that two disabled bays would be provided on-site for use by disabled hotel guests. These would both be provided with electric vehicle charging facilities, with one delivered as active and the other passive, suitable for future implementation as necessary. The current number of electric charging spaces is consistent with Oxford's local plan policy M4 which could be secured by condition.
- 10.78. The proposed trip generation for the re-development would result in 42 two-way total person trips during the AM peak hour and 35 two-way total person trips during the PM peak hour. The primary focus of trips is around active and sustainable travel, with it also expected that 21 two-way and 8 two-way private car trips will occur during the AM and PM peak hours respectively, with up to 115 two-way car trips associated with the hotel throughout the day.
- 10.79. These daily trip rates are below the screening thresholds recommended for use within an AQMA in the EPUK/IAQM guidance. Therefore, there is no requirement for a detailed assessment of road traffic impacts at existing receptors; it can thus be concluded that the proposed development would not have a significant impact on local roadside air quality.
- 10.80. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, and the risk of dust causing a loss of local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. This would be secured by condition.
- 10.81. The site is located in an area with excellent pedestrian, cycling and public transport access therefore there is good opportunity to promote travelling by sustainable modes. A Travel Plan has been prepared and submitted with the

application. The overarching purpose of the Travel Plan is to limit the number of journeys by private motor car in accordance with Oxford Local Plan policies.

10.82. Subject to conditions, the proposal is considered to comply with policy RE6 of the Oxford Local Plan 2036 and the NPPF.

h. Biodiversity

Protected Species

10.83. Oxford Local Plan 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.

10.84. 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.

10.85. 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.

10.86. The proposal includes substantial demolition of existing buildings on the site and alterations to the roof of the listed cottage which is to be retained. The application was accompanied by a preliminary bat roof assessment (PRA) which was carried out in October and November 2021.

- 10.87. Potential roosting features (PRFs) were identified on building B1, including missing soffit boarding, raised tiles and a gap under lead flashing. If any roosting bats are utilising these features they would be impacted under the proposal to reinstate the original profile of the clay tile roof. A potential access point was also identified into the inaccessible void of B2. Another void in building B3 was also inaccessible but no access points were identified. The immediate surroundings of the building do not provide suitable foraging or commuting habitat for bats, as identified in the report. However, the River Thames is located less than 200m south of the application site. Therefore a single bat roost survey of these features was requested and required prior to determination of this application.
- 10.88. A bat emergence survey was carried out on 10th May 2022 which concluded that buildings B1 (Cottage) and B2 (School Room) do not support roosting bats and the works to the buildings can be undertaken without further consideration for roosting bats. No evidence of roosting bats was recorded within the remaining buildings (B3 and B4 – former Baptist Chapel and garage respectively) and these buildings are not considered suitable for roosting bats and do not support any potential roosting features.
- 10.89. Officers are satisfied that due consideration has been given to the potential presence of protected habitats and species has been given due regard and they would not be harmed as a result of the application in accordance with the NPPF and policy G2 of the Oxford Local Plan 2036. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

Biodiversity Net Gain

- 10.90. Policy G2 of the Oxford Local Plan relates to protection of biodiversity and geo-diversity. This policy requires a biodiversity net gain of 5% on all major developments where there is existing vegetation on site. Given that the site currently benefits from a number of trees a biodiversity net gain was requested to be included as part of the application.
- 10.91. As part of the proposal it is recommended to install integrated bird boxes and this approach is welcomed. Officers have also reviewed the submitted biodiversity metric which shows a significant net gain (improving on a very low baseline). Whilst insufficient information has been provided to determine whether the proposed intensive green roof has been accurately categorised/assessed; this is a very minor point in the context of the proposals and would not materially affect the score. It is considered that the proposal therefore demonstrates a clear biodiversity net gain above 5% on site and the proposals exceed the aims of policy G2.

Landscaping

- 10.92. The application has been accompanied by landscaping proposals for the flat roof of the new build and at ground floor around the existing buildings which are proposed to be retained. Whilst the green roof and additional landscaping is strongly encouraged and supported, concerns were raised during the course of the application that the proposed landscaping was dominated by non-native

species. The majority of the proposed trees, shrubs and ground cover plants should be native species. It was therefore requested that the proposed landscaping was reviewed and approved by the project ecologist. *Lonicra japonica* is an invasive species and it was requested that it be removed from the proposed planting list. A revised planting scheme was received which addressed these issues and the proposals are therefore considered acceptable in accordance with Policies G2 and G9 of the Oxford Local Plan.

i. Flooding and Drainage

Flooding

- 10.93. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.
- 10.94. The south west corner of the site is located within Environment Agency Flood Zone 2. The corner is currently occupied by a structure which is to be lost by the proposed development and replaced. The proposed development is therefore considered to not reduce capacity for flood water storage on site.
- 10.95. Due to the sites position on the very edge of flood zone 2, the proposed development sits above flood levels and is therefore considered not to be at a high risk of flooding. The main entrance to the hotel is also located to the north of the site within flood zone 1. In the event of a flood, there is likely to be safe access and egress of the building.
- 10.96. The proposal is therefore considered acceptable in relation to policy RE3 of the Oxford Local Plan 2036.

Drainage

- 10.97. The application site is a constrained site with existing buildings and an existing car park. Concerns were raised during the course of the application that more could be done to restrict the run off rate from the entire site to 2l/s in line with greenfield run off rates. Whilst this has been achieved from the new building through the use of green and blue roofs, this has not been achievable from the existing buildings and car park. The car park area is also constrained with tree roots of the protected trees therefore it is difficult to provide further attenuation in this area. Given this the Lead Local Flood Authority agreed that the drainage strategy is acceptable and in some areas an improvement on the existing situation achieved, and therefore the proposal is acceptable subject to a condition for a final drainage design including drainage calculations.
- 10.98. Subject to this condition the proposal is considered to accord with policy RE4 of the Oxford Local Plan 2036.

Thames Water

- 10.99. Whilst there is capacity in the network for surface and foul water drainage, following initial investigations, Thames Water has identified an inability of the

existing water network infrastructure to accommodate the needs of the development proposal. Therefore a condition is recommended that any necessary amendments and upgrades to the network are agreed with Thames Water prior to the occupation of the development to ensure that there is sufficient water supply. Subject to the condition, the development accords with RE4.

j. Land Quality

10.100. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The following planning legislation and policies apply:

- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.101. The former uses of the land includes use as a Baptist Chapel and Hall, with some evidence of warehousing to the northeast of the site. Although significant contamination risks are not expected to be present on site due to the lack of historical industrial use, there may be areas of made ground present which could present potential contamination risks to construction workers and future site end-users. In this regard it is considered necessary that an intrusive site investigation is carried out at the site to determine potential contamination risks and what remedial actions may be necessary to ensure that the site is made suitable for the proposed use.

10.102. The submitted Phase 1 Preliminary Risk Assessment report is considered acceptable however, conditions are recommended for a Phase 2 survey to be completed, any remediation required and a watching brief to be carried out during construction.

10.103. Subject to these conditions the proposal is considered to comply with policy RE9 of the Oxford Local Plan 2036.

k. Energy

10.104. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and requires that new commercial development meets BREEAM excellent standard and achieves a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. In this case the proposal meets these requirements with a fabric first approach to reduce energy demand (with good building insulation) and also through the use of solar PV panels on the roof and a heat recovery system. Furthermore the proposal seeks to use sustainable materials and minimise waste during construction and operation. A compliance condition is recommended that the proposed development is built to comply with the commitments of the energy strategy. This would also ensure that the proposed development reaches a minimum of four credits under BREEAM assessment in relation to water efficiency given that Oxford is located in an area of water stress.

- 10.105. Given the above and subject to compliance conditions, the proposal is considered to meet the requirements of policy RE1.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion 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.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. In relation to heritage assets, although the proposal would result in harm, this would be less than substantial and outweighed by the public benefits of the scheme which include making a more efficient use of the site and heritage benefits to the existing listed building including removal of the existing rear extension and box dormer in accordance with the statutory test identified under paragraph 202 of the NPPF.
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of conditions.
- 11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse

impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

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

11.8. Officers would advise members that, having considered the application carefully, 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 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report and 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.

