

Agenda



Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 24 January 2023**

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.

*View or subscribe to updates for agendas, reports and minutes at
mycouncil.oxford.gov.uk.*

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	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Sajjad Malik	Temple Cowley;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley;

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

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

Agenda

Pages

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the search box.

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 22/01842/FUL: 17 and 19 Norham Gardens, Oxford, OX2 6PS

13 - 64

Site Address: 17 and 19 Norham Gardens, Oxford

Proposal: Partial demolition and alteration of C2 accommodation (17 Norham Gardens), demolition of C2 accommodation building (Brockhues Lodge), erection of 3 no. C2 accommodation buildings including drainage and landscape works; and minor alterations to listed building and demolition of curtilage listed building (19 Norham Gardens)

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

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

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 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 planning permission.

4 22/00841/FUL: Cotswold House, 110C Banbury Road, Oxford, Oxfordshire OX2 6JU

65 - 96

Site Address:	Cotswold House , 110C Banbury Road, Oxford
Proposal:	Demolition of existing rear sheds and external rear fire escape. Erection of two storey rear extension with glazed link to provide 8no. additional student rooms and refurbishment of existing property to provide 11no. additional student rooms. Replacement of 1no. window with 1no. door to side elevation. Replacement of 1no. window with 1no. vent to side elevation. Replacement of 1no. window and fire escape door with 1no. window to rear elevation. Replacement windows. Formation of bin and cycle stores to rear. New accessible landscaping to front and new side access gate. Provision of accessible car parking to front. Hard and soft landscaping.
Reason at Committee:	This application was called in by Councillors Miles, Fouweather, Sandelson, Goddard, Roz Smith and Smowton for reasons including the following material planning considerations related to policies within the local plan, the neighbourhood plan and the NOVSCA appraisal: overdevelopment, impact on the Conservation Area and loss of rear

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

garden land.

Recommendation:

The Oxford City Planning Committee is recommended to:

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

97 - 102

Recommendation: to approve the minutes of the meeting held on 13 December 2022 as a true and accurate record.

6 Forthcoming applications

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

21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford OX1 3JD	Major
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00962/FUL: Ruskin Hall, Dunstan Road, Oxford, OX3 9BZ	Major
22/01843/LBC: 17 and 19 Norham Gardens, Oxford OX2 6PS	Major

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

22/02168/FUL: Plots 23-26, Oxford Science Park, Grenoble Road, Oxford OX4 4GB	Major
22/01554/FUL: Land at Elizabeth Place and Westlands Drive, Oxford, OX3 9QS	Major
22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02661/FUL: 472-474 Banbury Road, Oxford OX2 7RG	Major
22/01660/FUL: 36 Feilden Grove, Oxford OX3 0DU	Called-in
22/02446/CT3: Donnington Recreation Ground, Freelands Road, Oxford OX4 4BT	Called-in
22/02667/VAR: Street Record, Chiltern Railway from Oxford to Bicester, Oxford	Major
22/02880/RES: Plot 2000, John Smith Drive, Oxford	Major
22/02969/FUL: Littlemore House, Oxford Innovation Park, 33 Armstrong Road, Oxford OX4 4FY	Major
22/03078/FUL: Land Bounded by Meadow Lane and Church Way, Oxford	Major
22/02799/FUL: Wolfson College, Linton Road, Oxford OX2 6UD	Major
22/02849/FUL: Land at Winchester Banbury and Bevington Road, Oxford	Major
22/03076/FUL: 135-137 Botley Road, Oxford	Major
22/03042/RES: Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout A40, Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford	Major

7 Dates of future meetings

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

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

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

21 February 2023

21 March 2023

18 April 2023

23 May 2023 (provisional)

20 June 2023 (provisional)

18 July 2023 (provisional)

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

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

Information for those attending

Recording and reporting on meetings held in public

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

The Council asks those recording the meeting:

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

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

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

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

Members' Code of Conduct and public perception

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

Members' Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registrable Interests*** then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members' Code – Non Registrable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

*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.

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

Procedure for dealing with planning applications at the Oxford City Planning Committee 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 March 2022.

This page is intentionally left blank

Oxford City Planning Committee

24th January 2023

Application number: 22/01842/FUL

Decision due by 16th November 2022

Extension of time TBA

Proposal Partial demolition and alteration of C2 accommodation (17 Norham Gardens), demolition of C2 accommodation building (Brockhues Lodge), erection of 3 no. C2 accommodation buildings including drainage and landscape works; and minor alterations to listed building and demolition of curtilage listed building (19 Norham Gardens).

Site address 17 And 19 Norham Gardens, Oxford, see **Appendix 1** for site plan

Ward Walton Manor Ward

Case officer Felicity Byrne

Agent: Erin Porter **Applicant:** The Principal,
Fellows And
Scholars Of St
Edmund Hall In The
University of Oxford

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; and

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

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers the redevelopment of 17-19 Norham Gardens to provide student accommodation and ancillary facilities for St Edmund Hall. The site lies within the North Oxford Victorian Suburb Conservation Area, includes Grade II listed No.19 Norham Gardens as well as bounding to the south the University Parks, a Grade II registered Park and Garden.
- 2.2. Officers consider that the principle of the development is acceptable and the proposed development makes best use of an existing site to provide increased student accommodation for St Edmund Hall to meet their needs. The development would contribute significantly to the Council's aim of providing more purpose built student accommodation and releasing housing to the general market. The proposal is exempt from an affordable housing contribution because it is sited in an existing college campus.
- 2.3. The proposed development is of high quality architectural design that would also achieve the highest standards of sustainable design and construction credentials including energy efficiency (passivhaus and enerphit) as well as sustainable drainage design. The development makes a sensitive architectural response to its surrounding context. The need for the college accommodation has been robustly demonstrated and together with the constraints of the site means that the location, height and massing of the development is justified. There would be a low level of less than substantial harm caused to the significance of heritage assets through the additional buildings within the site. It is considered that the level of harm would be outweighed by public benefits arising from the development. In coming to this view great weight has been given to the preservation of the significance of heritage assets and the higher duty placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.4. European Protected Species (bats) exist on site. The potential presence of protected habitats and species has been given due regard and mitigation measures are proposed. A Natural England Licence would be required, confirmation of which would be secured by condition. A high quality landscape design including tree and shrub planting with integrated sustainable drainage design would be provided. There would be no net loss in tree canopy or adverse impact on existing retained trees. Significant biodiversity net gain would be achieved. Subject to conditions the development would accord with policies G2, G7 and G8 of the OLP and the NPPF. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 2.5. There would be no significant adverse impact on neighbouring residential amenities as a result of overlooking, loss of privacy, overbearing, visual intrusion, noise or overshadowing. Subject to relevant conditions, the development would not have an adverse impact in relation to land quality, air quality, archaeology, drainage and transport.

2.6. In conclusion, subject to conditions set out at Section 12 of this report, the development would accord with the relevant policies of the Oxford Local Plan 2036, the policy framework set out in the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL amounting to £75,964.32.

5. SITE AND SURROUNDINGS

5.1. The site lies within the North Oxford Victorian Suburb Conservation Area (NOVSCA) to the north of the City Centre. Norham Gardens was one of the first parts of the conservation area to be built out in the mid to late C19, comprising a number of very large detached and semi-detached villas set in generous gardens, designed to replicate the country house ethos on a smaller scale. The site comprises properties Nos.17 and 19 Norham Gardens and the 20th Century Brockhues Building which sits within the rear garden of No.17 adjacent to the southern boundary with University Parks. No.17 is a large detached and extended villa, typical of the NOVSCA, which has a single storey gym to the southwest and a single storey detached garage to the northeast, fronting Norham Gardens. No.19 Norham Gardens sits to the north-east of No.17. It is an interesting grade II listed Arts and Crafts style villa of 1877 designed by Frederick Codd whose work can be seen throughout the NOVSCA. This building is also part of the college and provides accommodation for Fellows. There is no physical boundary separating No.17 from No.19 and they are connected below ground. No.17 was extended at the front and side in the 1970's and it has a total of 47 student bedrooms. Brockhues Building provides an additional 9 student bedrooms. There are a total of 56 student rooms on the site.

5.2. Adjacent to the northeast boundary of site (and No.19) is a footpath connecting Norham Gardens, and North Oxford to University Parks, Thorn Walk, which itself is bounded on the other side by Lady Margaret Hall. To the southeast of the site is University Parks and trees within the park bound and overhang the boundaries of both Nos.17 & 19. A number of these trees are substantial mature trees that form a distinctive belt of tree trunks and canopies informing views into and out of the University Parks. The rear gardens of Nos.17-19 are mainly set to lawn with a few trees and shrub borders. Three car parking spaces are located at the front of No.19. Figure 1 below shows the existing block plan.



Fig1: Existing Block Plan

6. PROPOSAL

- 6.1. The application proposes to demolish the existing C20 front extension to No.17, its rear façade and Brockhues Building, together with the rear C20 addition to the original chapel (now gym and workshop) which sits alongside the southwest façade of No.17. A new L-shaped detached villa is proposed adjacent to No.17 to the northeast next No.19. A new replacement block is proposed in the same location as Brockhues. Alterations are proposed to the front boundary walls of 17 and 19 Norham Gardens, including new railings. Provision of cycle parking and bin storage is proposed to the front and within the site, together with retention of the existing 3 car parking spaces for staff and servicing purposes.
- 6.2. An associated listed building consent application in respect of works to No.19 Norham Gardens has also been submitted and comprises the demolition of the garage and store, alterations to the front boundary wall, including new railings; internal and external alterations to the former chapel, now the MCR including lowering of floor, refurbishment works and insertion of a door in the west facade of the building; installation of CCTV unit and surface-mounted bat boxes to external facades of 19 Norham Gardens. Works in association with 22/01842/FUL (22/01843/LBC refers).
- 6.3. During the application process, a proposed new outbuilding to be built in the garden of No. 19 was removed from the application and the description of the development was amended following concerns raised by officers regarding design and the potential impact on the setting of the listed building and to address concerns raised by neighbours. It was not considered necessary to re

advertise in this case on the basis that it removed the building and addressed concerns.

6.4. The block plan at Figure 2 shows the proposed layout.



Fig.2 – Proposed block plan

7. RELEVANT PLANNING HISTORY

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

53/02943/A_H - Private garage and cycle shed. Approved 26th May 1953.

61/10513/A_H - Extension to existing chapel. Approved 28th March 1961.

62/11748/A_H - Four storey extension for lecture room shed and sitting rooms and extensions to dining rooms. Approved 27th February 1962.

63/11748/A_H - 4 storey extension for lecture room, bedsitting rooms and extension (revised). Approved 25th June 1963.

64/15180/A_H - Extension to chapel. Approved 14th July 1964.

02/01404/FUL - Demolition of existing flat roof lower ground floor link building and erection of extension with accommodation over three floors, comprising five student study bedrooms and hall area. Approved 14th October 2002.

22/01843/LBC - Demolition of garage and store. Alterations to front boundary wall, including new railings. Internal and external alterations to MCR including lowering of floor, refurbishment works and installation of door to west elevation; installation of CCTV unit and surface-mounted bat boxes to external elevations of 19 Norham Gardens. Works in association with 22/01842/FUL. 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
Design	119-136	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores RE1 - Sustainable design and construction RE2 - Efficient use of Land	
Conservation/Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains	
Housing	60-77	H2 - Delivering affordable homes H8 - Provision of new student accommodation	
Commercial	81-91		
Natural environment	91-101, 174-182	RE3 - Flood risk management G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geodiversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Social and community	92-103	V7 - Infrastructure, cultural and community	
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development	Car & Bicycle Parking TAN

		M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	
Environmental	152, 169, 183-184	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality G2 - Protection of biodiversity geodiversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	Sustainable Design & Construction TAN Health Impact Assessment TAN Biodiversity TAN
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions RE7 - Managing the impact of development	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th September 2022 and an advertisement was published in The Oxford Times newspaper on 8th September 2022. The application was re-advertised as a major development and published in The Oxford Times newspaper on 22nd September 2022. Amended plans and information were received in response to consultees and re-consultations sent to them on 12th October 2022.

Statutory consultees

Oxfordshire County Council (Highways Authority)

9.2. No objection subject to conditions to secure cycle parking details and a Construction Traffic Management Plan.

9.3. The proposals will increase the total accommodation for students by 72 bedrooms. As there will be no on-site vehicle parking (other than two disabled spaces), and as it will not be feasible for a private car to be retained near the site due to the Controlled Parking Zone (CPZ) and double yellow lines, there will be a negligible impact on the local highway network. Students will not be allowed to apply for CPZ parking permits.

9.4. Cycle parking facilities will be provided at the rate of one space per student. The majority of the spaces will be at the front of the site and therefore convenient for Norham Gardens. However, 30 of the spaces are shown at the rear, adjacent to Park House, and it is not clear if they may easily be taken out to the highway. Any doors or gates that cycles must be pushed through must be designed appropriately for ease of passage. Cycle parking should be covered and meet Policy M5.

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

9.5. Following amended information the LLFA still raised an objection on the basis that the information did not show rainwater harvesting features on the drainage plan. The drainage strategy did not show the green roofs connection into the surface water network or its extent. They also request construction details of the green roofs and calculations for 1:100year storm event plus 40% climate change.

Thames Water Utilities Limited

9.6. No objection: comments can be summarised as:

- Foul Water: sewerage network infrastructure capacity – no objection;
- Surface Water: network infrastructure capacity – no objection;
- Water: some capacity exists within the water network to serve 49 dwellings but beyond that upgrades to the water network will be required and can be secured by condition.
- Waste: This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection.
- There are public sewers crossing or close to the development.

Historic England

9.7. *Significance of the North Oxford Victorian Suburb Conservation Area and 19 Norham Gardens* - The site of the proposed development is within North Oxford Victorian Suburb; a well-conserved, leafy Victorian conservation area. Despite being built in phases and for a range of incomes the area has a very coherent character as it was owned by St John's College, who exercised a high degree of control over its development. Houses are spacious, with generous front and rear gardens. The large plot sizes and extensive use of the neo-gothic style gives the area its coherence while the fact that houses were designed and built individually or in small groups, all to differing designs, adds interest and charm. When built it was the ideal place for families of Oxford academics, professionals and businessmen to live and tells an important story about how the expansion and reform of the University in the later 19th century, particularly permitting dons to marry, dramatically changed the City as a whole. Today, the conservation area retains a remarkable homogeneity.

9.8. The current institutional use of many larger buildings has sustained them but resulted in some modifications that have diminished the character of the area.

9.9. The villa at 19 Norham Gardens a particularly good example of a Victorian Gothic villa by the prolific Oxford architect and builder Frederick Codd. It illustrates numerous features of the domesticated Gothic style used within the new Victorian Estate of north Oxford by Codd and others (asymmetric window positions, turreted towers, stone window surrounds, polychromatic brick

detailing), and is understood to retain some interesting interior architectural detailing.