12. CONDITIONS

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

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

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

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

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands and the setting of the listed building in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

4. Prior to the commencement of development (except for demolition), details of the junctions between existing buildings and the extension shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands and the setting of the listed building in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

5. No demolition shall take place until a detailed method statement for staged demolition works, involving stage one demolition to slab level only without grubbing out of foundations, designed to facilitate controlled archaeological recording of the proposed floor demolition within the chapel and to facilitate strip map and record excavation of the foundation grid has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains and facilitate a programme of archaeological (Oxford Local Plan Policies DH3 and DH4).

6. No development shall take place until a detailed design for ground works and foundations and a method statement for the construction of foundations in areas of archaeological potential have been submitted to and approved in writing by the Local Planning Authority. The method statement shall set out a methodology for piling that shall avoid the need for pile probing or grubbing out of obstructions (i.e. pre drilling if required). All works shall be carried out and completed in accordance with the approved design for ground works and foundations and method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains (Oxford Local Plan Policies DH3 and DH4).

7. No development shall take place until the applicant, owner, or their respective agents or successors in title, have secured the implementation of a programme of historic building recording to level 4 standard (Historic England 2016 Understanding Historic Buildings) encompassing provision for dendrochronology dating, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure public benefit in mitigation of harm to above ground archaeological remains in accordance with Oxford Local Plan Policies DH3 and DH4.

8. No below ground works shall take place until a written scheme of investigation (WSI) for archaeological recording (encompassing a programme of archaeological excavation, watching brief and related programme of public outreach) has been first submitted to and approved in writing by the local planning authority. For land that is included within the

WSI, no development relating to each phase shall take place other than in accordance with the agreed WSI for that phase unless otherwise first agreed by the Local Planning Authority in writing. Each WSI shall include the statement of significance and research objectives, and

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

Reason: To secure public benefit in mitigation of harm to below ground archaeological remains (Oxford Local Plan Policies DH3 and DH4).

9. Prior to the commencement of landscaping works a method statement for on-site archaeological interpretation using signage, floor design, incorporation of exposed fabric or a combination of one or more of these shall be submitted to and approved in writing by the local planning authority. The interpretation shall facilitate the public appreciation of significance of the Oxford Blackfriars and the significance of the Provisions of Oxford in 1258 to the development of British democracy. The development shall be carried out in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority.

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

10. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime (06:00-22:00) and of more than 30 dB LAeq 8hrs in bedrooms at night (22:00-06:00).

Reason: To ensure that the amenity of occupiers of the premises is not adversely affected by noise from external sources to the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

11. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation at all times.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from sources at the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

12. Notwithstanding the submitted details of plant and machinery, prior to the commencement of development, revised details of any plant and machinery shall be submitted to and approved in writing by the local planning authority to demonstrate that plant will be designed/ selected or the noise attenuated so that it is 10dB below the existing background level to maintain the existing noise climate and prevent 'ambient noise creep'. Only the approved plant and machinery shall be installed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from sources at the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

13. Prior to commencement of the development hereby approved, a demolition method statement and a construction traffic management plan, prepared in accordance with Oxfordshire County Council's checklist, shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the requirements of policies RE7 and RE8 of the Oxford Local Plan 2036.

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

Reason: In the interests of sustainable modes of transport in accordance with policy M5 of the Oxford Local Plan 2036.

15. Notwithstanding any submitted Travel Plan, prior to first occupation of the hotel a Travel Plan should be submitted to and approved in writing by the Local Planning Authority. The hotel shall be occupied and operated in accordance with the Travel Plan at all times thereafter.

Reason: In the interests of sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

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

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

17. The Landscape Plan 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 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.

19. 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 G1 and G7 of the Oxford Local Plan 2036.

20. 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.

21. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), produced in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations", has been submitted to, and approved in writing by, the Local Planning Authority.

The TPP & AMS shall include such details as are appropriate to the circumstances, for the protection during development of retained tree, and any areas of ground identified for new tree planting (the areas to be equal to the calculated Root Protection Area of proposed trees at their eventual state of maturity (i.e. 25 years). The TPP & AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. 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 TPP & 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.

22. 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 development shall be carried out in accordance with the approved AMP which 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. 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 Local Planning Authority at scheduled intervals 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.

23. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Annex A4 (pages 50-52) of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority and adhered to and implemented throughout the construction period unless otherwise agreed in writing by 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.

24. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure 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 and shall remain in place thereafter.

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

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

- a) Risk assessment of potentially damaging construction activities affecting bats.
- b) Sensitive working practices to avoid impacts on roosting bats during construction (may be provided as a method statement).
- c) The times during construction when specialist ecologists need to be present on site to oversee works.
- d) Responsible persons and lines of communication.

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: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

26. Prior to the commencement of the development, details of biodiversity enhancement measures including at least 5 x bird nesting devices shall be submitted to and approved in writing by the local planning authority. The

approved measures shall be constructed under the guidance of a suitably-qualified ecologist prior to completion of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of improving the biodiversity of the City in accordance with the National Planning Policy Framework.

27. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement 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 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: To ensure compliance with Policies DH1, G2 and G8 of the Oxford Local Plan 2036.

28. Prior to commencement of development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall 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 Sustainable Drainage Scheme (SuDS) 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: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

29. Prior to first occupation, a record of the installed Sustainable Drainage Scheme (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: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

30. The development shall not be occupied until confirmation has been provided to the Local Planning Authority that either:- all water network

upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. 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.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

31. 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 (desk study and preliminary risk assessment) 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.

32. 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.

33. 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.

34. The development shall be carried out in accordance with the energy and water efficiency measures set out in the 'We Design For Ltd. Sustainability and Energy Statement' dated December 2001 and the measures shall be retained in place thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policy RE1 of the Oxford Local Plan 2036.

Informatives

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

The archaeological recording should consist of 1) historic building recording of the standing buildings - the Victorian buildings to Level 3 standard and No 10 Littlegate Street to Level 4 standard- with a detailed watching brief to be undertaken during stripping out works and any significant fabric interventions and provision for dendrochronology dating within the cottage. 2) archaeologically controlled ground reduction within a

staged demolition process (internal floor reductions and to top of pile mat formation) and strip and record excavation of areas of significant ground work (the foundation grid etc). Full excavation and assessment of any unforeseen burials that are exposed during works. 3) archaeologically controlled watching brief on associated groundworks with adequate contingency for unforeseen areas of survival (i.e. service runs). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

Scope of outreach

The project outreach should include on site temporary information boards, a 500 copy print run public information leaflet (and pdf) with an artist reconstruction of the friary, a handling session in the Museum of Oxford, social media posts and a press release.

13. APPENDICES

Appendix 1 – Site plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan



Oxford City Planning Committee

19th July 2022

Application number:	21/03583/LBC		
Decision due by	16th March 2022		
Extension of time	TBA		
Proposal	Demolition of C19 addition to 10 Littlegate Street and alterations to and refurbishment of the retained building		
Site address	The Deaf And Hard Of Hearing Centre, 10 Littlegate Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Osney And St. Thomas Ward		
Case officer	Gill Butter		
Agent:	Mr Philip Taylor	Applicant:	Z Hotels
Reason at Committee	The application is before the committee because it is the accompanying listed building for the planning application 21/03582/FUL		

1. RECOMMENDATION

1.1. 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.
- Issue the listed building consent.

2. EXECUTIVE SUMMARY

2.1. This report considers the impact of the proposed alterations, including the removal of later additions, to the grade II listed building, 10 Littlegate Street on the architectural and historical significance of the listed building.

2.2. Having identified the heritage assets that would be impacted by the proposed works, the report considers the significance of those heritage assets.

- 2.3. The report then considers the impact of the proposed works on the significance of the heritage assets and assesses whether there would be any harm caused to the significance and, if so, what level of harm would be caused.
- 2.4. The report considers the justification that is offered by the applicant for the proposed works and considers whether this is both clear and convincing.
- 2.5. The report assess whether any design mitigation has been taken by the applicant in order to reduce or eliminate any harm that may be caused to the significance of the heritage asset and if there is any resultant harm whether this can be outweighed by public benefits that would arise from the proposed works.
- 2.6. Finally the report considers whether the proposed works would meet the objectives of both national and local planning policies and sets out a recommendation to the Planning Committee.

3. LEGAL AGREEMENT

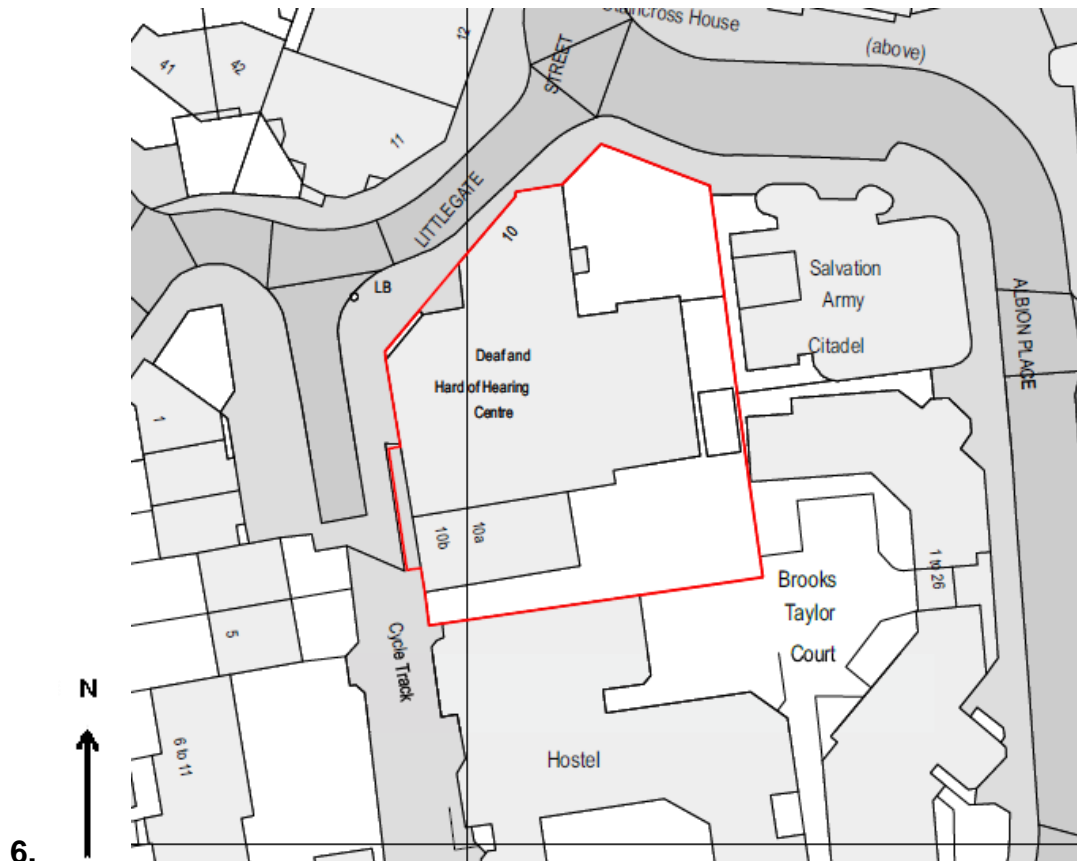
- 3.1 This application is not subject to a legal agreement

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site comprises a grade II listed building, 10 Littlegate, which sits on the southern side of Littlegate Street where it meets Albion Place. The building dates from the mid-17th Century and is a much altered, three bay, timber framed building aligned north/south that sits on the site of a former gatehouse to Blackfriars Monastery whose land extended across much of the historic area of St Ebbes stretching down to the northern banks of the River Thames. A Victorian chapel building and associated schoolhouse adjoin the listed building to the south. The site is surrounded by 20th Century and 21st Century housing and flat developments to the west south and east.
- 5.2. See site location plan below:



7. © Crown Copyright and database right 2020.

8. Ordnance Survey 100019348

9. PROPOSAL

9.1. The application proposes the removal of the rear, later wing that sits on the western side of the original 17th Century building together with alteration to the western roof slope to remove a large box dormer. In addition it is proposed to make changes within the building to convert existing rooms to letting bedrooms associated with the new hotel building that is to be built to the south of the listed building and to upgrade building fabric as part of the conversion of the building to hotel accommodation and ancillary spaces. The removal of the later western addition to the listed building will expose a stone archway that represents the entrance to the Blackfriars Monastery and that is presently only visible inside the listed building and the associated planning application 21/03582/FUL sets out proposals for publicly accessible interpretation of the building and the site's past.

10. RELEVANT PLANNING HISTORY

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

<p>67/19100/A_H - Change of use from residential to Deaf and Hard of Hearing Centre and extension to provide canteen, library and Warden's flat (revised). PER 26th September 1967.</p>

68/19100/A_H - Alterations to cottage to display Abbey Gateway. PER 28th May 1968.

71/26425/L_H - Erection of single storey extension to provide new offices and demolition of existing garage / temporary shop. PER 21st September 1971.

89/00112/NFH - Disabled access and exit with external ramp and balustrade (Amended plans). PER 5th May 1989.

94/01058/DFH - Change of use from Wardens Accommodation on 1st and 2nd floor (Residential) to offices for Specialist Deaf Team including use of 4 parking spaces. RNO 21st October 1994.

21/03582/FUL - Conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking
PENDING CONSIDERATION

11. RELEVANT PLANNING POLICY

11.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Conservation/ Heritage	189-208	DH1 - High quality design and placemaking DH3 - Designated heritage assets DH4 - Archaeological remains		

12. CONSULTATION RESPONSES

12.1. Site notices were displayed around the application site on 25th February 2022 and an advertisement was published in The Oxford Times newspaper on 17th February 2022.

Statutory and non-statutory consultees

- 12.2. Historic England: response in a letter dated 23rd February 2022

“Thank you for your letter of 14 February 2022 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.”

- 12.3. Victorian Society: response in a letter dated 7th March 2022

“10 Littlegate Street represents a historic and architecturally significant site which falls partly within a Conservation Area. Given the variety of buildings on the site, their complex histories and varied significance it is important that any development is very carefully considered.

The Victorian Society wish to make no comment on the proposals affecting the Grade II listed 10 Littlegate Street and defer to the Society for the Protection of Ancient Buildings.”

- 12.4. Society for the Protection of Ancient Buildings in an e-mail dated 16th March 2022

“In terms of the proposed works to the historic fabric of No.10 Littlegate Street, we defer to the Oxfordshire Architectural and historical Society who have far more intimate and comprehensive understanding of the building and its history. We entirely agree with their comments dated 15th February 2022. We particularly welcome the removal of the 1960’s external cement render as part of the works but please ensure that a comprehensive repair specification for the historic fabric of the listed building is provided and agreed.

We welcome the removal of the C20 single-storey extension to the rear of no 10 Littlegate Street, although the fabric may be of the earlier, C19 extensions, along with the C20 dormer window. If the earlier fabric is revealed, care will need to be taken that this will not encourage or accelerate decay or vandalism from its exposure.”

- 12.5. Oxford Preservation Trust in a letter dated 14th March 2022

“Oxford Preservation Trust (OPT) welcomes this opportunity to comment on the plans and supporting information submitted as part of the above listed building consent application for the proposed work to the existing listed building, located at 10 Littlegate Street.

As you will be aware 10 Littlegate Street is a Grade II Listed building, and constitutes one of the last standing remains of the Blackfriars Prior. The site is also located within the Central Conservation Area, and acts as focal point at the junction between Littlegate Street, Albion Place and Faulkner Street. Great care should be taken to preserve, and enhance, the special character of this building and the role it plays within the Conservation Area.

OPT note that the Oxfordshire Architectural and Historical Society have submitted detailed comments on the applications, especially with regard to the historical fabric of the listed building, and they are best placed to identify the key issues that require consideration. They also highlight that the building was subject to a Oxfordshire Buildings Report (OBR) and that this does not appear to have been referred in the application supporting information.

Any proposed works to the building should not result in the loss of key features or historic fabric of the designated heritage asset, and the adjoining development, and proposed new use should act as catalyst to preserve and enhance rather than one that harms this important building.”

12.6. Oxfordshire Architectural and Historical Society in a letter dated 15th February 2022

“The OBR report on 10 Littlegate Street identified several key research questions which remain unanswered. If permission is given to alter this highly significant building, containing the last standing remains of Blackfriars Priory, the opportunity should be taken to ensure that investigative and recording work is a condition of permission, to try to answer some of these questions. Moreover, any ‘stripping out’ of the building should be conducted under archaeological supervision. Great care must be taken not to lose or harm evidence of the complex evolution of this building (and its neighbours, on which more below), as well as the interlinking relationships evidenced in their multiple phases of fabric.