- 9.10. *Impact of the proposals on heritage assets* - Historic England has been engaged in pre-application advice giving on the evolving scheme up to the most recent revisions, now submitted as a planning application (and listed building consent). Our comments here reflect our position as set out during those discussions.
- 9.11. The proposals are for the demolition of extensions to No. 17 Norham Gardens, the demolition of the former Methodist Chapel at the same site, the demolition of student accommodation rear (south) of 17 Norham Gardens, and minor demolition of additions to No. 19 Norham Gardens. Three replacement buildings are proposed (Villa building, West House and Park House) together with landscaping, and internal upgrades to the unlisted No. 17.
- 9.12. *Impact on the North Oxford Victorian Suburb Conservation Area* - The proposed demolition of extensions to No. 17 Norham Gardens would remove a quite unsympathetic 20th century extension and release the villa to sit as a detached building as it was originally designed. The late 19th century extension to provide space for the women's college has some, limited significance but the quality of the extension was not high and subsequent modifications have marred it further still. Overall, this demolition element of the scheme would have a broadly positive impact on the character and appearance of the conservation area.
- 9.13. The 1926 former Methodist Chapel has a degree of historical interest for its role in the expansion of the site and its time a theological college. The building itself has some, limited architectural merit but later extensions and alterations have not been sympathetic. Overall, it has some, limited significance as an historical building within the conservation area. However, its loss would, in our view, cause a modest and low-level degree of harm to the character and appearance of the conservation area.
- 9.14. Moving on to the designs for the visible new buildings within the site, in particular the Villa and West House buildings.
- 9.15. Firstly, the modest scale and form of the West House building would not appear incongruous due to the blend of sensitive gable end shape, traditional materials and contemporary window style. We think it would sit comfortably within the streetscene.
- 9.16. The much larger Villa building has been considerably refined throughout the development of the scheme as a result of a careful analysis of the conservation area and streetscene. Despite its large scale it successfully and sensitively achieves a blend of contemporary forms with sensitive referencing of Victorian Gothic architectural features (including chimney-style flues, slate roof, polychromatic brickwork, terracotta ridge finials and stone window surrounds). The streetscene views provided along Norham gardens and Fyfield Road indicate the Villa building would sit comfortably between its neighbours and more widely the conservation area owing to its carefully considered massing and form

and contemporary yet historically sensitive design. In our view this new building would cause a degree of harm to the conservation area due to its large size (at the low end of less than substantial) but has successfully managed to avoid the harms of earlier iterations and minimised any residual because of the high quality of the proposed architecture.

9.17. Overall, we consider that the proposals would result a degree of harm to the character and appearance of the conservation area, at the low end of less than substantial.

9.18. *Impact on No.19 Norham Gardens* - The redevelopment of the gardens of No 17 Norham Gardens would be seen from the rear of No. 19 (Grade II listed) and within its gardens. It is our view that this would cause a small degree of harm to the significance of this listed building through the development of the gardens of the adjacent villa (and modification to setting and experience of the building, designed to look south and take in views across to the park). However, we accept that the designs of the Villa and Park House buildings have sought to minimise harm through sensitive architectural form, building size and position. In addition, the proposed landscaping scheme would appear to improve the gardens of No. 19 thus enhancing its immediate setting as well as providing a degree of filtering in views toward the new buildings rear of No.17.

9.19. *Views from University Parks* - The submitted images and wirelines indicate the proposals would not be visible from the cricket field and pathways that run north towards the site within University parks. We are content with this assessment and conclude the proposals would be unlikely to harm the significance of the park.

9.20. *Benefits to heritage* - The proposals put forward some benefits to the character and appearance of the conservation area through the recreation of the detached villa and repairs to the exterior of No. 17, and sensitive landscaping along the Norham Gardens frontage, and these are welcomed.

9.21. *Conclusion* - The proposals would result in some limited and low-level harm to heritage assets and some modest heritage benefits. Any residual harm needs to be considered under paragraphs 200 and 202 of the NPPF, considering whether the harm is clearly and convincingly justified and weighing it against public benefits. We recommend that the Council be clear in its assessment that the public benefits put forward with this scheme outweigh the harm that has been identified, and to which they must give great weight (paragraph 199).

9.22. Please note, our review of the proposals focuses on the main and larger heritage matters of the site and there may be detailed matters as well as other non-heritage matters that the Council will need to consider. Our advice, where silent on a particular element of the scheme, should not be taken to mean there are no heritage concerns, but simply that those are for the Council to consider and make assessment of.

9.23. We recommend the Council consider whether the harm identified is justified and, in weighing up the heritage harm of the scheme against public benefits, give great weight to that harm, as set out in paragraph 199 (of the NPPF).

Public representations

9.24. Comments were received from No.15 Fyfield Road, No.6 Benson place (also on behalf of two other neighbours), Oxford Preservation Trust and The Victorian Group of the Oxfordshire Architectural and Historical Society. Their comments can be summarised as:

- Overdevelopment of this small site
- Buildings too large, possible overheating to nos. 17 and 19
- Excessive height that does not related to existing buildings
- Out of keeping,
- Rectangular brick chimneys with flat tops are wholly out of place, not elegant
- Building unpleasantly reminiscent of the public view of the new Lambeth Palace library by the same architects.
- Buildings within the site will obstruct sight lines of the University Parks except from a single location on Norham Gardens
- New Villa Building would dominate the street scene of Norham Gardens
- Stone lintels should be used
- Overbearing n neighbours
- Adverse impact on neighbours from lighting
- Impact on the sewage treatment and wastewater capacity from the intensive development
- Concerned that the stated noise from ASHPs on the roofs will be above recommended levels of 30 dB at night.
- The large increase in student activity will generate significant disturbance, will stress local amenities e.g. health, dentistry, rubbish collection, neighbourhood cleanliness, taxi traffic, coach traffic, vehicles delivering parcels and food etc.
- Students and summer schools students will not use public transport, private vehicles will be used, Norham Gardens is becoming a coach park
- Concerned about the loss of garden space and reduction in soft landscaping.
- Tree canopy lost cannot be replaced by the green roof and object to loos of all but one tree
- New trees smaller and do not replace biodiversity lost
- Concerns about the removal of the chapel, which adds diversity to the site
- Questioned whether the cycle storage was sufficient.
- Bin storage insufficient capacity

- No student management plan for start and end of term
- A new building proposed along Thorn Walk would reduce soft landscape area and could obstruct views of number 19 from the University Parks.

9.25. The Victorian Group of the Oxfordshire Architectural and Historical Society commented

- Object. The development represent most damaging changes to the conservation area.
- The changes affect the listed building (No.19) in the most regrettable manner
- No.17 is not of same quality as No,19 but the extension in 1894 should be retained. The 1970's addition is obviously inappropriate and its loss would be beneficial but at least it reads as an extension
- The new block reads separately and would unbalance the street and is too large for the site. It extend to the Parks and is remarkably ugly, entirely failing to be in keeping with Fredrick Codd's work. Roofs and detailing is unsympathetic
- Deplore the proposal to demolish the chapel erected by St Stephen's House in 1926 designed by architect Samuel Rogers. The chapel formerly had a large mural of the martyrdom of St Stephen behind the altar Harold Samuel Rogers (1877-1953). It is unclear whether this has been destroyed or covered up.
- Replacement 'West House' would result in no gap between the main new building and No.15. These gaps are important;
- The development produce a great wall of building between the Music Room (MCR) of 19 Norham Gardens and No. 15;
- The stunted proportions of the West House would make it look like the immature offspring of its neighbours
- Norham Gardens has been incrementally degraded, by inappropriate alterations and infill
- Proposed tree planting species are non-native and will adversely affect the biodiversity of the area.
- The replacement garden building is too close to the University Parks and there is a strong likelihood that the nearby trees in the Parks will be damaged over the next few years as a result
- Very little is said about the nature of the proposed pond, and as this is a new feature the application should indicate how it is to be fed, what planting is proposed, and what actions will be taken to ensure the long-term sustainability of the ecology.

9.26. Oxford Preservation Trust (OPT) commented

- They are happy to support the principle of this application and were pleased to see that the new buildings on the site make reference to the original building plots and that the 'gaps' will allow views through to the rear gardens and trees and the Park beyond, a key characteristic of the area.
- The express regret at the loss of the small former chapel which provides a point of interest
- The finished development could read more like a single large collection of buildings rather than a series of individual buildings. OPT therefore suggests at the west end the choice of red brick might be changed to yellow brick to prevent it feeling as if the red brick are full stops at either end of the overall whole.

Officer response

9.27. In response to Victorian Group of the Oxfordshire Architectural and Historical Society's last bullet point, detailed information has been provided in the application regarding the nature of the proposed pond and how it is to be fed and proposed planting and actions for the long-term sustainability of the ecology.

9.28. In response to concern regarding loss of the mural. The building has not been used as a chapel since 1980 and its original form has been changed. The mural referred to has long been removed. A letter received from The Principal of St Stephen's House confirms that the College [St Stephen's House] makes no objection to the proposed demolition of this unconsecrated building.

9.29. The latter is normally dealt with by condition in any event. In relation to the LLFA comments these are technical in nature as set out below, could be resolved by condition.

9.30. Officer's comments and response to other points raised above are dealt with in the report

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Affordable Housing
- c) Heritage and Design
- d) Trees and Landscaping
- e) Biodiversity
- f) Neighbouring amenity
- g) Transport
- h) Land Quality

- i) Archaeology
- j) Air Quality

a. Principle of development

- 10.2. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.117). The framework encourages mixed use development schemes in urban areas, particularly where there is a net environmental gain.
- 10.3. Policy S1 (sustainable development) of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development that secures economic, social and environmental improvements contained in the NPPF. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.
- 10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 10.5. The large number of students residing in Oxford has an impact on the availability of general market housing. Provision of purpose built student accommodation in suitable locations can help to reduce the demand from students on the general housing stock. Policy H8 of the OLP sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which is on or adjacent to an existing university or college campus or academic site, hospital or research site, city or district centres, or an allocated site. The policy also sets out other criteria for new student accommodation development including restricted occupation to full-time students enrolled in courses of one academic year or more; agreed term time and out of term time management regimes; out of term time use by non-students; indoor communal amenity space for larger schemes; operational and disabled parking only. Any loss of student accommodation is resisted unless new student accommodation is re-provided.
- 10.6. The overarching objective of St Edmund Hall is to ensure that all undergraduate students who wish to are able to be housed in College-owned accommodation. At present, all second-year undergraduates are asked to rent privately, which has a range of negative implications. The redevelopment of the existing Norham Gardens site provides the opportunity to address the College's

current accommodation shortfall, whilst providing an exemplar student accommodation scheme in terms of social and environmental sustainability. Currently there are 56 student rooms on site and the development proposes a net gain of 72 student bedrooms to contribute towards the College's accommodation shortfall.

10.7. St Edmund Hall's principle campus on the High Street includes one of the last surviving medieval Hall buildings in Oxford, dating back to at least the thirteenth century. Located in the heart of Oxford, the college is one of the largest in Oxford with approximately 400 undergraduates and 300 postgraduates supported by a community of almost 200 academic and non-academic staff.

10.8. Due in part to the constrained nature of the College's existing sites, it faces a significant challenge in housing undergraduate students in College-owned halls or houses. There are therefore limited opportunities for the College to be able to increase its accommodation offer. The strategy for the development of this site at Norham Gardens has been to provide the desired accommodation on an existing, occupied site by densifying the built form in a completely sustainable manner. Currently very few undergraduates have the option to live in College accommodation for the entirety of their course. Students are therefore required to rent on the private market. This is expensive and deters lower income students. It puts additional pressure on the City's already-strained housing market. Renting reduces students' sense of community and limits social interaction within their cohorts.

10.9. The table below shows the current accommodation demand for St Edmund Hall:

	Undergraduates	Postgraduate
Total number of students	396	296
Existing bed spaces	274	95
Percentage currently housed	69%	32%
Bedspaces needed	388 (demand = 98% of undergraduates)	178 (demand = 60% of postgraduates)
Proportion of demand met prior to Norham Gardens development	70%	53%
Shortfall in Bedspaces	114	83
Net Gain in bedspaces provided at Norham Gardens	72	0
Total bedspaces after Norham Gardens development	346	95

Proportion of demand met after Norham Gardens Development	89%	53%
---	-----	-----

Table 1: Summary of St Edmund Halls' Accommodation Demand

10.10. The need for the provision of on-site student accommodation for St Edmund Hall is understood. The College has various properties across the City in addition to their main campus and Norham Gardens presents the best site available to accommodate a sufficient number of students to enable a community with the necessary support facilities. This is an existing collegiate site and as such additional accommodation in this residential suburb of Oxford is considered an acceptable use in principle in accordance with H8 of the OLP. The proposal would make best and most efficient use of land owned by St Edmund Hall to provide student accommodation for the College's existing student cohort thereby allowing the release of family housing stock back on to the open market and contributing towards the University of Oxford target of a maximum 1,500 students living outside purpose built student accommodation in line with H9 of the OLP.

10.11. The National Planning Practice Guidance (NPPG) (Paragraph 021,) requires that student accommodation should now be considered as contributing towards the supply of housing, based on the amount of accommodation it releases onto the housing market. A total of 110 rooms would be provided by the development and based on the ratio of one house released on the open market per 2.5 student rooms provided by a new development (based on the nationally used Housing Delivery Test standard) the equivalent of 44 houses would be released back onto the general housing market as a result of the student accommodation. Based on net increased in student bedrooms this would be a net gain of 30 houses.

10.12. The development would provide both adequate indoor communal amenity space and outdoor space. Policy H8 requires that students must be on full time courses of a year or more and should not bring cars into Oxford. Subject to conditions imposed to secure the use as student accommodation and occupation by those on full time courses together with out of term time use, a management plan and a mechanism for preventing students bringing cars to Oxford (normally a clause within any tenancy or similar agreement between College and student), the development accords with SR1 and H8 of the OLP.

b. Affordable Housing:

10.13. Policy H2 of the OLP36 sets out the necessary affordable housing provision to be achieved from new developments. In relation to student accommodation it states that developments of over 25 student units (or 10 or more self-contained student units) would trigger a financial contribution towards affordable housing, unless it meets the exemption tests:

- i) The proposal is within an existing or proposed student campus site (campus meaning a site with teaching or other facilities and residential); or

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

10.14. The development lies within an existing purpose-built student accommodation site which at the date of adoption of the Plan is owned by St Edmund Hall. The development therefore meets the tests for exemption and there would be no requirement to contribute towards affordable housing in accordance with H2 of the OLP.

c. Heritage and Design

10.15. With regard to matters of design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 124). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 127).

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

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

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

10.19. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses, and the desirability of preserving or enhancing the character or appearance of any conservation area respectively. Case law has made clear that considerable importance and weight must be given to these considerations 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.

- 10.20. Policy DH1 of the OLP requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.21. Policy DH3 of the OLP is consistent with the NPPF as it refers to the balance of harm against public benefits as set out in paragraphs 201-203 of the NPPF. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it impacts on that significance or appreciation of that significance. Development that would or may affect the significance of a heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 10.22. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities. All major developments will require a Health Impact Assessment to be submitted, which should include details of implementation and monitoring. This must provide the information outlined in the template provided at Appendix 4 of the OLP.
- 10.23. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.