The chimney stack may well be the northern stack shown in the Buckler 1821 drawing. The demolition plan for the roof appears to suggest that this stack will be demolished; if it is historic, it should not be.

The roof timbers are analysed to a certain extent in the OBR report, including discussion of possible original form and subsequent alteration. The evidence from these roof timbers, even in their altered state, should not be lost if possible. Despite alterations, there remain high level cambered collars double-pegged into the principal trusses, and carpenters’ marks. It would be very helpful for understanding the building to obtain dendrochronological dating, if possible, of the roof timbers. There remains confusion as to which, if any, buildings on the Agas map of 1578 the building relates to. Anthony Wood, in his Survey of Oxford c. 1661-1666, does not mention the building, despite the date inscribed on the lintel, 1647. Moreover, the ‘4’ in the 1647 appears very likely to have been recut and not necessarily reliable (it is the ‘4’ that is in question not the ‘7’ as stated in the heritage statement n.18). The Loggan map of 1675 does not show a structure with a tower porch on its eastern side, raising questions as to when the porch was built. (Loggan does depict such tower porches and staircase towers elsewhere on his map.) Hence, more accurate dating of 10 Littlegate Street could help answer these unresolved research questions.

In so far as the gateway is to be opened up and made publicly legible, it would be worth presenting the remains in such a way that it is understood that the external face of the gateway actually faces east (i.e. into the current building).

When looking through the gateway from the west to the east, one was originally looking out of the gatehouse into the outside world beyond the precinct, although today one is looking into a building. The evidence for that is the chamfered jambs of the gateway facing east and the rebates for the doors of the gateway and the remains of hinges. These are on the western side of the gateway.¹ It will be challenging but important to make this legibility clear and understandable.

There was a kitchen fireplace in the western wall of the house when the gatehouse was reused as part of the house. There is now little visible sign of this kitchen fireplace, which any 17th-century house would have had. Therefore, if opening up work is to be done on the western wall, care must be taken not to destroy important evidence on this point, if it still exists, and to record it properly.

There was also a fireplace on the north side; at first floor level evidence of this remains in situ. We note that a bedroom on the ground floor, including a toilet hard up against the location of this fireplace, is proposed. This proposal is despite the fact that the Oxford Design Review Panel commented that it was inappropriate to have bedrooms on the ground floor of the listed building given its significance, which would be better served by having a dignified public space here. We agree, not least because of the impact of subdivision and insertion of services in this area.”

12.7. Local consultation response

- 12.8. There were no consultation responses to the application from local people.

Officer Response

- 12.9. The responses from the amenity societies, both national and local have been carefully considered in reaching the recommendation. Officers have recommended a number of conditions that will ensure that the concerns raised have been taken into account and measures to ensure that recommendations will be carried out are put in place. In particular that later fabric in the building will be carefully removed and alterations carried out under watchful, expert eyes. Surviving historic building fabric both evident and revealed will be subject to appropriate investigation and recording so as to better understand the evolution of the building and its historical and architectural significance and to both record information gathered and make it publicly accessible in both records and on-site. All this is in accordance with best practice and will meet the objectives of both national planning policies as set out in section 16 of the National Planning Policy Framework (July 2021) and local planning policies, specifically policies DH3 and DH4 of Oxford's Adopted Local Plan 2036.

13. PLANNING MATERIAL CONSIDERATIONS

- 10.1 Officers consider the principal planning considerations to be:

- I. The significance of the heritage asset
- II. The impact of the proposed alterations on the significance of the heritage asset, whether there would be harm to that significance.
- III. The justification for the proposed alterations to the heritage asset

I. Policy Context

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

When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF requires great weight to be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance.

Policy DH3 of the Oxford Local Plan 2036 requires great weight to be given to the conservation of heritage assets; policy DH1 requires good quality of design and policy DH4 requires that archaeology is protected and recorded as part of development.

II. The Significance of the Heritage Asset

- 13.2. Littlegate Street is a grade II listed building. Dating from the mid-17th Century the building replaced earlier buildings on the site which documentary evidence shows to have been the site of a gatehouse to Blackfriars Friary whose land extended across what later became the suburb of St Ebbes and down to the northern edge of the River Thames to the south of the site.
- 13.3. The building that is the subject of this application was constructed as a three bay, timber framed cottage probably associated with the market gardens that were laid out across the former friary lands following its dissolution in the early C16.
- 13.4. The cottage survived the mid-19th Century redevelopment of the market gardens for housing and the 20th Century clearance of the housing and replacement with institutional buildings and modern housing but was badly damaged by fire in 1967 and subjected to substantial reconstruction following that event.
- 13.5. The fire damage did reveal some surviving medieval, fabric associated with the friary buried within the west wall of the cottage which survives today but which can presently only be seen from inside the building due to a C19 addition to the rear of the original cottage which was subsequently altered in the 20th Century following the fire.

- 13.6. The significance of the present day building derives from its surviving historic fabric both medieval and 17th Century which is of a moderate aesthetic, architectural value and a moderate historical value derived from its association with former uses of the land. There is potential to reveal evidence that may increase the significance of both the building and the site.

III. Impact of the proposed alteration on the significance of the heritage asset, whether there will be harm to that significance

- 13.7. This application for listed building consent proposes the removal of the 19th Century/20th Century western extension to the 17th Century building together with removal of the large c20 box dormer on the west roof slope of the original 17th Century cottage.
- 13.8. Additional works include the conversion of internal rooms to bedrooms with en-suite bathrooms associated with the new hotel building that is the subject of the concurrent planning application 21/03582/FUL; which is also considered for consideration by the Oxford City Planning Committee.
- 13.9. Associated works comprise the external exposure of the encapsulated, medieval arch/ former friary gatehouse entrance, the repair and upgrading of building fabric and the introduction of new services within the building.
- 13.10. Documents submitted in support of the original submission in December 2021 provided little detail of proposed works. Further details submitted in May 2022, following discussion, further investigation of the building and request from with the principal heritage officer, provide some more detail. Suggested conditions to be attached/applied to any grant of listed building consent will ensure that surviving historic fabric, both known and that may be revealed will be carefully recorded, appropriately repaired and preserved and that interventions will be detailed in such a manner as to preserve the significance of that surviving fabric.
- 13.11. Officers therefore consider that the proposed works will not harm the significance of the heritage asset but will rather reveal its significance resulting in an increased understanding of the building's architectural and historical values which will be recorded and will be publically available both in documentary records and on the site.

IV. The justification for the proposed alterations to the heritage asset

- 13.12. No 10 Littlegate is in a poor condition and has been subjected to substantial, harmful alterations. This application seeks consent for works that would remove the more substantial, harmful alterations that have taken place during the 20th Century, careful repair the building's fabric whilst recording and therefore enabling a greater understanding of its significance and would ensure that the building has a viable and sustainable use thus ensuring its continued survival.
- 13.13. The proposed alterations to the building are considered to be clearly and convincingly justified in order that all these objectives may reasonably be

achieved.

14. CONCLUSION

- 11.1 In conclusion officers consider that the proposed works to the listed building carried out in accordance with the supporting documents and subject to the recommended conditions would not result in harm to the significance of the heritage asset and would therefore meet the statutory duty.
- 11.2 Additionally it is considered that the works proposed, subject to application of the recommended conditions would meet the objectives of national planning policies as set out in section 16 of the National Planning Policy Framework, and in particular paragraph 195 which states that “Local planning authorities when considering the impact of a proposal on a heritage asset should take into account the significance of the heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.
- 11.3 Furthermore officers consider that the proposed works, in preserving the significance of the heritage asset would meet the objectives of policies DH1, DH3 and DH4 of Oxford’s Adopted Local Plan 2036.
- 11.4 It is recommended that the Committee resolve to grant listed building consent for the works proposed subject to recommended conditions set out in section 12 of this report.

15. CONDITIONS

1. Commencement of works LB Consent

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

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

2. Archaeological recording

No development shall take place until the applicant, or their agents or owner or the respective successors in title, have secured the implementation of a programme of historic buildings recording to level 4 standard (Historic England 2016 Understanding Historic Buildings) encompassing provision for dendrochronology dating, 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

Reason: To record and advance understanding of the significance of the heritage asset and to make this evidence and any archive generated publicly accessible in accordance with policy set out in paragraph 205 of the National

Planning Policy Framework (July 2021) and policies DH3 and DH4 of Oxford's Adopted Local Plan 2036.

3. Works as approved only

This Listed Building consent relates only to the works specifically shown and described on the approved drawings. Any other works, the need for which becomes apparent as demolition, investigation of fabric, alterations and repairs proceed, are not covered by this consent and details of any other works must be submitted to the council as Local Planning Authority and approved in writing before work continues.

Reason: For the avoidance of doubt and to protect the special interest of the historic building in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

4. Demolition

All demolition and removal of building fabric including the western addition to the C17 building and the later alterations and additions to the roof of the listed building shall be carried out carefully and using hand tools where immediately abutting and enclosing historic building fabric. Demolition shall only be commenced following approval of the archaeological written scheme of investigation and shall allow for implementation of an approved archaeological watching brief as set out in Condition 3 of this listed building consent.

All original architectural features exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure the preservation of valuable features of historic interest which might otherwise be lost during the proposed works, in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

5. Details of fabric intervention

Further details of alterations to building fabric including: details of alterations to internal and external walls around the exposed archway; details of all new fabric abutment to retained, internal and external historic building fabric shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant works and the works shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt, to ensure the preservation of surviving historic building fabric and so that the Local Planning Authority can agree these details in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

6. Materials samples

Samples of exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority

before the start of work on the site and only the approved materials shall be used unless subsequently 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 preservation of the architectural significance of heritage assets and visual amenity, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

7. Details of M&E installations

Details of all mechanical and electrical installations including heating, hot and cold water, drainage, ventilation including vents in external wall and roof fabric and installations associated with fire precautions shall be submitted to and approved in writing by the Local Planning Authority before such works are commenced on site. All works shall be carried out in accordance with the approved details unless subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that all relevant interventions preserve the historic and architectural significance of the heritage asset in accordance with policies DH3 and DH4 of Oxford's Adopted Local Plan 2036.

8. Specification

A fully detailed specification including materials, methods and workmanship for all alterations and repairs to historic building fabric shall be submitted to the local planning authority and approved in writing before any of these works are carried out. All works shall be carried out in accordance with the approved document.

Reason: To ensure that the historic fabric of the building is conservatively repaired and preserved in accordance with best practice and to meet the objectives of preserving the significance of the heritage asset as set out in policy DH3 of Oxford's Adopted Local Plan 2036.

16. APPENDICES

Appendix 1 – Site location plan

17. HUMAN RIGHTS ACT 1998

- 17.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve subject to the recommended conditions 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.

18. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan



Oxford City Planning Committee

19th July 2022

Application number:	22/00289/FUL		
Decision due by	4th April 2022		
Extension of time	TBA		
Proposal	Erection of a part single, part two storey side extension. (Amended plans).		
Site address	75 Langley Close, Oxford, Oxfordshire, OX3 7DB		
Ward	Headington Ward		
Case officer	Nia George		
Agent:	Jim Driscoll	Applicant:	Mr A Rehman
Reason at Committee	The applicant Mr A Rehman is an elected Councillor for the Lye Valley Ward.		

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 erection of a part single, part two storey side extension at 75 Langley Close. The property's lawful use is as a C4 house in multiple occupation, and the proposed extensions would create an additional three bedrooms and four en-suite bathrooms. The extension would be finished in matching materials to the host dwelling.

2.2. This report considers the following material considerations:

- Principle of development
- Design

- Neighbouring amenity
- Drainage
- Biodiversity
- Trees

2.3. Officers conclude that the proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of Langley Close nor the host dwelling. The extension would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts in regards to drainage, biodiversity and trees, subject to the recommended conditions and informative. Overall the proposal is considered to accord with the policies of the Oxford Local Plan 2036, the Headington Neighbourhood Plan, and the NPPF.

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.

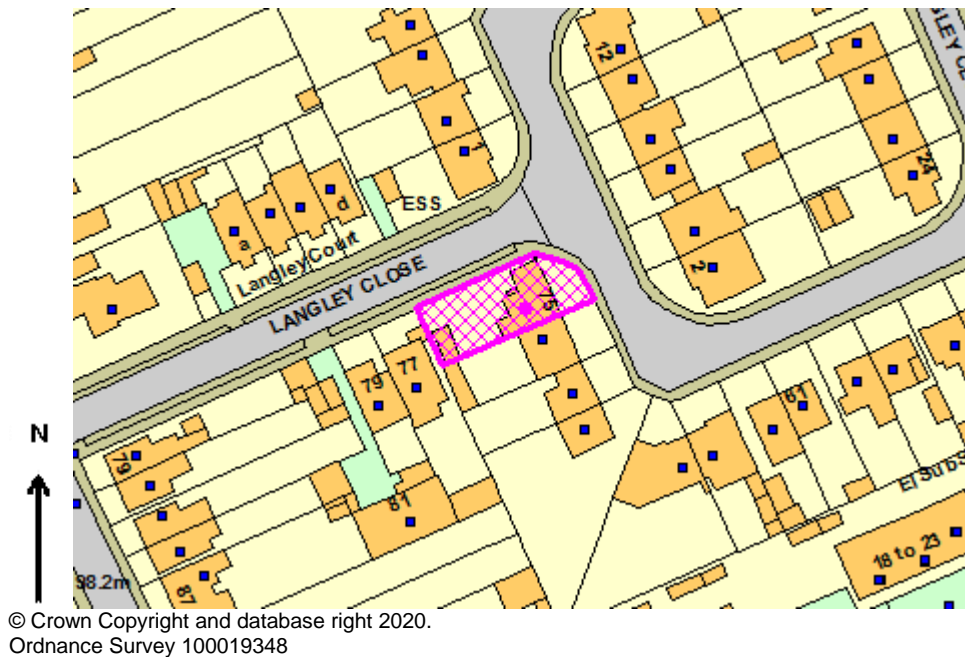
5. SITE AND SURROUNDINGS

5.1. The application site is a two storey semi-detached property located on the south-western side of Langley Close. Langley Close is a cul-de-sac accessed from Windmill Road in the Headington area of Oxford City. The property is located on a corner plot at an opening in the close.

5.2. Langley Close primarily consists of two storey semi-detached, hipped roof properties which feature a two storey pitched roof bay front projection. Although properties within the close have undergone various alterations; including alterations to their roof forms and their scale, the close does have a relatively uniform appearance.

5.3. The site currently benefits from a single storey side extension and a garage sited within the rear garden. The property is also currently undergoing some further alterations using householder permitted development rights which the property benefits from under the Town and Country Planning (General Permitted Development) (England) Order 2015. A single storey rear extension, alterations to the former hipped roof to form a gable, two roof lights within the front roof slope, as well as a box dormer window situated on the rear roof slope in association with a loft conversion, have all been erected at the site and are nearing completion.

5.4. See block plan below:



6. PROPOSAL

6.1. Planning permission is sought for the erection of a part single, part two storey side extension. The ground floor element of the extension would have a width of 3.7m and would extend for 6.65m in depth. It would be sited behind the existing single storey side extension and to the side of the host dwelling and the existing single storey rear extension recently erected. The single storey element would feature a flat roof with a height of 2.7m. The single storey element would be inset from the widest part of the existing single storey side extension by 0.35m in its width. At first floor level the extension would sit above part of the existing side extension and part of the new extension. It would have a pitched roof form set down from the main roof slope of the host dwelling by 0.3m in height. The first floor element would also be set back from the principal elevation of the host dwelling by 0.9m in depth. The first floor element would therefore be set back from the existing single storey side extension by 0.45m in depth.

6.2. The existing host dwelling is currently finished in a light green pebble dash render with white fenestration, and red/brown roof tiles. The proposed extension would be finished in matching materials to the host dwelling.

6.3. The proposed extension would create a bedroom and two en-suites on the ground floor, and at first floor level the extension would create two bedrooms, each with their own en-suite.

7. RELEVANT PLANNING HISTORY

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

55/04328/A_H - Private garage. Permitted Development 17th April 1955.

57/06311/A_H - Erection of porch. Permitted Development 10th September
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1957.

06/02358/FUL - Single storey extension to side. Approved 24th January 2007.