10.24. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary. Policy H8 states that for developments of 20 or more student bedrooms, the design must include indoor communal amenity space for students to gather and socialize.

Heritage Significance

10.25. The site lies in the North Oxford Victorian Suburb Conservation Area (NOVSCA) and adjacent to No.19 Norham Gardens 'Gunfield' which is grade II listed. To the north lies Lady Margaret Hall which has several listed buildings including Old Hall grade II and the various building ranges that form Wolfson Quad which are all listed grade II. There are a significant number of listed buildings within Norham Gardens. The site also backs onto University Park which is also listed grade II, and glimpsed views through from Norham Gardens to this green backdrop is a key feature and significance of this part of the NOVSCA.

10.26. The NOVSCA is a very particular place. Unique and nationally important it was one of the first conservation areas to be designated, in 1968 following the 1967 Civic Amenities Act which introduced the concept of conservation areas. The conservation area has been divided for the purpose of characterisation (in the conservation area appraisal adopted in 2018) into a number of distinct areas each with clearly distinct character and appearance fundamentally arising from their architecture and layout which has arisen from the period in which they were developed. Norham Manor, the area in which No.17 Norham Gardens and its neighbouring properties sit, was one of the first areas to be developed with the south side of Norham Gardens being the developed earliest. The plots were generous and the buildings large, with grand designs by a number of nationally recognised Victorian architects. A significant number of the villas on the south side of Norham Gardens are listed, which is a rare status in the NOVSCA where it is considered that the collective rather than the individual contributes most to the particular character and appearance and thus significance of the place. The south side villas were designed to face onto the Parks with private access directly into the open space encouraging their occupants to take recreation, daily walks. This connection to the Parks is an extremely important characteristic of the place if now only visual rather than physical and predominantly occurring as a glimpsed view between the houses from the street.

10.27. The large villas in their generous gardens are set back from the road with attractive front gardens of mature planting enclosed by low boundary walls, on which were historically set decorative iron railings, many of which were removed during WWII. A number, but not all of the plots have subsequently been opened up on their frontages to allow for cars to be parked. Some of the larger detached villas were designed with coach houses, a sign of wealth and status, later to be adapted to garages and then subsequently converted to other uses such as the

gym at No.17. A number of the plots had garages added in the early to mid C20 as the motor car became more popular. These outbuildings as others with ancillary domestic uses are important in that they evidence both historical and social change as well as a clear hierarchy of dwellings throughout the conservation area. These houses, although large, were designed as domestic dwellings. However the increase in institutional occupation, with removal of boundary walls and increased on plot parking that has appeared as a consequence and evidence of this changing use, has begun to erode that domestic appearance. It is therefore considered to be a significant element of the fundamental character and appearance of the place and something important to preserve.

10.28. No.19 (grade II listed) is a large detached villa built in 1877 and designed by Frederick Codd whose work can be seen throughout the NOVSCA. The villa is an expression of Victorian Gothic architecture style with a distinctive brick and timber on its south, garden façade. Later additions include a chapel, added in 1909 when the villa was occupied by St Hugh's Hall (a precursor to the later St Hugh's College) and now used as a Middle Common Room, as well as a subsequent porch and loggia, added in 1915 to provide a covered connection between the two buildings and fronting onto the street. Attached to the front of the chapel building is a small single storey garage and storeroom, constructed in the 1930s. This ancillary building is not mentioned in the list description for No.19 but due to its age it falls within the statutory protection that listing affords as it is considered to be a curtilage listed building.

Design

10.29. The proposed development can be broken down into various elements:

- A new detached L-shaped villa fronting Norham Gardens, called the 'Villa Building', measuring approximately 25m wide by 27m long overall and approximately 15.2m to maximum ridge height;
- A new replacement infill building to the south west of No.17 Norham Gardens, called 'West House', measuring approximately 8.6m wide by 40m long and approximately 12.5m to the ridge on the front gable and 10.6m high to the flat roof element;
- A new replacement building in the garden, called 'Park House,' measuring approximately 11.5m wide by 28m long and 10.2m high to the top of the mansard flat roof.

10.30. The principal materials to be used for the new buildings are a red brick and hanging tiles, with detailing in both brick and stone, similar to that of the original villas in this part of the NOVSCA. Figure 1 below shows the block plan of proposed new buildings and the landscaped garden areas:

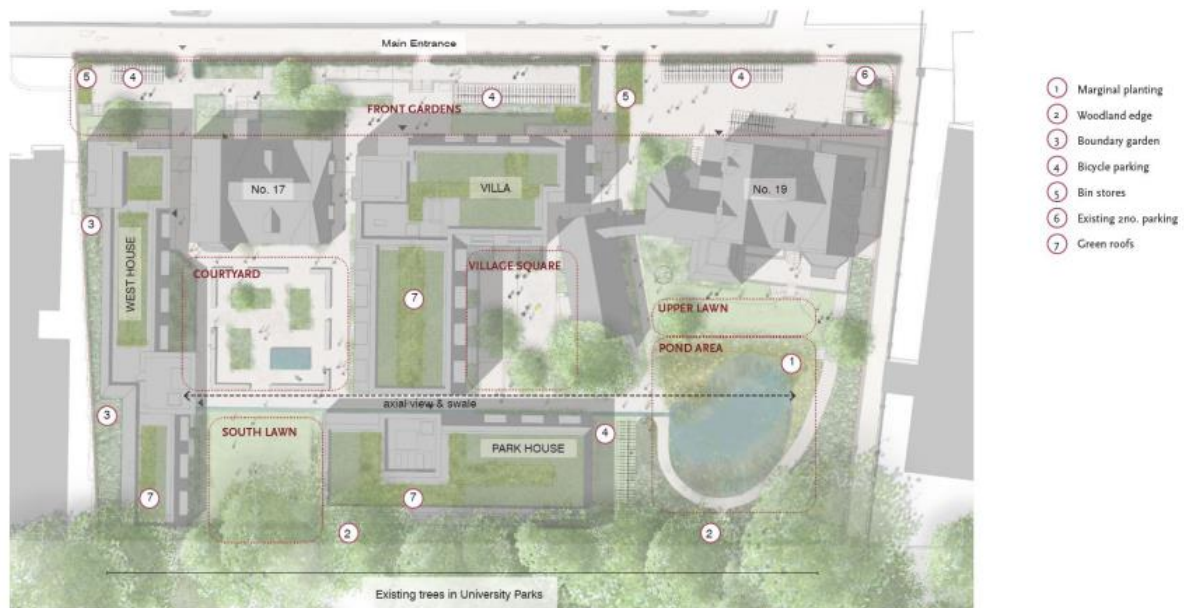


Fig 1: Layout of building and landscaping

10.31. The design has evolved through careful study, observation and analysis of both buildings and spaces between buildings that make an important contribution to both character and appearance of this part of the conservation area (set out in the supporting DAS). This considered study has resulted in new buildings with predominantly pitched roofs, expressed gables, tall expressed elements that punctuate the building facades and represent the repeated pattern of tall chimney stacks that characterise the villas in this area together with patterned details in brick stone and hanging tiles. All of this is expressed in a contemporary, highly sustainable, energy efficient architecture that makes strong connection to the surrounding, outdoor spaces, restoring important features such as front gardens with appropriate planting and creating a delightful, more private rear garden space that offers a highly biodiverse landscape that is both interesting and functional for the occupants. For comparison No.17 measures approximately 15.5m to the highest ridge and 16.89m to the top of the central spire. The new Villa would reach approximately 15.6m high and approximately 0.5m higher than No.19's nearest gable ridge. It should be noted that the site lies approximately 1.1m lower than Norham Gardens' footpath and road so the building would be 16.4m high from experienced ground level. No.17's main ridge is approximately 1.9m lower than the new Villa's height of 12.2m high.

10.32. Whilst the main ridge height of the new Villa would be higher than both No.17 and No.19 it is not higher than the central bay spire and chimney stacks of No.19. It is therefore considered to sit comfortably between No.17 and No.19. The bulk and massing of the building has been carefully considered. The use of gables, eaves heights, varying window types and façades detailing help to break the massing down and it is considered to appropriately respond to its context and not overly bulky or out of keeping. Whilst it would sit forward of No.17's front building line, it would not be forward of No.19's again and given the broken down massing and façade detailing, it is considered that it would not to be overly dominant or overbearing in the street scene.

- 10.33. West House (replacing the gym, former coach house to No.17) sits comfortably between Nos.17 and 15 Norham Gardens (occupied by Oxford University Education department with a large, relatively recent addition in the back garden), acting as a transition between the heights of these buildings. The gable frontage again reflects that of surrounding buildings and the pitched and flat roofs (max. 10.9m high as seen from the road) keep the massing to a minimum maintaining the important glimpsed views through to the green back drop of tree canopies beyond. As such it is considered to appropriately respond to its context.
- 10.34. Park House, replacing Brockhues, would not be visible from Norham Gardens. It would be higher than Brockhues but the mansard roof would keep the massing to a minimum with the third floor in the roof with dormer windows. Again the architectural style and materials reflects that of the other proposed buildings.
- 10.35. The buildings have been designed to passivhaus standards incorporating energy efficiency measures from the outset. Plant would be located in the basement level of the new Villa and further detailing could be secured by condition. The materials proposed are appropriate, sitting comfortably alongside the original villas in this part of the NOVSCA. The refurbishment of No.17, using the principles of passivhaus for existing buildings (enerphit), would enable it to be much more energy efficient upgrading the existing fabric with no loss of important architectural character. Sustainable drainage has been designed into the development feeding into a new attenuation pond sited in the back garden of No.19. All flat roofs would be green roofs and include photovoltaic solar panels where these can be sited without causing harm to the significance of heritage assets (listed buildings, the setting of listed buildings, the registered park and garden and the NOVSCA).
- 10.36. A Health Impact Assessment (HIA) has been submitted with the application and satisfactorily demonstrates, together with other relevant submitted documents, that the development has been positively designed throughout for health and well-being and would create a strong, vibrant and healthy community in accordance with RE5 of the OLP.
- 10.37. The comments of OPT in relation to different brick colours along Norham Gardens are noted. Officers consider that to have the new Villa in yellow brick as opposed to red as proposed would not be appropriate in this case. It is considered that all the buildings should read as a unified collection and the use of a red brick would achieve this. However, Officers are prepared to explore with the Applicant and their architect how it may be possible to incorporate some yellow brick into the buildings' facades to provide an architectural richness typical of the conservation area. Final agreement on materials and detailing could be secured by condition.
- 10.38. In response to consultee and public comments, CCTV, lighting and new boundary enclosures would be provided in order to provide a safe and secure environment for students and staff, whilst also taking into account the character and appearance of the NOVSCA, impact on neighbours, and impact on bats (particular attention would be given to flight path heights). Details of these could be secured by condition.

10.39. The proposed works to No.19 are small amounts of demolition (creating /restoring former openings in walls of the former chapel) and repair works to the buildings which by virtue of alteration require listed building consent. There is no significant or substantial alteration proposed to the principal villa No.19 Norham Gardens as part of this development. The front wall, bounding Norham Gardens is proposed to be altered and a metal railing, restoring the originally designed arrangement added, and two bat boxes are proposed to be installed on the rear south façade of the building. These elements of the proposal are included as part of the Listed Building application 18/001843/LBC refers.

10.40. The proposed development would provide high quality internal and external spaces and significantly improve the health and wellbeing of the students. It is considered that it accords with Policies DH1 and RE5 of the OLP.

Impact on Significance

10.41. The applicant and their architect have undertaken a careful and thorough analysis of the conservation area and this has clearly informed the design of the development which is set out in the supporting design and access statement and evidenced in the designs shown in the latest revised plans. The specific integration of ecology, biodiversity (net gain) and sustainability (design, construction and drainage) from the beginning of and as a fundamental element of the design process is highly commended. It is considered that the design changes made in response to officers' earlier concerns regarding the massing and scale of the development have been addressed in the latest plans. The overall contemporary architectural approach and interpretation of the existing vernacular of the conservation area and in particular the immediate surroundings of the site is considered by officers to be an appropriate response to the context of the site, and the plans and information provided so far demonstrate a high quality design with high sustainability credentials. The proposed materials and detailing of the facades including polychromatic brickwork, tiling and stone window surrounds will also aid the development to sit comfortably in its surroundings. The reinstatement of the front gardens, which are identified in the conservation area appraisal as a feature that is particularly at risk from loss and inappropriate replacement would enhance the appearance of the conservation area and provide a significant public benefit, this element is wholly supported.

10.42. The demolition of the existing front/ side 1970's and early 20th century extensions to No.17 facing Norham Gardens and reinstatement of No.17 to its original villa form is a bold move. The 1970's extension, whilst of its time and an indication of the history and expansion of the site, has little architectural value within the street scene and does not make a positive contribution to the special appearance of the NOVSCA. Furthermore internal alterations and adaptation of the building have resulted in unsatisfactory and poor quality internal spaces. Officers have therefore concluded that there would be little or no harm resulting from its demolition. The more recent extension to the original villa maybe regarded as having a greater architectural value although this too has been altered over time. Overall the removal of the later additions and the reinstatement of the villa to its original form is considered to be justified and is supported.

- 10.43. The new L-shaped Villa Building designed to sit alongside No.17 (in place of the demolished extensions) sits more comfortably in the plot pattern and rhythm of the south side of Norham Gardens as well as in the overall streetscape. In views looking south from Fyfield Road the introduction of the expressed chimney on the gable end of the building and refined design of the roof profile together with the proposed materials successfully breaks down the overall massing of this part of the building allowing it to respond comfortably to the scale and massing of surrounding buildings as well as to the scale of open space in the streets.
- 10.44. The alignment of the new building would result in an overall smaller gap between No.17 and No.19 which combined with its deeper projection back into the plot than that of the present building would reduce or limit the visibility of the green backdrop seen in the gap or glimpsed view. This reduction in openness, restriction of the view through to the Park at this point and closing of the gap would result in some harm to the character and appearance of the conservation area where the importance of such gaps and the consequent glimpsed views of the green, canopied spaces behind and beyond buildings has been identified as making a significant contribution to the character and appearance of the place. Officers consider this harm would be less than substantial harm to the significance of the heritage asset, the NOVSCA. The weight of less than substantial harm would be low given that glimpsed views would be retained albeit reduced in some instances.
- 10.45. It is considered that the proposed Villa Building would have a more comfortable relationship with the listed building, No.19 Norham Gardens, than the present extended No.17 does. However it is considered that the additional building depth created by the deep return of the new building into the site would have an impact on the setting of the listed building. It is clear that this impact has been carefully considered by the architect in the evolution of the design of the new building and that the harmful impact has been reduced to a low level through the thoughtful design revisions and carefully detailed design of the new building. Overall, officers consider that the harm to the setting of the listed building (No. 19) and its curtilage buildings and structures would be less than substantial and of a low level.
- 10.46. The loss of the gym, is regrettable however the new building along the west boundary of the site would maintain the important views through to the rear gardens and the mature tree canopies of the Parks trees to the south of the site and therefore it is considered that although there would be some less than substantial harm to the character and appearance of the conservation area from the changes to the glimpsed view that this harm would be of a low level as much of the glimpsed view would be preserved.
- 10.47. To the rear of the site lies Brockhues, a relatively recent addition to the campus, built in the 80's/ 90's and providing 9 student rooms. Whilst not very old its accommodation is substandard and the build quality is poor. Demolition of Brockhues and the building of the replacement Park House in the rear gardens of the original villas in the NOVSCA is considered acceptable because the size, siting and design of the new building would maintain the sense of open back garden and green space with tree canopies which an important element of the character and appearance of the conservation area. Brockhues presently

causes some harm to the significance of the conservation area and the setting of the listed buildings from its size, height and massing. It is considered the height, bulk and massing of Park House, combined with the creation of valuable and significant new garden spaces and proposed tree planting, would ensure that this new building would sit comfortably alongside existing and other new buildings as well as the new landscape spaces around the buildings. Officers consider that this new building appropriately responds to its context and there would be no additional harm to the significance of heritage assets resulting from the replacement of the existing building with the new building proposed.