21/01989/FUL - Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). Provision of bin and bike stores. Approved 21st September 2021.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
Design	126-136	DH1 – High quality design and placemaking	GSP4 - Protection of the setting of the site CIP1 - Development respect existing local character CIP3 – Innovative design
Housing	50-80	H14 – Privacy, daylight and sunlight	
Natural environment	174-188	G2 – Protection of biodiversity and geodiversity G7 – Protection of existing Green Infrastructure features	
Environmental	174-188	RE4 – Sustainable and foul drainage RE7 – Managing the impact of development	
Miscellaneous	7-14	S1 – Sustainable development	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th February 2022. Amended plans were however submitted during the course of this application to address concerns raised by the case officer regarding the design of the proposal, and it is these revised plans upon which the application is considered. These revised plans were re-advertised and further site notices were therefore displayed around the application site on 7th April 2022. The description for the

application was therefore also amended to reflect that amended plans had been submitted, and this amended description was reflected on the site notices.

Statutory and non-statutory consultees

Natural England

9.2. No objection

Internal - Biodiversity

9.3. No objection, subject to informative

Internal - Trees

9.4. No objection, subject to conditions

Barton Community Association

9.5. No comments received

Central North Headington Residents Association

9.6. No comments received

Headington Action

9.7. No comments received

St Anne's Road Residents Association

9.8. No comments received

Public representations

9.9. 5no. people commented on this application from addresses in Langley Close and once comments was received from an unknown address.

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

- Amount of development on site
- On-street parking
- Parking provision
- Increased number of bedrooms for HMO
- Financial benefit for applicant
- Quiet family road
- Disruption from current construction works at the site
- Use of permitted development rights
- Rear garden should be used for parking

- Overdevelopment of site
- Effect on character of area
- Number of HMOs in Langley Close and Langley Court
- Design/proportion of proposed windows
- Sequential nature of planning applications
- Paving over gardens for parking should not occur to retain greenery in area
- Effect on adjoining properties
- Effect on traffic
- Noise and disturbance
- Condition should be attached to exclude from parking permits
- Changing a HMO back to a family dwelling seems irreversible
- Parking enforcement is not a deterrent to occupiers parking illegally
- Local ecology/biodiversity
- Trees
- Drainage
- Proximity to boundary
- Overbearing appearance
- Out of keeping in its appearance with the majority of other properties in Langley Close

Officer response

9.11. Comments received in response to the public consultation address the property being used as a house in multiple occupation and issues which arise from this, including the character of the area, traffic, parking, noise and disturbance. This current planning application is for the erection of a part single, part two storey side extension, and not for the change of use from a dwellinghouse to a house in multiple occupation, which was already dealt with under application reference 21/01989/FUL. These matters relating to the HMO use are therefore not material considerations that Officers can have regard to when considering the proposed extension. Whilst Officers appreciate that as a result of the proposal there would be more bedrooms and therefore more availability for occupants, the C4 HMO use class which has been approved for this site is restricted for up to 6 occupants. Therefore if the applicant wished to accommodate more than 6, then a planning application would be required for the change of use to a Sui Generis larger HMO. As the use of the site as a C4 HMO has already been considered and granted permission prior to this application, the comments on those particular issues related to the HMO use cannot be taken into account.

9.12. In response to the comments which note that the applicant has developed the site using permitted development rights, Officers must emphasise that these

additions do not require planning permission to be sought from the Local Planning Authority and can be done at any time, subject to meeting the relevant requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The disruption associated with the current construction works at the site are also not material planning considerations.

9.13. Comments were also received expressing concerns over how the applicant has sequentially submitted planning applications and has undertaken alterations to the property in a piece meal way. This is not a matter which is a material planning consideration and each application must be considered upon its own merits.

9.14. The financial benefits of the proposal for the applicant are also not material planning considerations.

9.15. Comments relating to the design of the proposal, the amount of development at the site, the effect upon neighbouring occupiers, trees, drainage and biodiversity are material considerations, and are discussed in greater detail within the following section of the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Residential Amenity
- Drainage
- Biodiversity
- Trees

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 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP3 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, biodiversity, outlined within Policies RE4, G2 and G7 of the Oxford Local Plan 2036, in addition to the NPPF and the Conservation of Habitat and Species Regulations 2017 (as amended). These matters are addressed below.

b. Design

- 10.4. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Policies CIP1, CIP3, and GSP4 of the Headington Neighbourhood Plan seek to ensure that development respects the local character, protects the site setting, and uses innovative design where possible.
- 10.5. It is considered that due to the subservient scale of the side extension, coupled with its set down from the main ridgeline of the host dwelling and its set back from the principal elevation of the host dwelling, that the proposal would be of an appropriate design and scale given the character and context of the site. The gable roof form proposed would form a good visual relationship and appearance to the roof line of the host dwelling which also has a gable roof form as recently altered, and overall the proposal is considered to be sufficiently subservient in its nature. The proposed extension would be finished in matching materials to the host dwelling; pebble dash render with white fenestration and therefore would be considered to form a good visual relationship to the host dwelling.
- 10.6. It is appreciated that the site sits on a corner plot and the extension would extend close up to the northern boundary. At ground floor level the proposed extension at its closest point to the boundary would retain a gap of 0.35m, and the first floor element would be further in set by a further 0.15m, totalling a gap of 0.5m from the boundary at first floor. The proposed extension would therefore be visible within the streetscene of Langley Close, and there would also be glimpsed views of the extension from Windmill Road to the west. However, given that the property already benefits from a wide single storey side extension which is close up to the corner of the plot, coupled with to the north of the site on the opposite corner of the close a two storey side extension has been erected at No. 1 Langley Close, Officers consider that the loss of this existing sense of space to the side of the property would not be detrimental upon the character of the streetscene. Whilst on some occasions the spacing at the side of properties on corner plots are important to be retained in terms of their positive influence on the character and appearance of an area, it is considered that the context of this site means this is not the case here. As noted, the corner plot to the north of the site has been extended at two storey scale in close proximity to the boundary. The extension only retains a gap of 0.4m between the boundary towards the

front of the plot. The proposed extension would result in a similar form of development however Officers consider that the amended design with the first floor element inset from the ground floor element, and indeed the proposed single storey element being inset from the existing single storey side extension, helps to ensure the proposal would not appear dominant or overbearing when experienced from the public realm.

10.7. Representations have been made noting that the proposed extension would be out of character with other properties within Langley Close, and also that the fenestration detailing proposed appears to be out of proportion. Officers note that Langley Close primarily consists of two storey semi-detached properties which have hipped roofs and two storey front pitched roof bay projections at the front of the properties. Overall the close has a relatively uniform appearance and rhythm, with the exception of properties on the approach into the close from Windmill Road; where there is a stretch of four terraced properties and a set of two semi-detached properties. Although the close has a relatively uniform appearance, many properties within the close have however undertaken numerous alterations and extensions. This includes alterations to the hipped roofs to form gables, and many box dormers have been erected in association with loft conversions. There are also various extensions which have been undertaken including two storey side and or rear extensions, and single storey additions. It is considered that the property would still retain its original character and appearance given the subservient nature of the extension, and nevertheless the alterations proposed are in line with other properties within the close. The fenestration proposed would have a similar proportion and design to those contained within the host dwelling, and therefore Officers consider the fenestration proposed to be appropriate. The small openings are considered to help ensure the extension appears subservient to the host dwelling, and it is considered that the proposal would not visually compete with the principal elevation of the property, in which the dwelling itself with its pitched roof front gable projection remains the focal point.

10.8. It is acknowledged that there would be a considerable amount of development at the application site when considering the proposal together with the existing extensions and alterations to the property; the single storey side extension, rear extension and hip to gable and rear dormer cumulatively. However, in the context of the surroundings where houses vary in style and scale and numerous alterations have been made to properties within Langley Close, on this occasion it would not appear out of keeping. Nonetheless it does highly likely represent the maximum amount to which the property could be extended without tipping this balance.

10.9. Given the reasons above, overall the proposals are considered to be acceptable in design terms. The development is considered to comply with Policy DH1 of the Oxford Local Plan and Policies CIP1, CIP3, and GSP4 of the Headington Neighbourhood Plan.

c. Residential Amenity

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

73 Langley Close

10.11. 73 Langley Close is a two storey semi-detached property which adjoins the application site. The property is sited to the south of the application site and benefits from a rear dormer in association with a loft conversion, as well as a single storey side extension. Given that the proposed extension would not extend beyond the front of the neighbouring property, nor would it extend beyond the existing single storey rear extension at the application site, it is considered that the proposal would not cause any detrimental impacts in regards to access to daylight, outlook, and privacy, and would not be overbearing when experienced from the neighbouring occupiers.