10.48. From within University Parks, Brockhues is more visible in close range views but its visibility is reduced further within the Park due to the existing large mature trees and shrubs. The wire line images included in support of the application indicate that Park House would not be highly visible, even during winter months when tree canopies are thinner. It is considered therefore that there would be no harm to the significance of the registered park and garden from the changed architecture to the north. The raising of the tree canopies along the joint boundary within the University Parks (by the University Estates team) would address the concerns over anti-social behaviour and would also improve natural light to the rooms in Park House. The boundary treatment at this point needs careful consideration to preserve the important visual connection between the site and University Parks which was an important feature of the original villas on the south side of Norham Gardens, as set out earlier in this report, but also to provide security and deter anti-social behaviour. This could be dealt with via the suggested condition.

Public benefits

10.49. In accordance with the statutory test, the NPPF and Policies DH1, DH2 and DH3 of the OLP, as less-than-substantial harm to the significance of a number of heritage assets has been identified, the presumption against planning permission can only be outweighed by material considerations powerful enough to do so, and therefore it falls to consider any public benefits that may outweigh that identified harm. In carrying out a balancing exercise, great weight should be given to the conservation of these designated heritage assets. Public benefits may follow from developments could be anything that delivers economic, social or environmental objectives (NPPF para 8) and do not always have to be visible or accessible to the public in order to be genuine public benefits. The following public benefits have been identified as arising from the proposed development:

- In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would amount to the equivalent of 44 houses. This would constitute a public benefit and given the need for housing in Oxford this is afforded a high level of weight in this case;
- Provision of purpose built student accommodation for St Edmund Hall and wider University of Oxford to capitalise on its reputation as a centre for excellence in a collegiate-based education to the benefit of the City, regional and UK economy. This is afforded a moderate level of weight in this case;

- Substantial increased biodiversity through new planting and is afforded a moderate level of weight in this case;
- Re-instatement of the front gardens which is given a high level of weight in this case.

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

Summary

10.51. As such it is considered overall that the proposed development would respond well to its surrounding context (siting, massing, appearance, and materiality) making a positive addition to this part of the NOVSCA and together with new landscapes, tree planting and boundary treatment would preserve and enhance the character and appearance of Norham Gardens, the Norham Manor Character Area and this part of the NOVSCA. However, it is considered that various aspects of the development by virtue of changes to important features of the conservation area would cause less than substantial harm to the character and appearance of the NOVSCA, the significance of this heritage asset and also cause less than substantial harm to the setting of the listed buildings (No 19 Norham Gardens and its curtilage listed buildings) and thereby to the significance of those heritage assets. In accordance with Policy DH3 and the NPPF, the harm caused has been clearly and convincingly justified and mitigated through careful and considered design of the proposed interventions, new buildings, landscape and structures, and officers consider that the public benefits of the development clearly set out in this report outweigh the harm in this case.

d. Trees and Landscape

OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss of other trees, except where it can be demonstrated that retention of the trees is not feasible and 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 on site then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls.

10.52. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

- 10.53. The development shows the removal of some of the trees within the rear garden and the replacement Parks House in close proximity to the trees within University Parks. However, the proposed landscape strategy and detailed planting schedule, which encompasses planting for biodiversity and native species, meadow, formal grassed areas, wildlife ponds, rills, green roofs and reinstatement of the front garden with railings, hedging and new beds, is acceptable and would achieve high quality. This thoughtfully considered landscape would help the new development to sit within its garden setting and link it to University Parks beyond, and enhance Norham Gardens itself. Whilst building close to the trees in University Parks, Officers are satisfied that there would be no adverse impact or long term harm subject to appropriate conditions requiring tree protection measures and details of hard services within tree root areas.
- 10.54. A Tree Canopy Cover Assessment (TCCA) and a Tree Planting Strategy plan have been submitted. The TCCA states that the current percentage tree canopy coverage is 10% and that after 20 years it is projected to be 11.5% under the proposed development, and a similar value of 12.6% without development. The TCCA therefore considers that there would be in the range of a 1-11% net reduction in canopy cover after 25 years. This is largely down to the forecasted short continuing contribution/lifespan of certain existing trees on site, which gives the lower value. Officers are content to accept this.
- 10.55. The TCCA indicates there would be a 1% loss of canopy cover from the projected 'no development' scenario. However, the more recently submitted Tree Planting Strategy Plan, which shows a Black Pine instead of a Turkish Hazel to the front of the No.19 as requested by Officers, changes this net loss. The planting of a Black Pine would mean that the predicted net canopy cover would be pushed up to 0% and as such the proposal would not result in a net reduction. Only trees that could not feasibly be retained would be removed. Given this small and constrained site, the provision of high quality planting and green roofs that would also help mitigate tree removals, the development is considered acceptable in accordance with Policy G7.
- 10.56. It is noted that the University Parks department propose to lift the crown of the trees along the Park boundary and have already cleared scrub and small shrubs to deter anti-social behaviour in this part of the Park. This work is outside the planning application.
- 10.57. Subject to conditions securing the Arboricultural Method Statement and tree protection, requiring details of hard surfaces, no dig techniques within tree Root Protection Zones, a finalised landscape plan and planting schedule, landscape implementation, and Arboricultural watching brief, the development accords with Policies G7 and G8 of the OLP.

e. Biodiversity

- 10.58. OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain of 5% for biodiversity and for major development this should be demonstrated in a

biodiversity calculator. 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.

10.59. The Local Planning Authority (LPA) has a duty to, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). It must 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). 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.

10.60. 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 a European Protected Species (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.

10.61. A Biodiversity Statement, Biodiversity Statement Addendum, Biodiversity Metric 3.1 (amended), Ecology Comment Response (October 2022), Ecology Comment Response, Supplementary Note on Bat Roosts and External Lighting Assessment were submitted in support of the planning application. These identify, quantify and evaluate the potential effects of the proposed development on habitats, species and ecosystems, and specifies measures taken to avoid and mitigate negative impacts arising from the proposed development.

Protected species

10.62. No. 17 supports a common pipistrelle roost comprising approximately 70 bats, which the project ecologist classified as a large transitional roost / likely maternity roost. This roost would be retained under the proposals but would also be disturbed by the works to the building.

10.63. Several small roosts were also recorded. No. 17 supports four common pipistrelle day roosts (all individual bats) and five soprano pipistrelle day roosts (one to two bats each). All but one of these will be lost under the proposals. No.19 supports five common pipistrelle day roosts and one soprano pipistrelle day roost (all individual bats) but these do not appear to be impacted by the proposed works. In terms of survey effort, three surveys were undertaken of No. 17 in 2021 with a single update survey of the likely maternity roost completed in 2022. Only two surveys of No. 19 were undertaken and this is considered to be proportionate in this case as they would be unaffected. Officers are therefore satisfied that robust survey effort has been undertaken.

10.64. Given the presence of protected species, the proposed development would only be able to proceed under licence from Natural England.

10.65. All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and the 2017 Regulations. In considering whether permission should be granted the Local Planning Authority must be satisfied that the three tests stated in the 2017 Regulations listed below can be met:

- a. Preserve public health or public safety or other imperative reasons of overriding public interest ;
- b. There must be no satisfactory alternative, and
- c. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status of the species in their natural range.

10.66. As set out elsewhere in the report the proposed development would result in the optimum use of the site and preservation of the NOVSCA in to the future. The provision of this number of student rooms for St Edmund Hall, which is one of the largest Colleges with the smallest City Centre campus and on site student accommodation, would go towards meeting the City's housing needs by releasing family housing currently used by their students (who are no in purposed built accommodation) back to the general housing market. The development would also enhance and safeguard the mental wellbeing of students. Together these reasons would be an overriding public benefit and meet the test (a) above. The College has explored other alternative locations for their students but the provision of this larger facility could not happen elsewhere within their own land ownership. Another satisfactory alternative for this size and nature of student accommodation and facilities could not be provided elsewhere in the City within the Colleges ownership. As such the development meets test (b) above.

10.67. With regard to the third test (c), key elements of the mitigation during the construction period include work restrictions during maternity and hibernation roosting periods, in addition to the provision of replacement and additional roosting features. During the operational period, there would be a risk of impacts on roosting, commuting and foraging bats if there is an increase in lighting levels behind No. 17 or at the boundary of the site. The Biodiversity Statement details a range of potential mitigation measures, which the Supplementary Note on Bat Roosts and Lighting indicates would ensure a small increase in lighting levels

over the baseline (approximately 1 lux at flight height). Officers are satisfied that impacts can largely be avoided and otherwise acceptably minimised.

10.68. Officers are satisfied the proposed mitigation would ensure the favourable conservation status of the bat species present. The development therefore meets test (c) and it is considered likely that Natural England would grant the licence. An informative will provide that the developer needs to obtain this licence, and a condition will require the development be implemented strictly in accordance with the biodiversity statements and Ecology Comment Response. The proposed compensatory integrated bat roost features into the new buildings where appropriate and other ecological enhancements could be secured by condition. Finally a condition requiring a lighting strategy for biodiversity would ensure the proposed external lighting levels would have minimal impact on Bats as set out above.

10.69. The bat surveys are valid until May 2023 and therefore should the development not commence by this date or, having commenced, is suspended for more than 12 months, further surveys would be required prior to commencement of development. This could be secured by condition.

Nesting birds

10.70. The Wildlife and Countryside Act 1981 protects birds, their nests and eggs. Nesting birds have been recorded in vegetation in the gardens and potentially in No.19. Works should not commence between March and August unless pre-commencement checks are completed and nesting birds are absent or will be undisturbed. This can be secured by condition.

Biodiversity Net Gain

10.71. The submitted amended biodiversity metric indicates that the proposals would deliver increases of 0.77 habitat units (+86.88%) and 0.45 hedgerow units (+781.66%). This is a total of 858.54% net gain which is well in excess of the requirements of Policy G2 of the OLP. Officers acknowledge the quality of the proposed habitats (in particular the biodiverse roof) and the extent of additional enhancements for protected species. Given the nature of the site and the proposed enhancements, Officers are satisfied that these can be secured via a Landscape Ecological Management Plan (LEMP) condition rather than via a S106 agreement in this case.

10.72. In response to comments of Victorian Group of the OHAS, the biodiverse pond would have natural margins with a profile at multiple levels to support wetland fauna. The pond would be planted entirely with native aquatic, emergent and bankside higher plant species, and would be fed from the groundwater at depths further than about 1 m below ground level. Above this level, the pond would be lined and filled with clean runoff water backed by a complex rockery and extensive emergent fringe. The pond water would be artificially aerated to maintain high ecological quality. Again the long term management of the pond would be secured via the LEMP.

10.73. In summary, Officers are satisfied that the potential presence of protected habitats and species has been given due regard, a net gain in biodiversity would be achieved and subject to conditions listed, the development would accord with G2 of the OLP. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

f. Impact on neighbouring amenity

10.74. Policy RE7, as set out above, seeks to ensure a standard of amenity and make sure that development protects amenity and would not result in unacceptable impact on neighbours. The main neighbours affected by the development would be the Department of Education at No.15 Norham Gardens that adjoins the site to the southwest. To the rear of No.15 is a large 3 storey extension that runs parallel to the joint boundary with No.17 and provides office accommodation. It has windows at first and second floor that directly overlook into No.17's rear garden.

10.75. It is considered that the proposed design shows appropriate consideration towards the impact on the amenity of the Department of Education offices adjacent. The degree of separation and the height and massing would not be overbearing in effect and would still allow light to the offices. As such the development would accord with RE7 of the OLP.

10.76. In relation to lighting the external lighting would be minimal to provide safety and security for students and staff, whilst being mindful of the NOVSCA, neighbours and also Bats. Lighting would be timeclock and photocell controlled and appropriately located on buildings, Internal lighting would be sensor controlled to avoid light spill in the evenings. Details of external lighting could be secured by condition.

g. Transport

10.77. 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 Traffic and Environmental Plan Management Plan are required for major development.

10.78. Policy M3 sets out the Council's policy for motor vehicle parking. In Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within an 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking as

existing on site and a reduction will be sought where there is good accessibility to a range of facilities.

10.79. Furthermore as set out above, Policy H8 makes clear that all student accommodation development must comply with parking standards under Policy M3. This states that only operational and disabled parking is allowed and the developer must undertake and provide a mechanism to prevent students from parking their cars anywhere on the site, (unless a disabled vehicle is required), which the developer shall thereafter monitor and enforce. This is usually done through the tenancy agreement (as stated above).

10.80. Policy M5 and Appendix 7 sets out minimum cycle parking standards for student accommodation of at least 4 spaces for every 4 study bedrooms, unless site specific evidence indicates otherwise in accordance with Policy M5. Policy DH7 of the OLP sets out design requirements for bike & bin stores and external servicing features. These should be considered from the start of the design process.

10.81. The site is considered to be in a sustainable location with good access to public transport in and out of the City along the Banbury Road. No new car parking is proposed as a result of the development; three existing car parking spaces at No.19 would be retained for disabled and operational uses in accordance with Policy M3. The County Highways Authority comments that in view of this, and the controlled parking zone in place, there would be no adverse impact on the highway.

10.82. The site currently has 75 cycle parking and there will be an increase in cycle spaces of 61 to provide a total of 136 spaces. This meets the minimum number of cycle parking spaces required (136) in accordance with Policy M5. The cycle parking within the re-instated front garden area would be discrete and integrated into the landscaping. It would be secure and some should be sheltered also to encourage use, in accordance with DH7 of the OLP, whilst also having regard to the character and appearance of the NOVSCA. Officers consider that whilst covered cycle parking is preferable, in accordance with Policy M5, in this case the impact on the character and appearance of the NOVSCA and street scene has been given more weight. A large number of covered cycle parking to the front of the site would be visually intrusive and harm the appearance of Norham Gardens. Therefore it is considered acceptable that not all the cycle parking should be covered.