77 Langley Close

10.12. 77 Langley Close is a two storey semi-detached property located to the south west of the application site. Given the proposal would not extend any closer to this neighboring property when compared to the existing host dwelling and rear extension, it is considered that the proposal would not result in any detrimental impacts in regards to daylight access, outlook and it would not be overbearing. Furthermore the fenestration proposed to the rear is of a small scale and proportionate to the host dwelling, and therefore officers are satisfied that when coupled with the distance separating the proposal from the neighbouring dwelling at over 12m, that the proposal would not result in any privacy concerns.

10.13. All other properties are a sufficient distance away from the application site so as not to be affected.

10.14. The proposals are considered acceptable in terms of their impacts on neighbouring properties and would not cause harm to amenity. In this respect the application complies with Policies H14 and RE7 of the Oxford Local Plan 2036.

d. Drainage

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

10.16. 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.

10.17. It is noted that a public representation was received in regards to the drainage system and that it would not be able to cope with the number of bathrooms proposed at the property. Officers must note that this is not a consideration

which the Local Planning Authority can have regard to for a development relating to domestic extensions. Internal alterations to the property do not require planning permission and therefore the number of bathrooms is not something which can be controlled by the planning system.

e. Biodiversity

10.18. 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.

10.19. 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.

10.20. 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.

10.21. The proposals include work to the roof structure of the building and therefore the potential presence of roosting bats, species of European importance, must be assessed. 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 the species and thus meet the requirements of NPPF (2021) and the 2017 Regulations.

10.22. The application site is located in a very urban location, approximately 325m from any suitable foraging or commuting bat habitat. In addition, there are no records of roosting bats in the immediate vicinity of the application site. In this

instance, the Councils' internal ecologist does not believe there is a reasonable likelihood of bats roosting within the building. The presence of roosting bats can never be entirely discounted however, and therefore an informative has been recommended.

10.23. Subject to this informative, the proposals are considered to comply with Policy G2 of the Oxford Local Plan 2036.

f. Trees

10.24. 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.

10.25. There is a cherry tree located near to the northern boundary of the site, within a small grass verge between the footpath which is adjacent to the site and the road. This tree is currently overhanging into the application site. After reviewing the proposed plans, Officers noted that there may be some impact upon the root protection area (RPA) of this tree, and some pruning may have been required, however there were no details provided with the application to be sure of this. The Council's internal tree officer was consulted on the application and requested for an arboricultural impact assessment to be submitted prior to determination, which the applicant subsequently provided.

10.26. The assessment concluded that there would be a small level of impact on the notional RPA of the identified tree, occupying less than 10% of the RPA. Due to this implication, special foundation design that effectively bridges over a portion of the RPA would be appropriate as this is likely to reduce the level of harm rather than avoid all harm completely. No detail of such a design has been included in the application details, however given the marginal level of potential impact, the Council's tree officer was satisfied that it is reasonable to allow for these to be made the subject of a condition.

10.27. Therefore subject to the recommended conditions suggested by the tree officer covering further details to be provided regarding the foundation design, underground services and monitoring programme, and compliance with the arboricultural method statement, Officers are satisfied that the proposal would comply with Policy G7 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 consideration 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 enlarge and enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policies S1. The development would not result in any harm to the character or appearance of the host dwelling, nor the surrounding area and is considered to accord with Policy DH1 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14. The development would not have any unacceptable impacts in terms of drainage, biodiversity nor trees, and is considered to be compliant with Policies RE4, 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 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. The materials to be used in the external elevations of the new development shall match those of the existing building.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with Policy DH1 of the Oxford Local Plan 2036.

SuDs

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall 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 shall 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 shall 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 shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall 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

Foundation design

5. No development shall take place until technical details of the foundation design for the proposed extensions have been submitted to and approved in writing by the Local Planning Authority. The design shall take into account the need to avoid or minimise excavation and compaction within the Root Protection Area of the adjacent street tree, as identified by the application arboricultural report. Details shall include section drawings of the design showing measured ground levels before and after construction. 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.

Underground services and soakaways

6. 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.

Tree Protection Measures

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the submitted arboricultural report dated 07.06.2022 by Sylva Consultancy (ref. 22124) 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.

Arboricultural Monitoring Programme

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 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 approved AMP will be adhered to at all times.

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

Informatives

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.

2. 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 21 June 2022



Committee members present:

Councillor Clarkson (Chair)	Councillor Upton (Vice-Chair)
Councillor Altaf-Khan	Councillor Chapman
Councillor Diggins (for Councillor Aziz)	Councillor Hollingsworth
Councillor Hunt	Councillor Pegg
Councillor Smowton (for Councillor Fouweather)	

Officers present for all or part of the meeting:

Felicity Byrne, Principal Planning Officer
Nia George, Assistant Planner
Louise Greene, Planning Lawyer
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Development Management Service Manager

Apologies:

Councillors Aziz, Fouweather, Malik and Rehman sent apologies.
Substitutes are shown above.

10. Declarations of interest

General

Councillor Smowton stated that he was a member of Oxford YIMBY, which campaigned on housing matters. Oxford YIMBY had not commented on the applications before the Committee, and Councillor Smowton stated that he was approaching the applications with an open mind.

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.

21/01261/FUL

Councillor Upton stated that she held a contract for the delivery of occasional lectures at Christ Church College. Whilst the College had expressed an objection to the application, Councillor Upton stated that she had no interest in, and had taken no part in, the College's discussions relating to the application and that she was approaching the application with an open mind.

22/00679/FUL and 21/03622/VAR

Councillor Hollingsworth stated that he held a zero hours contract with Oxford Brookes University for the delivery of occasional lectures and seminars. The department for which he worked was separate to those which were the subject of the applications, and he was approaching the applications with an open mind.

21/01261/FUL, 22/00679/FUL and 21/03622/VAR

Councillor Chapman stated that as Ward Councillor for Headington Hill and Northway he had had no contact with any of the applicants, nor any objectors to the applications. He stated that he was approaching the applications with an open mind.

11. 21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY

The Committee considered an application (21/01261/FUL) for the 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 at St Hilda's College, Cowley Place, Oxford OX4 1DY.

The Planning Officer presented the report and visualisations of the development, and drew attention to a number of key points of the scheme:

- The removal of the Principal's Lodge and the addition of the new, larger, buildings would alter the characteristic of the area between the campus and the meadows which was currently transitional in nature. Therefore there would be some harm.
- A request had been made by a third party during the application process to list the Principal's Lodge. Historic England had considered this, and concluded that listing was not merited. Historic England had no objections to the proposal, nor to the loss of the Principal's Lodge. There had also been no objections from the Environment Agency, or the Lead Local Flood Authority, subject to the conditions set out in the report.
- Officers considered that, whilst the proposal would result in a medium level of less than substantial harm, this was outweighed by the public benefits to be derived from the proposal. These included releasing houses back on to the market by accommodating students on site, and improving public access to St Hilda's College and the adjacent meadow when possible.
- There would be no harm to protected species, and net gain in biodiversity would be met on site. The development would be of sustainable design and construction, and exceeding the 40% target for carbon emissions. Although 8 trees would be lost, the canopy assessment showed a 65% canopy increase over the next 30 years as a result of new tree planting proposed;
- There would be a reduction of 18 car parking spaces as part of the proposal, which would contribute towards the aims of reducing traffic, improving air quality, and encouraging alternative forms of transport.

Chris Woods, Bursar of St Hilda's College and Joel Callow, Design Engineer, spoke in favour of the proposal.

The Committee asked questions of officers and the applicant about the details of the application. Clarification was provided on the following points:

- During the process of considering the application, and following comments from Historic England, the full exterior of the Meadow building would be clad with green ceramic tiles;
- It was expected that the improved public access to the meadow would be secured by way of a Public Access Strategy, setting out details such as how many times in a year access would be provided, and in what form (e.g. guided tours, open days);
- A construction environmental management plan would be conditioned as part of the County Council's requirements. Additionally, the College had recent experience of managing construction works at the site, which was in close proximity to The Plain roundabout.

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 planning conditions set out in the report; (ii) completion of a S106 legal agreement and Unilateral Undertaking; and (iii) delegation to the Head of Planning Services to finalise the recommended conditions and legal agreements.

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

- complete the section 106 legal agreement referred to above and after completion of the Unilateral Undertaking issue the planning permission.

12. 22/00679/FUL: Headington Hill Campus, Oxford Brookes University, Headington Hill, Oxford OX3 0BT

The Committee considered an application (22/00679/FUL) for a proposed engineering building (F1 Class) including landscape, services, cycle parking and associated works at Headington Hill Campus, Oxford Brookes University, Headington Hill, Oxford OX3 0BT.

The Planning Officer provided updates and presented the report and visualisations. The following was noted:

- A letter had been received from Headington Heritage, which had been circulated to committee members prior to the meeting, relating both to this application and application 21/03622/VAR which formed the next agenda item. The letter had raised concerns that the developments would compress and disrupt flows through the natural tufa springs flowing through Headington Hill Park due to the foundation design of the buildings. The letter also sought a full hydrological survey, monitoring of existing and future flows, and a ban on pile foundations within the construction. The letter also stated that it was unclear whether the SUDS proposals were sufficient.
- The Planning Officer responded that the Council's specialist drainage and ecology officers had been consulted and had advised that any requirement to provide a hydrological survey would not be proportionate, given that the site was not adjacent to a local or nationally designated wildlife site. In response to concerns regarding flood risk, both sites had been subject to a drainage strategy which had been assessed as acceptable by Oxfordshire County Council as the local lead flood authority.
- A response from the applicant had also been circulated to committee members in advance of the meeting. This advised that foundations for the Yard Building would be 6.5m above the highest groundwater level recorded, and in the case of the replacement Helena Kennedy Building it would be 7.5m. The consultants had advised that in the case of the Engineering Building and the replacement Helena Kennedy building reinforced pad foundations would be used, and not deeper piled foundations. However, even were piled foundations to be used they would take up less than 2% of the area and would have negligible impact on groundwater flow.
- The Planning Officer also issued a correction to paragraph 10.66 of the report and confirmed that no new parking spaces would be created as part of the development. Therefore there would be no requirement to install EV charging points. The two spaces referred to were existing spaces which were being re-allocated as disabled parking bays.
- The proposal, by virtue of its visibility and presence in public views from Pullens Lane and Cuckoo Lane would result in less than substantial harm towards the setting of the Headington Hill conservation area. This was considered to be towards the lower level of less than substantial harm given the design quality of the building. Officers considered that this would be offset by the public benefits of the

development, including the provision of high quality, purpose-built academic space which would not only benefit the University but also deliver wider economic benefits due to the research activities to be undertaken. It would also incorporate higher standards of sustainability; and would achieve a BREEAM excellent rating as well as a 40% reduction in carbon emissions, in accordance with Policy RE1 of the Oxford Local Plan. The scale and massing was considered to be appropriate and sensitive to the setting of the site and surrounding heritage assets.

Jerry Woods, Director of Estates and Campus Services at Oxford Brookes University and Glen Moses, architect, spoke in favour of the application.

The Committee asked questions of officers about the details of the application, and the following was noted:

- Reference to a new gateway at paragraph 10.28 of the report had been included in error. A new gateway was not included within the proposal;
- The proposal included a loss of 112 car parking bays, which was considered a benefit in terms of achieving a modal shift away from car use at the site. Controls existed in the streets surrounding the site to prevent overspill parking, and the proposed parking arrangements were fully consistent with the policies of the Local Plan. 108 cycle spaces were also included, which was also in line with Local Plan requirements.

In reaching its decision, the Committee considered all of 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 the conditions set out in the report and to delegate authority to the Head of Planning Services to finalise the recommended conditions and informatives.

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;
2. **delegate authority** to the Head of Planning Services to:
 - Finalise the recommended conditions and informatives set out in the report including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary.

13. 21/03622/VAR: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT

The Committee considered an application (21/03622/VAR) for 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 a replacement academic building for the Faculty of Technology, Design and Environment (amended plans)) to allow an additional level within the existing built envelope and without altering the roofline following asbestos excavation; internal and external reconfiguration including on landscape, internal layouts, floorspace, and architecture and associated

operational and design changes at Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT.

The Planning Officer presented the report and the following was highlighted:

- Planning permission for the removal of the Helena Kennedy Centre had been granted in 2018. During the demolition and site clearance works the need for asbestos removal below the concrete slab at the base of the building had been identified. This had necessitated a greater amount of excavation than planned, leading to a change in levels across the site. Consequently, a revised proposal had been developed to include an extra floor to the building, adding 2852 sqm of floorspace without increasing the height or footprint. However, there were changes to the external appearance, including: fenestration design, changes to the floor layout, addition of a café at the ground floor level, and changes to landscaping and parking.
- The revised scheme included a reduction in parking spaces from 40 to 26, which was considered beneficial in terms of encouraging a modal shift away from private car use. It also included the installation of EV charging points for at least 25% of the proposed spaces, to be secured by planning condition. Increased cycle parking (320 spaces in total) would be required as a result of the increase in floor space which would be delivered by a phased approach.
- No further tree removal was required; however, the new amphitheatre would encroach on the root protection area of one of the retained trees. The Council's Tree Officer had advised that subject to securing an arboricultural method statement ahead of the development, this would not compromise the integrity of the retained tree.
- It was the view of officers that the proposal complied with the Oxford Local Plan, the Headington Neighbourhood Plan and the NPPF, and that the public benefits of the scheme outweighed the less than substantial harm to the setting of the grade II* listed building Headington Hill Hall and to the setting of the conservation area.

Jerry Woods, Director of Estates and Campus Services at Oxford Brookes University and Glen Moses, architect, spoke in favour of the application.

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

In reaching its decision the Committee considered all of 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 subject to the required planning conditions set out in the report.

The Oxford City Council 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 set out in the report including such refinements,

amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary.

14. 21/03241/FUL: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB

The Committee considered an application (21/03241/FUL) for demolition of an existing garage and erection of a single storey outbuilding to be used as an ancillary home office and gym (amended plans) at Julianstow Cottage, 10 Harberton Mead, Oxford OX3 0DB.

The Planning Officer reported that the application was brought to the Committee for probity reasons, as the applicant is a member of staff at Oxford City Council.

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

- The main dwellinghouse had recently been built following the demolition of the original dwelling, for which planning permission had been granted a few years previously. The original garage at the south of the site still existed, but was not large enough to accommodate a vehicle, did not meet modern size requirements, and was currently empty and unused. It was also in a poor state of repair;
- The proposed replacement outbuilding was in a like for like siting, but very slightly larger (0.5m wider and 0.5m taller) than the existing garage. Proposed uses were as a home office, gym, storage and associated facilities. It was very similar in form to the existing garage, with a pitched roof and simple form. Solar panels were included on the southern elevation; the outbuilding, including the solar panels, would be largely screened from public view by existing mature trees;
- The proposal was considered to be acceptable in design. Officers were of the view that a low level of less than substantial harm which would be caused to the low density character and appearance of the Headington Hill Conservation Area would be outweighed by the benefits of the scheme. These included benefits to the amenity of the area, and increased renewable energy provision by virtue of the solar panels. The proposal would not cause any detrimental impacts to the amenity of any neighbouring dwellings, nor any impact on vehicle parking or highways safety. It was considered to be acceptable with regards to drainage, biodiversity, trees and land quality.

A committee member drew attention to the wording of condition 8, which specified that the outbuilding '*shall not be used as a separate dwelling or for any business, commercial or industrial purposes, including short term letting*'. Given that the outbuilding's intended use was as a home office, there was concern that this wording might mean the condition could be argued as unreasonable, thus jeopardising the intended protection against using the outbuilding for purposes such as a separate dwelling, a short term let, or for commercial use. The Planning Lawyer responded that the officer recommendations in the report included delegation of authority to the Head of Planning Services to finalise the recommended conditions, and the wording of this condition could be reviewed to ensure the point made was addressed.

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, subject to review of the wording of condition 8 to better define the permitted uses of the outbuilding.

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 review of the wording of condition 8, and grant the 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.

15. Minutes

The Committee resolved to approve the minutes of the meeting held on 24 May 2022 as a true and accurate record.

16. Forthcoming applications

The Committee noted the list of forthcoming applications.

17. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.57 pm

Chair

Date: Tuesday 19 July 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.