10.83. Provision for electric charging of cars and cycles should also be provided in accordance with Policies M4 and M5.

10.84. Subject to conditions securing the cycle parking, electric charging facilities, students no cars to Oxford, and Student Management Plan (drop off/pick up) the development accords with M1, M3 and M5 of the OLP.

h. Sustainable Design & Construction

10.85. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been

incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2022 Building Regulations compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

10.86. A Sustainability Statement was submitted with the application. In addition to the local Plan requirements, St Edmund Hall also has its own high aspirations for meeting climate change and carbon emissions. The proposed development seeks to achieve this by delivering a highly sustainable, low energy, biodiverse project that aims to be exemplary in environmental, social and governance terms.

10.87. A fabric first approach to the new buildings has been taken using Passivhaus construction certification methods to reduce operation energy and reflecting the Colleges aspiration to be close to net zero in operation by 2030. For No.17 Norham Gardens retrofit low energy building standard is being used to improve energy performance through air tightness, upgrading windows, insulation and efficient plant using the principles of passivhaus for existing buildings (enerphit).

10.88. A whole life, whole site holistic approach to sustainability is proposed through good materials choices (Cross-Laminated Timber (CLT)), renewable energy heat and hot water via roof mounted Air Source Heat Pumps (ASHPs), roof mounted photovoltaic panels (estimated to generate approximately 25% of the energy demand), embodied carbon during construction, re-use of materials on site where possible such as brick, stone and timber from the existing buildings, water saving measures and rain water harvesting. The scheme has been designed with the next 50 – 100 years and changing climate in mind. Rigorous overheating analysis has been undertaken and the provision for future cooling in student rooms has been allowed for. As set out above, net biodiversity gain would be achieved. Overall the new buildings would achieve an average of 79.5% (ranging between 76.9% and 83.1%) reduction in carbon emissions compared to a Building Regulations compliant base case which exceeds the 40% policy requirement.

10.89. As such it is considered that the development meets the requirements of Policy RE1 of the OLP and suitably worded conditions would secure this, together with details of the Photovoltaics.

i. Archaeology

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

10.91. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the

significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3.

- 10.92. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.
- 10.93. An Archaeological Evaluation Report was submitted with the application. The site is of interest because of its proximity to multi-period archaeological sites to the north and south and the results of the pre-application evaluation trenching set out in the Evaluation Report. The evaluation recovered residual artefacts, identified as Neolithic to Bronze Age in date and recorded several ditches apparently forming part of a rectilinear enclosure system of likely early to mid-Roman date relating to rural settlement and farming activity. Undated pits and two large undated ditches of interest were also recorded.
- 10.94. The results of the archaeological evaluation were small and it is therefore considered that, should planning permission be granted, conditions should be imposed to secure controlled demolition below ground level and further archaeological excavation. As such the development would accord with DH4 of the OLP.

j. Air Quality

- 10.95. Policy RE6 of the OLP ensures that the impact of new development on air quality is mitigated and exposure to poor air quality is minimised or reduced. Existing and new occupants will be accounted for and any additional negative air quality impacts identified from new development will require mitigation measures to ameliorate these impacts during operational and construction phases. Sensitive uses, such as residential, should be located away from poor air quality areas, be designed to reduce impact and mitigated through air quality measures where necessary. Major developments that carry a risk of exposing individuals to unacceptable levels of air pollution must be accompanied by an Air Quality Assessment (AQA). Where an AQA demonstrates harm to air quality, permission will not be granted unless specific measures are proposed and secured to mitigate those impacts.
- 10.96. An AQA was submitted with the application. The baseline assessment shows that the application site is located within the Oxford citywide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of the surrounding area of the application Site, show current air pollutant

concentrations to be below their relevant air quality objectives. The impacts of existing pollution sources on the future residents at the proposed development are therefore considered to be not significant and current air quality levels at the application site are acceptable.

10.97. According to the site's energy statement, heat for the development will be generated from air source heat pumps and Photovoltaic panels. There would be no combustion type generating units on site and the impact of emissions from energy generation can therefore be screened out from requiring further assessment.

10.98. Car parking for the development would be limited to only three existing spaces and there would be no increase in parking. Therefore, additional traffic generated by the development would be limited to service vehicles and vehicles dropping off or collecting students. There is no provision for additional car parking at the development. It is considered that vehicle movements associated with construction and occupation of the development would be below those requiring a detailed assessment as provided by the IAQM. Therefore, the impact of additional transport emissions on existing receptors has been screened out.

10.99. The construction of the development would have the potential to generate dust from construction activities and the generation of combustion-type pollutants (e.g. oxides of nitrogen and fine particles) from construction traffic accessing the site and from on-site construction plant. There is at least one high sensitivity receptor located within 20m and around ten within 50m of the site. Therefore, the sensitivity of the area to dust soiling for demolition, earthworks and construction has been assessed as Medium. The overall sensitivity of the area to human health impacts has been assessed as Low. These risk levels are used to identify appropriate site specific dust mitigation measures. Provided these measures are implemented the residual impacts are considered to be not significant. This could be secured by condition.

10.100. In summary, the air quality levels at this site would be below current limit values for NO₂, PM₁₀ and PM_{2.5} and the proposed development would cause a negligible increase in pollutant concentrations at all human and ecological assessment receptors. As such it is considered that the development accords with Policy RE6 of the OLP subject to condition.

k. Flood Risk & Drainage

10.101. The site lies within flood Zone 1. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Details of this may form part of the FRA or a drainage strategy. In relation to surface and groundwater flow and groundwater recharge any development that would have an adverse impact on groundwater flow will not be permitted in accordance with policy RE4. The City Council will, where necessary, require effective preventative measures to be taken to ensure that the flow of groundwater will not be

obstructed. Developers are encouraged to separate foul and surface water sewers on all brownfield sites delivering new development. A Foul and Surface Water Drainage Strategy must be provided for all new build residential development of student accommodation of 250 study bedrooms or more. This development falls below this threshold.

10.102. A Flood Risk and SuDS Assessment, together with further supporting information, has been submitted. The site is in flood zone 1 and is at low risk of flooding from surface water flooding, watercourses flooding, groundwater flooding and reservoir flooding. The development would reduce the impermeable areas on site, and the introduction of an attenuation tank, green roofs, permeable paving and pump would limit discharge to a maximum of 4l/s for all storm events. Infiltration as a method of surface water discharge was not feasible as testing results showed the ground is not suitable for infiltration. A new pond would be provided to the rear of No.19 which would be fed by rills and other connections within the gardens. It should be noted that it is not an attenuation pond due to the possibility of flows and volumes compromising wildlife biodiversity functions. Water flows would be regulated to avoid harm to aquatic habitats and encourage wildlife. Furthermore a foul sewer crossing the site also hinders the use of the pond. Instead tanked permeable pavements would be provided on all new hard landscaping to provide the wider benefits of SuDS (biodiversity, amenity, and water quality). Designing the surface water network for storms up to the 1:100 year + 40% climate change requires storage volumes that are greater than possible in the permeable pavements. Therefore attenuation would be provided underground in the form of geocellular attenuation crates. With pumps the requirement to limit the 1 in 1 year storm event to the corresponding greenfield rate is not met due to the impracticality of restricting pump rates to such low flows. Overall the surface water management strategy would provide a betterment of more than 96% for the critical 1 in 100-year storm event. This includes an allowance of 40% climate change and 10% urban creep.

10.103. Further to submission of amended information, the LLFA raised an objection due to the fact that the information submitted does not show rainwater harvesting features on the drainage plan; the drainage strategy does not show the green roofs connection into the surface water network or its extent; and the LLFA request construction details of the green roofs and calculations for 1:100 year storm event plus 40% climate change. Thames Water has confirmed sufficient capacity for the development in terms of foul and waste water.

10.104. The Applicant subsequently confirmed that overflow water from the green roofs would connect into rainwater butts. Whilst the green roofs could theoretically provide some attenuation in shorter storm events they would not provide any attenuation for critical storm events (1 in 100 year+ 40% climate change) and have not been designed to do so,. As they would already be saturated from a previous storm in a worst case scenario event, any overflow water from the butts would go into the attenuation tanks via the below ground drainage. These attenuation tanks have been specifically designed for this scenario i.e. the 1 in 100 year + 40% climate change.

10.105. The rainwater harvesting tanks or a series of water butts are also proposed to provide irrigation which is similar to the College's existing set up.

The exact location of these would be determined during Stage 4 (post decision stage). Any rainwater harvesting tanks (or water butts) have not been considered in the storage volumes for storm water attenuation to ensure the full capacity of the system is available during all storms. Overflow connections from the rainwater harvesting tanks will be provided and will be coordinated once positions are confirmed.

10.106. It is considered that the use of attenuation tanks and permeable paving is justified in this case. In relation to the green roofs, further to the additional supporting information as set out above, Officers consider that not including the green roofs as part of the storm attenuation strategy is justified and that the run off in critical storm events 1 in 100 year + 40% climate change) has been appropriately considered as part of the attenuation tank design and overall drainage strategy. The confirmation of the calculations for the 1 in 100 year + 40% climate change for the attenuation tanks could be satisfactorily dealt with by condition requiring an updated Drainage Strategy. Officers also concur that the detailed construction design of the green roofs is a detailed Stage 4 of the architectural design matter that could be adequately secured by condition, as could the design and location of the water butts. As such the proposed drainage strategy is acceptable in principle in accordance with RE3 and RE4 of the OLP, subject to a condition requiring details of the green roof construction, water butts/rainwater harvesting tanks locations and connections within a finalised Drainage Strategy.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the consideration 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. 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.

11.5. This is a high quality development that would provide increased student accommodation on land owned by the College, thereby releasing housing back on to the general housing market which would help meet the high demand for housing in the City. It would make best and most efficient use of the land, providing net biodiversity gain, ecological benefit, sustainable drainage and high levels of sustainable design and construction. Any harm to heritage assets identified would be outweighed by the public benefits derived from the development. Protected Species have been given due regard, harm minimised and mitigation measures proposed. Subject to conditions, it is concluded that the development would accord with the relevant Policies of the Oxford Local Plan 2036 and the NPPF, and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2017 (as amended).

11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions set out at Section 12 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

Time

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

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

Plans

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

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

Materials

3. Prior to the commencement of development, excluding demolition and enabling works, a schedule of materials together with samples shall be submitted to and approved in writing by the Local Planning Authority. The following sample panels shall be provided on site:

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

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

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

Reason: To ensure high quality development and in the interests of the visual appearance of the North Oxford Victorian Suburb Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

Drainage

4. There shall be no occupation beyond the 49th dwelling until confirmation has been provided 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 additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low / no water pressures 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 in accordance with RE4 of the Oxford Local Plan 2036.

5. Notwithstanding the submitted Drainage Strategy, prior to commencement of development, excluding demolition and enabling works, an updated Drainage Strategy to include the details listed below shall be submitted to and approved in writing by the Local Planning Authority:
 - Details of the green roof construction
 - Details of rain water harvesting tanks and or rain water butts including size, location and connections to the surface water drainage.
 - Confirmation of calculations for 1 in 100 year + 40% climate change storm events for the attenuation.

The development shall be constructed in accordance with the approved details.

Reason: To ensure suitable drainage for the development in accordance with RE4 of the Oxford Local Plan 2036.

Design/appearance

6. Notwithstanding the approved plans, prior to occupation of the development hereby approved, details shall be submitted to and be approved in writing by the Local Planning Authority to demonstrate that the proposed development would comply with Secured by Design principles. The development shall be carried out in accordance with the approved details.

Reason: To ensure that appropriate physical security is provided, especially to the communal dwellings, where detail is missing from this application relating to access controls, visitor entry, postal services. To safeguard future residents and the buildings themselves from crime and antisocial behaviour. To ensure the development accords with Secure by Design principles and Policy DH1 of the Oxford Local Plan 2036.

7. Prior to first occupation an internal and external lighting and CCTV strategy (which takes into account potential lighting impact on biodiversity as required under Condition 13) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed and retained thereafter.

Reason: In the interests of Secure by Design, Biodiversity, neighbouring amenity and the Character and appearance of the Conservation Area in which the site lies in accordance with Policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

8. Prior to first occupation, details of the means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and retained thereafter.

Reason: In the interests of design and appearance within the Conservation area and Secure by Design in accordance with Policies DH1 and DH3 of the Oxford Local Plan 2036.

9. No demolition of the gym (former chapel) shall take place until an appropriate programme of architectural recording of the buildings to be demolished by measurement, drawing and photography to Historic England Level 2 Historic Building Survey has been secured and implemented in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority. One copy of the final report shall be deposited in the College's archives and one copy shall be deposited in the County Records Office.

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 preserve by record the buildings and North Oxford Victorian Suburb Conservation Area that will be affected by the works hereby granted permission in accordance with policies DH3 & DH4 of the Oxford Local Plan 2036.

Biodiversity

10. Prior to the commencement of any works affecting bats or their roosts, evidence of a European protected species licence from Natural England, specific to this development, shall be submitted to the Local Planning Authority.

Reason: To protect bats in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

11. The development hereby approved shall be implemented strictly in accordance with the mitigation measures stated in Section 7.3 of the 'Biodiversity Statement' revision 5, as modified by the 'Ecology Comment Response' and by any relevant European Protected Species Licence. All bat roosting devices shall be installed by the completion of the development and retained as such thereafter.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

12. The submitted bat survey results are considered valid until May 2023. If the development hereby approved does not commence by this date or, having commenced, is suspended for more than 12 months, then the works relating to the development shall not recommence otherwise than in accordance with the provisions of this condition: Further surveys shall be commissioned to: i) Establish if there have been any changes in the presence and/or abundance of roosting bats. ii) Identify any likely new ecological impacts that might arise from any changes. 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 will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement or recommencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To comply with The Conservation of Habitats Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended)

13. Prior to any lighting installation, 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 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 the above species 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 Conservation of Habitats Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

14. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between March and August inclusive unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before the works begin and provided written confirmation that no birds will 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).

15. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

The 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 shall be implemented in accordance with the approved details.

Reason: To ensure the enhancement of biodiversity in accordance with Policy G2 of the Oxford Local Plan 2036.

Archaeology

16.No demolition excluding demolition and enabling works above existing ground level shall take place until a Demolition Methodology Statement has been submitted to and agreed in writing by the Local Planning Authority. The demolition shall be undertaken in such a manner as to avoid unnecessary disturbance to archaeological remains. All works shall be carried out and completed in accordance with the approved Demolition Methodology Statement unless otherwise agreed in writing by the Local Planning Authority.

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 in accordance with Policy DH4 of the Oxford Local Plan 2036.

17.No development excluding demolition and enabling works above existing ground level shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and Roman remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

Student Accommodation

18.Prior to first occupation, a Student Accommodation Management Plan (SAMP) shall be submitted to and approved in writing by the Local Planning Authority. The SAMP shall set out control measures for ensuring that the

movement of vehicles associated with the transport of student belongings at the start and end of term are appropriately staggered to prevent any adverse impacts on the operation of the highway. The approved SAMP shall be implemented upon first occupation of the development and remain in place at all times thereafter unless otherwise first agreed in writing beforehand by the Local Planning Authority.

Reason: In order to control the impact of students in the interests of amenity, in accordance with policies S1, H8 and RE7 of the Oxford Local Plan 2036.

19. The development shall be solely used for student accommodation and for no other purpose (including any other purpose in Class C2 Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and also including any other purpose as may be permitted under the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification)

Reason: To ensure the adequate provision of student accommodation and allow the Local Planning Authority to give further consideration to other uses in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

20. During term time the development hereby permitted shall be used for student accommodation in accordance with the specifications and requirements of conditions 19 and 23, and for no other purpose unless otherwise agreed in writing beforehand by the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall not be used for any other purpose other than that permitted by this condition.

To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Energy

21. The development shall be implemented in strict accordance with the approved Energy Statement. Prior to the full occupation of the development evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance as approved.

Reason: To ensure compliance with policies S1 and RE1 of the Oxford Local Plan 2036.

22. Notwithstanding condition 21 above, prior to construction of the development about slab level further details of the photovoltaics including location, number and technical specifications shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation.

Reason: To ensure compliance with policies S1 and RE1 of the Oxford Local Plan 2036.

Transport

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

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

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

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

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

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

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

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

27. Notwithstanding the submitted Construction Traffic and Environmental Management Plan (CTEMP), no development shall take place until a revised CTEMP is submitted to and approved in writing by the Local Planning Authority.

The plan shall include details of the following matters:-

- the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
- times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
- hours of working;
- travel initiatives for site related worker vehicles;
- signage for construction traffic, pedestrians and other users of the site;
- piling methods (if employed) and controls on vibration;
- earthworks;
- hoardings and security fencing to the site;
- noise limits;
- control of emissions;
- Dust mitigation measures including the complete list of site specific dust mitigation measures and recommendations that are identified in Chapters 3 and 4 (Pages 25-27) of the Air Quality Assessment that was submitted with the application;
- waste management and disposal, and material re use;
- wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
- contact details of the Project Manager and / or Site Supervisor;
- layout plan of the site;
- materials storage including any hazardous material storage and removal.
- Engagement with local residents and neighbours

The CTEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling.

* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

** The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003

The approved Construction Traffic and Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the highway network, the amenities of neighbouring occupiers and 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 policies RE1, RE6, RE8, M1 and M2 of the Oxford Local Plan 2036.

Trees/Landscape

28. The tree planting for the development shall be implemented in accordance with the submitted Tree Planting Strategy Plan SEH-BHSL-SW-ZZ-DR-L-0102 REV.H only unless otherwise first agreed in writing by the Local Planning Authority.

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

29. Notwithstanding the submitted soft landscape plans (ground and roof), prior to first occupation updated soft and hard landscaping plans which shall include the tree species and planting locations on the Tree Planting Plan approved under condition 24 above and shall also include a detailed planting schedule (including species for biodiversity interest and native species, size and number) shall be submitted to and approved in writing by the Local Planning Authority.

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

30. The tree planting and soft landscaping proposals as approved by the Local Planning Authority under conditions 24 and 25 above shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

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

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

32. No development, excluding demolition and enabling works, shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in

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

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

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

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

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

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

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

This page is intentionally left blank

APPENDIX 1 – Existing Site Plan



This page is intentionally left blank

Oxford City Planning Committee

24th January 2023

Application number: 22/00841/FUL

Decision due by 1st June 2022

Extension of time None

Proposal Demolition of existing rear sheds and external rear fire escape. Erection of two storey rear extension with glazed link to provide 8no. additional student rooms and refurbishment of existing property to provide 11no. additional student rooms. Replacement of 1no. window with 1no. door to side elevation. Replacement of 1no. window with 1no. vent to side elevation. Replacement of 1no. window and fire escape door with 1no. window to rear elevation. Replacement windows. Formation of bin and cycle stores to rear. New accessible landscaping to front and new side access gate. Provision of accessible car parking to front. Hard and soft landscaping.

Site address Cotswold House , 110C Banbury Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

Ward Summertown

Case officer Tobias Fett

Agent: Miss Emma Wagland **Applicant:** Regents Park College

Reason at Committee This application is called in by Councillors Miles, Fouweather, Sandelson, Goddard, Roz Smith and Smowton for reasons including the following material planning considerations, related to policies within the local plan, the neighbourhood plan and the NOVSCA appraisal: overdevelopment, impact on the Conservation Area and loss of rear garden land

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 an application for planning permission for the removal of sheds to the rear of 110C Banbury Road and the erection of a two storey extension with a green roof to provide 8 additional post-graduate study rooms to create a total of 19 rooms at the redeveloped site.
- 2.2. The proposals include alterations to the existing building, including changes to the fenestration as well as the removal of trees to the rear, new landscaping, two car parking spaces and provision of storage for thirty bicycles.
- 2.3. The application includes a set of revised plans which was followed by an additional period of public consultation.
- 2.4. 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 post graduate accommodation. Officers recommend that the development is acceptable in principle and would be acceptable in design and heritage terms (with public benefits outweighing the identified low level of less than substantial harm to designated heritage assets). The proposal would also have an acceptable impact on neighbouring amenity, the surrounding transport network, trees and landscaping, biodiversity, drainage, and land quality.
- 2.5. On the basis of the above, the development would constitute sustainable development that is acceptable in the context of national and local planning policy subject to conditions as set out in Section 12 of the report.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for the CIL amount of £5,052.40.

5. SITE AND SURROUNDINGS

- 5.1. The application site is situated in North Oxford, on the eastern side of Banbury Road, between Belbroughton Road and Linton Road within a row of detached properties.
- 5.2. The majority of properties along the eastern side of Banbury Road have rear extensions, which extend the building line eastwards into their gardens. 110C Banbury Road is one of the few properties within this part of Banbury Road that has not been previously extended at the rear.

5.3. See location plan below:



5.4. The site is located within the North Oxford Victorian Suburb Conservation Area. The proposal does not affect the setting of any listed building. The nearest listed buildings to the application site include 121 Banbury Road (Grade II) which is opposite the site, 1 Belbroughton Road (Grade II) to the north, 20 Northmoor Road (Grade II) to the rear and east and 7 Linton Road to the south east (Grade II). None of these designated heritage assets lie within the immediate vicinity of the site.

5.5. The immediate area is comprised primarily of residential properties with some institutional and educational uses. The neighbouring properties, 110 Banbury Road to the south and 112 Banbury Road to the north are both three storey residential properties, with similar sized gardens to 110c Banbury Road.

5.6. The existing property on the site is a three storey, detached building, originally built as a dwellinghouse but has been used for student accommodation since 1992. Whilst the property has been used as student accommodation it is

understood that for some periods of time the individual flats have been let to post-graduates and their families and this is noted in some of the public consultation responses. The property is set back from the road, as is characteristic in this part of North Oxford, with a hard surfaced and landscaped front garden that is bounded by a low brick wall at the front and dominated by a large oak tree.

- 5.7. The property is significantly smaller than many of the properties along this side of Banbury Road and it was built later than many surrounding properties (likely between 1928-1937). The property would now be described as an infill development in the garden of 110 Banbury Road, a private dwelling house designed by the distinguished Oxford architect H W Moore, at a date between the O.S. map of 1921 and the O.S. map of 1957-1958.
- 5.8. The property is built with red brick walls and a clay tiled roof. The front elevation contains bay windows on both sides of the front door and either side of the central window on the first floor with stone lintels and sills. On the second floor there are three sets of windows. The side elevations are largely blank, with a window on each floor centrally in the south elevation.
- 5.9. The rear elevation incorporates some modern alterations to the building including an external metal fire escape staircase and access ramp. There are four sets of windows across each storey on the rear elevation with doors providing emergency access out to the aforementioned fire escape staircase.
- 5.10. The property is currently subdivided into three separate flats used by students associated with the University of Oxford. The interior has been adapted over the years and has a utilitarian appearance; the proposed development seeks to modernise the building internally as well as increasing the overall amount of student accommodation. The existing internal layout means that the property is currently under-utilised.
- 5.11. The rear of the property comprises a large garden containing a large area of hardstanding near to the property and a row of three sheds used for storage. To the rear of the sheds is an overgrown grassed area which contains a number of trees and a large shed towards the rear boundary.
- 5.12. A continuous brick wall provides the boundary treatment to the neighbouring properties on both sides of the application site. There is a large gap around the side of 110c Banbury Road and the boundary to 110 Banbury Road which is gated, through which the site can be seen from Banbury Road. A smaller gap exists on the northern side adjacent to 112 Banbury Road.
- 5.13. Due to the site's central location between Linton and Belbroughton Road, it is not highly visible in wider views in the public realm. Views across the rear of Banbury Road are characterised by the extensive rear gardens but also the visibility of the upper parts of the properties with their tall chimneys, projecting rear gables and extensions which creates a dynamic and varied roofscape.
- 5.14. To the south, the three storey 110 Banbury Road extends beyond the rear elevation of 110c Banbury Road. The first part of this elevation which extends

beyond the rear of 110C Banbury Road has two ground floor windows, two first floor windows and three second floor windows, the central part has three ground floor windows and a first-floor window and the easternmost part is blank with a lean to adjacent to it.

- 5.15. To the north, 112 Banbury Road has a recently constructed single storey orangery extension which adjoins an earlier single storey extension. Views between these extensions and 110C Banbury Road are limited due to the boundary wall and an existing plum tree. 112 Banbury Road also has a lean to single storey extension which sits between the two properties. The original part of that property does not extend beyond the rear of 110C Banbury Road, there is one set of windows on the second floor which face the side elevation of 110C Banbury Road.

6. PROPOSAL

- 6.1. The planning application has been the subject of revisions since it was submitted, the description of the proposed development set out below reflects the amended submission.
- 6.2. The application proposes the erection of a two storey rear extension to the existing property. The extension would be sited on a large area of hard standing and facilitated in part by the demolition of a collection of derelict sheds which have previously been used for storage.
- 6.3. The proposed extension would be constructed of traditional bricks to match the existing property with a shallow green flat roof. Architectural detailing around the windows and string courses are proposed to emulate, albeit in a contemporary manner some of the decorative features of the host property and surrounding Conservation Area. The overall height of the proposed development would be 6 metres at the garden elevation and approximately 5.6m when measured at the proposed side entrance that would become the entrance to the building.
- 6.4. The proposal includes the removal of one plum tree to the frontage as well as an increase in landscaping and a reduction in car parking spaces to the front.
- 6.5. It is also proposed to remove five trees from the rear garden and provide a new landscaped area and shared garden with an overall reduction in hardstanding.
- 6.6. The proposals include a refuse and recycling store to be provided at the front of the property, screened in part by the existing large (retained) oak tree. The proposals also include two covered and secure cycle stores in the rear garden and close to the southern boundary of the site; these would have a capacity of ten pedal cycles each. A further area of outdoor cycle storage (uncovered Sheffield stands) is also proposed adjacent to the new side entrance to the building that would provide further cycle storage for ten pedal cycles.

- 6.7. The existing UPVC front façade fenestration would be replaced with new and more sympathetic timber windows.
- 6.8. The purpose of the extension would be to provide 8 new student rooms, other changes in the building would facilitate the refurbishment of existing accommodation to provide a total of 19 rooms on the site.
- 6.9. The extension would be 12.5 metres deep at its longest point from the existing rear wall of the building and would be 11 metres at its widest, across the width of the building. However the extension would be set in at two points, creating a glazed link which would create a visual break between the existing wall and the new extension along both side elevations.
- 6.10. The side passage between the application site and No. 112 Banbury Road would be retained with a width of approximately 1m, but would have a gap between the new and old extension. The gap between the southern elevation of the extension and the boundary with No. 110a/b fence would be approximately 2.7 metres and this would retain a gap of circa 5.5m between the two buildings.
- 6.11. A previous application with the reference 20/00758/FUL was withdrawn on the recommendation of officers following concerns about the impact of the development in design, conservation and amenity terms.

7. RELEVANT PLANNING HISTORY

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

01/00408/NFH - Demolition of outbuildings. Construction of 2 new buildings, one on 3 and 4 floors (including semi-basement), and one at semi-basement only to provide 19 student study rooms.. REF 15th May 2001.

19/02529/CEU - Application to certify that the existing use of the building as student accommodation is lawful development.. PER 9th December 2019.

20/00758/FUL - Demolition of 5no. sheds. Refurbishment of existing property and erection of part 3, part 2 storey rear extension to provide a total of 24 student rooms and shared ancillary accommodation. Provision of bin and bicycle stores. (amended description) WDN 1st June 2020.

22/00841/FUL - Demolition of existing rear sheds and external rear fire escape. Erection of two storey rear extension to provide 8no. additional student rooms and refurbishment of existing property to provide 11no. additional student rooms. Replacement of 1no. window with 1no. door to side elevation. Replacement of 1no. window with 1no. vent to side elevation. Replacement of 1no. window and fire escape door with 1no. window to rear elevation. Replacement windows. Formation of bin and cycle stores to rear. New accessible landscaping to front and new side access gate. Provision of accessible car parking to front. Hard and soft landscaping.. PDE .



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 - High quality design and placemaking DH7 - External servicing features and stores RE1 - Sustainable design and construction RE2 - Efficient use of Land		HOS2 - Local Character and Distinctiveness HOS3 - Density, Building Design Standards and Energy Efficiency HOS4 - Backland Development
Conservation/ Heritage	189-208	DH3 - Designated heritage assets		
Housing	119-125	H8 - Provision of new student accommodation H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards		
Commercial	81-83			
Natural environment	152-188	G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		

Transport	104-113	M3 - Motor vehicle parking M5 - Bicycle Parking	Parking Standards SPD	TRS1 Sustainable Transport Design TRS2 Sustainable Transport
Environmental	7-14, 119-125, 183-186	RE7 - Managing the impact of development RE8 - Noise and vibration	Energy Statement TAN	
Miscellaneous	7-12	S1 - Sustainable development	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 22nd April 2022 and an advertisement was published in The Oxford Times newspaper on 28th April 2022.
- 9.2. A second period of public consultation was carried out after revised plans had been received, with pink site notices displayed 6th December 2022 and an advertisement was published in The Oxford Times newspaper on 8th December 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. The highway authority has no objection but requested a condition to be included to monitor and manage car ownership and car parking. This has been included.

Oxford Preservation Trust (OPT)

- 9.4. OPT raised concerns of massing, scale and design of proposed extension and their impact on the conservation area and views from public domain.
- 9.5. The above comments, reflecting the concerns about the design and impact in heritage terms was retained following the consultation on the revised scheme.

The Victorian Group of the OAHS (VG/OAHS)

- 9.6. Objection; due to mass, scale and size and impact on the conservation area and neighbours as well as lack of tree cover in winter for screening and institutionalisation.

Linton Road Neighbourhood Association (LRNA)

- 9.7. Objection; due to design and impact on conservation area and increase in density and garden use and their impact on the area

Public representations

- 9.8. Comments were received from addresses in Banbury Road (96, 110 and 112, 118); Bardwell Road (7, 8); Belbroughton Road (4, 9 and 10); Charlbury Road (6, 11A and 26); Linton Road (6, 18), Northmoor Road (8, 9A, 13, 15, 21, 23, 26, 29, 31) and Staverton Road (14, 28)
- 9.9. Only one neighbour comment has been received from the revised scheme consultation from 112 Banbury Road. The objections are maintained with concerns about the design, impact on amenity and impact on trees (specifically the plum tree near to the boundary of the application site but within the grounds of 112 Banbury Road).
- 9.10. In summary, the main points of objection were:
- Access
 - Amount of development on site
 - Effect on adjoining properties
 - Effect on character of area
 - General dislike or support for proposal
 - Local ecology, biodiversity
 - Effect on traffic
 - Height of proposal
 - Light - daylight/sunlight
 - Local plan policies
 - Effect on privacy
 - Effect on existing community facilities
 - Noise and disturbance
 - Open space provision
 - Impact on trees

Officer response

- 9.11. The material planning considerations raised will be addressed in the relevant sections of the report below.
- 9.12. For clarity, the existing use of the application site is for student accommodation, which has been arranged in cluster flats. There is a lawful development certificate relating to that existing use (19/02529/CEU).
- 9.13. Amended plans were sought by officers in part as a result of some of the objections and concerns raised through public consultation.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development
- II. Design and Heritage
- III. Residential amenity
- IV. Impact on Neighbouring Amenity
- V. Transport
- VI. Trees
- VII. Biodiversity
- VIII. Drainage
- IX. Energy Efficiency
- X. Other matters

I. Principle of development

- 10.2. Policy S1 of the Oxford Local Plan 2036 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. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.
- 10.4. The application site is composed partially of previously developed land (the existing building, hardstanding and sheds) and partially of existing garden land. The proposals would make a more efficient use of land and expand an existing use in a sustainable location in a manner that is consistent with the requirements of Policy RE2 of the Oxford Local Plan (2036).
- 10.5. Policy H8 of the Oxford Local Plan 2036 requires specific consideration for the location and management of any new student accommodation. The proposal

is for the extension and modernisation of an existing student accommodation site, and the development is therefore acceptable in the context of Policy H8.

- 10.6. Policy H8 also requires that that planning permission would only be granted for student accommodation that is restricted in occupation to full-time students enrolled in courses of one academic year or more. It is understood that the prospective post-graduate students would fulfil this criteria. Conditions are recommended to ensure that this requirement is met in perpetuity.
- 10.7. In accordance with Policy H8, a management regime would need to be agreed with the City Council that would be implemented on first occupation of the development and the developer undertakes to prevent residents from parking their cars on site.
- 10.8. Policy H2 relates to affordable housing and states that for student accommodation of 25 or more student units, a financial contribution should be secured towards delivering affordable housing elsewhere in Oxford. The proposed development would fall below this threshold and therefore would not trigger the requirement to provide an affordable housing contribution.
- 10.9. The proposal would create additional student accommodation in a sustainable location by increasing the density and making a more efficient use of the existing building and site. The proposal would therefore be acceptable in principle as it would comply with policies S1, H8 and RE2.

II. Design and Impact on Designated Heritage Assets

Design policy context

- 10.10. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development.
- 10.11. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a conservation area, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.12. 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.

- 10.13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area to which great weight is attached and it is accepted is a higher duty. 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.
- 10.14. The application site is located within the character area “L St Margaret’s Ward and the North Oxford Victorian Suburb Conservation Area (NOVSCA)” as described in the Summertown and St Margaret’s Neighbourhood Plan (SSMNP) and this is mostly characterised and assessed as part of the NOVSCA and referencing the background papers and the Conservation Area Appraisal in terms of threats and opportunities.
- 10.15. The SSMNP and Conservation Area Appraisal do make reference to the growth of institutional uses, gaps between buildings being lost and issues around inappropriate or inadequate landscaping as threats, which are of particular relevance considering this application. These concerns are dealt with in particular by the policies of HOS2, HOS3 and HOS4 of the Summertown and St Margaret’s Neighbourhood Plan.

Scale, form, height and massing

- 10.16. The proposed two storey extension would have a radically different form to the host property on the application site as a result of having a flat roof; which is proposed to be a green roof. Whilst this would clearly be a departure from the existing design of the property (which whilst being a later addition does clearly attempt to form a visually harmonious addition to the established pattern of Victorian housing that predominates in the area) the proposals attempt to make a contemporary and subordinate addition to the application site. Notwithstanding the fact that the proposals sought to make a contemporary addition to rear aspect of the site, officers recommended that the design needed to be modified from its original submission by setting the extension away from the building. Revised plans were sought and received which achieved this; a link between the rear façade of 110C Banbury Road and the proposed extension allows the contemporary extension to be viewed more legibly as a later and subordinate addition to the rear of the site which is beneficial in design terms.
- 10.17. Clearly, the contemporary approach in this case is identifiable through the use of a contemporary roof form, which is also proposed to ensure that the development causes the least impact in terms of loss of light to neighbouring occupiers but also through the use of larger windows, metal cladding (to the south elevation) and a restrained pattern of architectural detailing (including a discrete string course and brick detailing). The design of the proposed extension would also be subordinate in terms of its design as a result of its lower overall height and relatively restrained design in terms of architectural

detailing. The resultant design, whilst unashamedly different from much of the surrounding built environment would achieve an acceptable visual relationship with the host property and reflect an innovative way of providing a larger extension at the rear of a residential building in a sensitive context.

- 10.18. The proposed development, rather than being a single two storey extension of continuous width is instead proposed to be broken into a full-width element and an element that projects further into the rear garden. This overall approach is beneficial in design terms as it breaks up the overall massing and reduces the impact on the light conditions for neighbouring occupiers (particularly at No. 112 Banbury Road).

Summertown and St Margaret's Neighbourhood Plan

- 10.19. There are specific design considerations relating to the proposals that arise from it being located within the Summertown and St Margaret's Neighbourhood Plan (the SSMNP) area. These requirements are set out in policies contained within that plan and specifically Policies HOS2, HOS3 and HOS4.
- 10.20. Policy HOS2 of the SSMNP deals with specific character areas within the Neighbourhood Plan area and requires new developments to respond to local character and distinctiveness. The character areas are defined within the SSMNP and with respect to the application site it is considered to fall within the Margaret's Ward and the North Oxford Victorian Suburb Conservation Area (NOVSCA). The SSMNP identifies a number of important characteristics of this area including its leafiness and the potential for institutional uses along arterial roads (including Banbury Road) to erode the character of the area through the loss of front gardens to parking. With respect to the identified characteristics of the area, officers consider that the proposals would positively respond in the context of Policy HOS2 by creating improved landscaping and reduced car parking on the frontage and enhancing landscaping at the rear.
- 10.21. Policy HOS3 of the SSMNP requires that new developments are only supported where they respect the local heritage and character of the neighbourhood; this includes innovative design where it responds to the aforementioned character area above. Importantly, Policy HOS3 is supportive in principle of developments that bring about the restoration of front gardens, such as in these proposals where an enhanced front garden would be created at the expense of the existing larger car parking area. Policy HOS3 also requires that developments are acceptable in terms of their energy efficiency and waste impacts; these matters will be considered later in this report.
- 10.22. Policy HOS4 requires that backland developments are only supported where they are acceptable in design and amenity terms. The proposed development would extend into the former garden of No. 110C Banbury Road and whilst this area is largely previously developed land and hard paved it would have originally formed the garden of the application site and should arguably be considered in the context of backland development. The policy requires that new developments do not create new inappropriate accesses to backland sites and the prevailing character of the area is retained. Officers consider that the

existing access around the site would be unchanged and would not provide vehicular access. It is also considered that the prevailing character of the area would be maintained as the proposed extension would be a proportional addition to the rear of a large property and would not be visible in the public realm so would not alter the prevailing characteristics of the area. Policy HOS4 requires that new developments should not harm the privacy or outlook from neighbouring dwellings (and their gardens); this is considered in detail later in this report.

- 10.23. On the basis of the above, the development would be acceptable in design terms having had regard to the requirements of Policy DH1 of the Oxford Local Plan (2036) and Policies HOS2 and HOS3 of the Summertown and St Margaret's Neighbourhood Plan.

Materials

- 10.24. The main external materials would be local red multi brick to reflect the existing building and surroundings.
- 10.25. The main windows of the extension would be recessed with timber panels and fenestration to match the timber aesthetic of the college and surrounding area.
- 10.26. It is also proposed to install metal coping and window sills to match the windows.
- 10.27. A design detail proposed includes a horizontal soldier course brickwork to act as window penetration lintels to match the existing building and expresses the floor slab of the structure. This adds visual interest but also reflects the wider NOVSCA which includes brick detailing and a high quality of design and architectural detailing.

Impact on the setting of Listed Buildings

- 10.28. The proposed development would not be immediately situated near any Listed Buildings. The nearest grade-II listed Building is 121 Banbury Road on the west side of the road. Other listed Buildings are 1 Belbroughton Road (Grade - II) and 129 Banbury Road (locally listed) to the north of the site and 7 Linton Road (Grade-II) and 20 Northmoor Road (Grade-II) to the east of the site. However, as the development would be sited entirely at the rear of the application site (with the exception of improvements to the landscaping and fenestration at the front aspect of the site) the development would not impact on the setting of any of the listed buildings noted above.

Impact on the North Oxford Victorian Suburb Conservation Area (NOVSCA)

- 10.29. The site is unusual in this part of the Conservation Area because the building itself was an infill development, being built in a large vacant plot and lacks some of the more commonly found detailing that predominates in other parts of the Conservation Area. Nevertheless, its overall size, shape and form reflects the wider pattern of development. Regrettably, the windows of the existing building have all been replaced with UPVC windows which are an unsympathetic modification to the building. Whilst gardens in the Conservation

Area are traditionally planted with trees, hedges and shrubs, the front garden of the application site has been re-landscaped with hard standing; the main positive feature of the front garden is an existing oak tree. The rear aspect of the building has a more bland appearance unlike many other rear elevations in the Conservation Area which incorporate a rich pallet of architectural features that contribute positively to character of the area.

- 10.30. Having had regard to the size of the application site and presence of larger rear extensions at nearby properties (notably to the south at 110 Banbury Road) as well as the limited visibility of the rear aspect of the site it is arguably acceptable to consider that 110C Banbury Road would be capable of some remodelling and extension. The proposed extension whilst large would occupy an existing partially developed part of the site and would be proportional to the size of surrounding properties which have already been extended. The proposed extension would be read clearly as a modern one but would have a respectful relationship with the host building and surroundings through the use of a fairly restrained form and design.
- 10.31. A negative feature identified in the Conservation Area Appraisal is that the institutional use of large houses has led to an erosion of domestic character; in this case the application site has been in institutional use for some years. The proposals would be beneficial in terms of improving the appearance of the building so that its institutional use was less evident (including the removal of hardstanding, parking areas and sheds which were brought about to facilitate the existing use).
- 10.32. The proposals have been revised to include alterations to the fenestration at the frontage as well as landscaping and hardstanding on the site, especially to the front. The loss of front gardens to car parking is identified in the Conservation Area Appraisal as a threat and the proposed restoration of the garden in this case should therefore be viewed as a benefit of the proposed development.
- 10.33. The development would be visible in some views locally as demonstrated in the heritage statement, from Northmoor, Belbroughton and Linton Roads and from Thackley End, however these would be mostly screened (depending on season) by existing vegetation and the overall size and scale of the proposed development means that it would not become dominant in any of these views.
- 10.34. The development may be visible from Banbury Road however it would form a small element in the view, glimpsed between buildings. The setting of the listed building at 121 Banbury Road would not be affected due to its distance from the application site.
- 10.35. The proposals would cause a low level of less than substantial harm to the significance of the Conservation Area. The harm in this case would be brought about by the design and massing; these have been improved and evidently justified through the pre-application discussion process and the amendments made to the proposals. There is some mitigation that has been proposed and detailed above that includes the benefit of new trees, more sensitive

landscaping, new fenestration and improvements to the existing building that would reduce the perception of it being an institutional building.

- 10.36. Regard would be given to paragraph 197 of the NPPF in reaching a decision. The NPPF sets out in para 197 that planning decisions should take account of developments sustaining or enhancing heritage assets and putting them to viable uses as well as the contribution a development makes to local character as well as sustainable communities in a broader sense.
- 10.37. When applying the test outlined in the NPPF, paragraph 202, it should be considered that the proposal would cause a low level of less than substantial harm to the significance of the Conservation Area. The proposed development would be large compared with out smaller domestic extensions and so would have a visibility when viewed from the surrounding gardens but would have a reduced or negligible presence in the public realm. In weighing that harm against the public benefits of the proposal, including its optimum viable use, the proposals would give rise to some public benefits in the context of the provision of student accommodation and make more efficient use of an existing student accommodation site. The proposals would also include landscaping and other improvements including replacement windows that would be beneficial in terms of the appearance of the NOVSCA. A condition is recommended to ensure that the windows are installed prior to the first occupation of the extension, thereby requiring that these public benefits realised by the proposed development would be provided as part of the implementation of the development. Having had regard to the test set out in Paragraph 202 of the NPPF and Policy DH3 of the Oxford Local Plan officers recommend that the public benefits outweigh the identified harm and the development is therefore acceptable in terms of its impact on heritage assets.
- 10.38. Officers have considered the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.
- 10.39. The proposal has also been considered against the objectives and requirements of HOS2, HOS3 and HOS4 of the local neighbourhood plan and the proposal would be acceptable.
- 10.40. The proposal is considered in accordance with OLP 2036 policies DH1, DH3 and DH7 and therefore the proposal would be acceptable.

III. Residential amenity

- 10.41. Whilst there are no prescribed internal space standards for student accommodation, it is considered that each of the new rooms with en-suite shower rooms, storage and study space would provide an acceptable level of accommodation and natural daylight.
- 10.42. Policy H8 of the Oxford Local Plan 2036 requires developments of 20 or more bedrooms to provide indoor communal amenity space for students to gather

and socialise. Due to site constraints the overall provision of study bedrooms is 19, and therefore below this threshold. However the proposed floorplans indicate communal kitchen/ dining/ living areas as well as a communal laundry room. It is considered that this level of communal space is acceptable and compliant with policy H8 of the OLP 2036.

10.43. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Policy H16 sets out the expectations for the size and quality of indoor space across various types of dwellings. This in conjunction with the above policy H8 provisions is considered would provide an acceptable living accommodation for students in en-suite rooms, communal facilities as well as provide a large outdoor amenity space in the form of a shared rear garden. The proposal would therefore offer sufficient amenity to future occupants and would accord with policies H8 and H16 of the local plan.

IV. Impact on Neighbouring Amenity

10.44. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that does not have an overbearing effect on existing homes or their privacy. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.45. The development would accord with the 25/45 degree access to light test, outlined in policy H14 with regard to the immediate built form on the boundary due to the development being set away from the boundary. Having taken into account this, the layout of the site and the existing arrangement on site, officers consider that the proposal would not give rise to an unacceptable loss of direct light to neighbours' dwellings.

10.46. In terms of overbearing and privacy impacts, the development has been amended significantly compared with previously submitted schemes in order to ensure that the outlook from the neighbouring property is not materially harmful and to ensure the development would not appear unacceptably overbearing. Whilst the overall massing would be more prominent than the existing arrangement, given that the site is quite large and open to the rear and given the built forms of surrounding extensions, the scheme is considered to be acceptable and would not materially harm the amenity of neighbouring occupiers. The proposals are for an extension to an existing student accommodation site and would therefore be acceptable in the context of noise having had regard to the established use of the site.

Neighbour 110A/B Banbury Road

10.47. No. 110A/B Banbury Road is a divided into a number of flats. The situation of the property, being to the south of the application site means that the northern elevation of 110A/B Banbury Road receives little direct sunlight from across the application site.

- 10.48. The submitted design access statement includes a diagram showing that the ground floor room of 110A/B facing towards the application site (serving a study) would still receive light over the roof of the proposed development and would comply with the requirements of the 45 degree rule as set out in Policy H14 of the Oxford Local Plan (2036). Other rooms on the northern elevation of No. 110A/B Banbury Road serve corridor spaces or are not habitable rooms.
- 10.49. The development has been shaped to provide the most acceptable form, size and scale to address this neighbour along the southern boundary and southern elevation in an acceptable manner with the buildings still around 5 metres away from each other. There would be no windows leading to unacceptable loss of privacy of the neighbouring occupiers. As a result, the development would be acceptable in the context of Policy H14 and RE7 of the Oxford Local Plan (2036).

Neighbour 112 Banbury Road

- 10.50. The submitted design and access statement provides a diagram and further information about the light impacts of the proposed development on No. 112 Banbury Road. No. 112 Banbury Road lies to the north of the applications site and therefore currently there is direct light across the applications site into habitable rooms at 112 Banbury Road. To the rear of No. 112 Banbury Road there is a conservatory that would be located close to the side of the proposed extension; when applying the 45/25 degree code to this window there would not be an unacceptable loss of light and the development is therefore acceptable with respect of Policy H14 of the Oxford Local Plan (2036). To the southern side of No. 112 Banbury Road there is a storage space that does not constitute a habitable room and therefore whilst there would be a loss of light to this part of No. 112 Banbury Road the impact would be acceptable with respect to Policy H14 of the Oxford Local Plan (2036).
- 10.51. There would be no habitable windows facing towards the dwelling at 112. Any views from the proposed extension would be directed principally across the application site with only oblique views provided into neighbouring gardens, which is not uncharacteristic in an urban context and is acceptable in planning terms. There is a side window facing the side wall of No. 112 Banbury Road that serves the corridor/link part of the proposed development; views from this window would face towards the side of 112 Banbury Road and the surrounding extension would limit views as this part of the development. A high level window is proposed on the side window that would also face towards the side wall but would not impact on privacy, there is also an existing window in this location.
- 10.52. There is a change in ground level between the front part of No. 112 Banbury Road and the rear of the garden of that property. However, existing vegetation along the boundary means that there would not be an unacceptable loss of privacy for neighbouring occupiers caused by the oblique views from the proposed extension into the garden of No. 112 Banbury Road.

- 10.53. Concerns have been raised by the neighbouring occupiers about the impact of the proposed development on a plum tree within the grounds of No 112 Banbury Road, this is expanded upon below (in Paragraph 10.66).
- 10.54. The revised scheme has further sought to mitigate the impact of the proposal of its northern elevation by creating a more distinct glazed link and faced treatment to ensure a less visually obtrusive and a more domestic appearance of the structure.
- 10.55. The extension has been shaped and partly stepped away from the boundary to ensure the harm caused is of an acceptable level and would therefore meet Policies RE7 and H14 of the OLP 2036.

V. Transport

- 10.56. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. Bicycle parking should be well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.
- 10.57. The application site is situated within a Controlled Parking Zone and seeks permission for student accommodation. The proposed development would be car free for the purposes of Policy H8 and M3 of the Oxford Local Plan. The application site is in a highly sustainable location being located approximately 700m south of Summertown District Centre and next to a major arterial road that is served by a frequent bus service (to the City Centre, Summertown and Oxford Parkway railway station).
- 10.58. The proposals include a disabled car parking space and a single space for operational requirements that would be used for the servicing and maintenance of the building. Officers recommend that the aforementioned car free requirements of the development can be secured by condition 14 which would ensure that future occupiers are not entitled to car parking permits and that a clause is included in the tenancy agreements of future occupiers to ensure that they do not bring a car to Oxford, by virtue of a management and monitoring plan.
- 10.59. The proposals do not alter the access to the site from Banbury Road which would remain unchanged. The development would not have a detrimental impact on highway safety.
- 10.60. The proposals include covered secure cycle storage for twenty pedal cycles that would be provided adjacent to the southern boundary of the application site in two stores. The proposed cycle stores would be conveniently located close to the main entrance to the building. The south side of the proposed building would contain a wide access that would be highly suitable for allowing occupiers of the student accommodation access to Banbury Road by bike. A secure side gate is proposed between the front garden and the entrance area that would further enhance the security for the rear cycle stores. Additionally there are five Sheffield stands proposed adjacent to the main entrance to the

building that would provide additional cycle parking. The total number of bicycle parking spaces provided exceeds the minimum amount required by the bicycle parking standards in policy M5.

10.61. The proposal would therefore not have a detrimental or unacceptable impact on the highway network in terms of safety and traffic terms. Oxfordshire County Council as the Local Highway Authority have not objected and the proposal would therefore be acceptable in the context of Policies M1, M3 and M5 of the OLP 2036 subject to the conditions recommended in Section 12 of this report.

VI. Trees

10.62. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.63. Policy G8 of the Oxford Local Plan 2036 requires proposals to demonstrate how new or improved green or blue infrastructure features would be incorporated in a scheme.

10.64. The importance of trees on the application site and in the surrounding Conservation Area has already been noted as an important characteristic. There is a large oak tree (identified as T1 on the submitted tree survey) that is situated in the front garden of the application site and contributes positively to the Conservation Area and amenity of the area; this tree is proposed to be retained.

10.65. The proposed development would involve the loss of six trees; these are identified in the submitted tree survey plans contained within the application as 'C' grade (low) value trees and include: T2 (a plum tree), T4 (a yew tree), T5 (a goat willow), T6 (a sycamore), T9 and T10 (both apple tree). There is no objection to the loss these trees which do not have a benefit in amenity terms. Replacement tree planting along with other suitable landscaping is proposed which would ameliorate for the loss of these trees and provide an enhancement to the appearance of the site; contributing to the verdant appearance of the Conservation Area.

10.66. Importantly, the canopy of trees identified in the submitted tree survey sets out that on the trees, identified as T3, a plum tree lies within the ownership and garden of No. 112 Banbury Road to the north of the application site and will likely be affected to some degree by the proposed construction, although a reduced depth and/ or cantilevered foundation is proposed in the vicinity of this tree to mitigate any damage to the roots. To enable space for the new building this tree is proposed to be tip pruned by removing overhanging branches by approximately 1m whilst leaving sufficient live growth on the application site side of the boundary to maintain crown form. The proposed pruning is minor having had regard to the overall size of the tree. The tree is not visually

significant to the wider public amenity, and therefore given that the proposal is not going to destabilise the tree, officers recommend that the impact on this tree would be acceptable in planning terms.

10.67. When revised plans were requested by officers the impact of the proposed development on the neighbouring plum tree within the grounds of No. 112 Banbury Road was investigated further. Alternative options were considered to limit the impact on the tree which included setting the development further down in terms of ground level; this was found to be unacceptable in the context of the tree and would have been more harmful. Further work has also found that the proposed development would only impact upon a limited amount of the root area of the retained plum tree on the boundary with No. 112 Banbury Road and the development would therefore be acceptable in terms of its impact on this tree.

10.68. The proposal is therefore considered to be able to be mitigated by the proposed conditions and would therefore comply with policies S1, G7 and G8 of the OLP 2036 and would therefore be acceptable.

VII. Biodiversity

10.69. Policy G2 of the OLP 2036 sets out how development should provide enhancements for biodiversity. The development is a minor development and as such there is no requirement for a 5% net gain in biodiversity and it is sufficient to provide information on any net gain and enhancement measurements possible, proportionate to the development proposal.

10.70. The proposal focuses mainly on erecting the extension on existing hard standing which is devoid of any valuable habitats, alongside the rest of the garden, where there is limited ecological value. There are no protected species on site. However the proposal provides an opportunity for net gain in biodiversity, as set out in G2 of the OLP 2036.

10.71. The submitted Ecological Enhancement Method Statement (EEMS) includes several enhancements for protected species, including bat and bird boxes, reptile refugia and insect hotels. The proposed ecological enhancements would exceed what would ordinarily be expected from a development this size.

10.72. In addition, a green roof and enhanced landscaping are proposed. These features would give rise to further biodiversity enhancements, especially in the context of the relatively sparse landscaping that currently exists on the site. A detailed landscape plan is recommended by condition to ensure that the development is acceptable and provides further ecological enhancement,

10.73. The proposal would therefore be acceptable as a net gain in biodiversity would be provided as well as compliance with Policies S1, DH1 and G2 of the OLP 2036.

VIII. Drainage

- 10.74. The application site does not lie in an area of high flood risk.
- 10.75. Policy RE4 of the Oxford Local Plan 2036 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. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 10.76. The application site currently contains sizeable area of hardstanding. The proposed development would be located mostly on impermeable ground and as a result would not increase surface water runoff. Further to this, the proposed development would be required to provide adequate drainage in accordance with building regulations.
- 10.77. There would be no net increase in surface water drainage. Any further surface water drainage would be accommodated on-site through soakaway and rainwater harvesting from the green roof.
- 10.78. On the basis of the above, the development would be acceptable in terms of its impact on flooding and surface water drainage and meet the requirements of Policy RE4 of the Oxford Local Plan (2036).

IX. Energy Efficiency

- 10.79. The proposal would adopt a fabric first approach to enable both the existing host building and the new extension to be as energy efficient as possible.
- 10.80. Policy RE1 requires that all new build residential development (including student accommodation) includes measures to maximise energy efficiency and resources. The development proposals fall short of the threshold of 1000m² where there are specific requirements for the reduction in carbon emissions from on-site generation.
- 10.81. High levels of insulation, good air tightness and carefully considered use of glazing would ensure a passive means to keeping the interior warm in winter and cool in summer. A new efficient heating system is proposed as well as low energy light fittings throughout. Mechanical ventilation is restricted to en-suite shower rooms.
- 10.82. On the basis of the above the development would be acceptable in the context of Policy RE1 of the Oxford Local Plan (2036).

X. Other matters

- 10.83. The application documents have been reviewed and it is considered that the risk of significant contamination being present on the site would be low. There are no significant historical contaminative uses of the site. Officers recommend

an informative that deals with unexpected contamination if that is found.

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 proposals would make a more efficient use of an existing site for student housing and provide additional accommodation. The existing facilities would be modernized whilst also providing improved fenestration and landscaping that would be more in keeping with the Conservation Area. The development would not have a materially harmful impact on neighbouring amenity and meets the requirements of Policy H14 of the Oxford Local Plan. Whilst the proposed development would give rise to a low level of less than substantial harm to the Conservation Area it is considered that the identified public benefits would outweigh the identified harm in this case and the development would comply with the requirements of Policy DH3 of the Oxford Local Plan (2036) and Paragraph 202 of the NPPF. The proposed development would have an acceptable impact on trees and any impacts relating to trees and landscaping can be adequately addressed by condition.
- 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.

Build 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 in accordance with policy DH1 of the Oxford Local Plan 2036.

Materials

- 3 Details of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority; including a sample panel shall be erected and made available for inspection by the Local Planning Authority on site, before the commencement of above ground works and only the approved materials shall be used.

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

Installation of Windows

- 4 The proposed timber windows on the front elevation shall be of a traditional design in elevation and in plan, similar to relevant building designs of the Victorian period in the North Oxford Victorian Suburb Conservation Area and details of the proposed windows for all elevations shall be submitted at a scale of 1:20 and larger to the Local Planning Authority and agreed in writing. The approved timber windows on the front elevation shall be installed prior to the first occupation of the approved extension.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

Further Details

- 5 Large scale details of 1:20 of the seams and connections of the new extension with the host building, including the green roof treatment as the edges between new and old elements of the proposal, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1, DH1 and DH3 of the Oxford Local Plan 2036.

Ecology Enhancements

- 6 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Ecological Enhancement Method Statement produced by Ecology by Design and dated 28th February 2022 as already submitted in full with the application and agreed with the Local Planning Authority

Reason: To enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

Drainage Plans

- 7 A drainage plan and strategy shall be submitted and approved in writing by the Local Planning Authority. The submitted and agreed strategy shall be implemented and any changes shall first be agreed in writing by the Local Planning Authority.

Reason: To ensure there is no increase in surface water flooding and drainage issues in accordance with RE4 of the OLP 2036.

Landscaping Plans

- 8 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, green roofs, existing retained trees and proposed new tree, shrub and native hedge planting in the front garden. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: To enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework.

Landscaping Implementation

- 9 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.

Retained Trees

- 10 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.

Tree Protection Measures

- 11 The development shall be carried out in strict accordance with the tree protection measures contained within the Tree Survey Report by Venners Arboriculture from March 2022, especially appendices 4, 5 and 6, planning application details shown on approved documents 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

- 12 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 Survey Report by Venners Arboriculture from March 2022, especially appendices 4, 5

and 6. 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.

Bin and Cycle Stores

- 13 The bin and cycle storage areas shall be laid out and constructed as hereby approved. The structures and areas shall be retained and maintained for use of their respective uses in perpetuity, or otherwise agreed in writing with the Local Planning Authority

Reason: To ensure adequate storage for waste and recycling as well as encouraging sustainable travel in line with policies DH1, DH7 and M5 of the OLP 2036.

Car Parking and Management

- 14 Prior to the commencement of the approved development a scheme in the form of a management and monitoring plan shall be submitted to and approved in writing by the Local Planning Authority to ensure that apart from disabled persons no occupiers of the approved development shall bring or keep motor vehicles in Oxford City. The scheme shall specify the arrangements which shall be put in place to prevent students bringing or keeping motor vehicles in Oxford City and how those arrangements shall be monitored and enforced. The approved measures shall be brought into effect prior to the first use of the approved development and retained thereafter

Reason: To prevent students bringing and keeping cars within Oxford that would add to the parking pressure locally in accordance with policy H8 of the 2036 Oxford local plan.

- 15 Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order amending or re-enacting those provisions the approved development shall only be used for the provision of student accommodation (Use Class C2) and only occupied by students on full time courses at the University of Oxford or Oxford Brookes University.

Reason: To ensure that the approved development meets the housing requirements of the City in accordance with Policy H8 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 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

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.

4 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) 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, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

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

suitably qualified ecologist.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

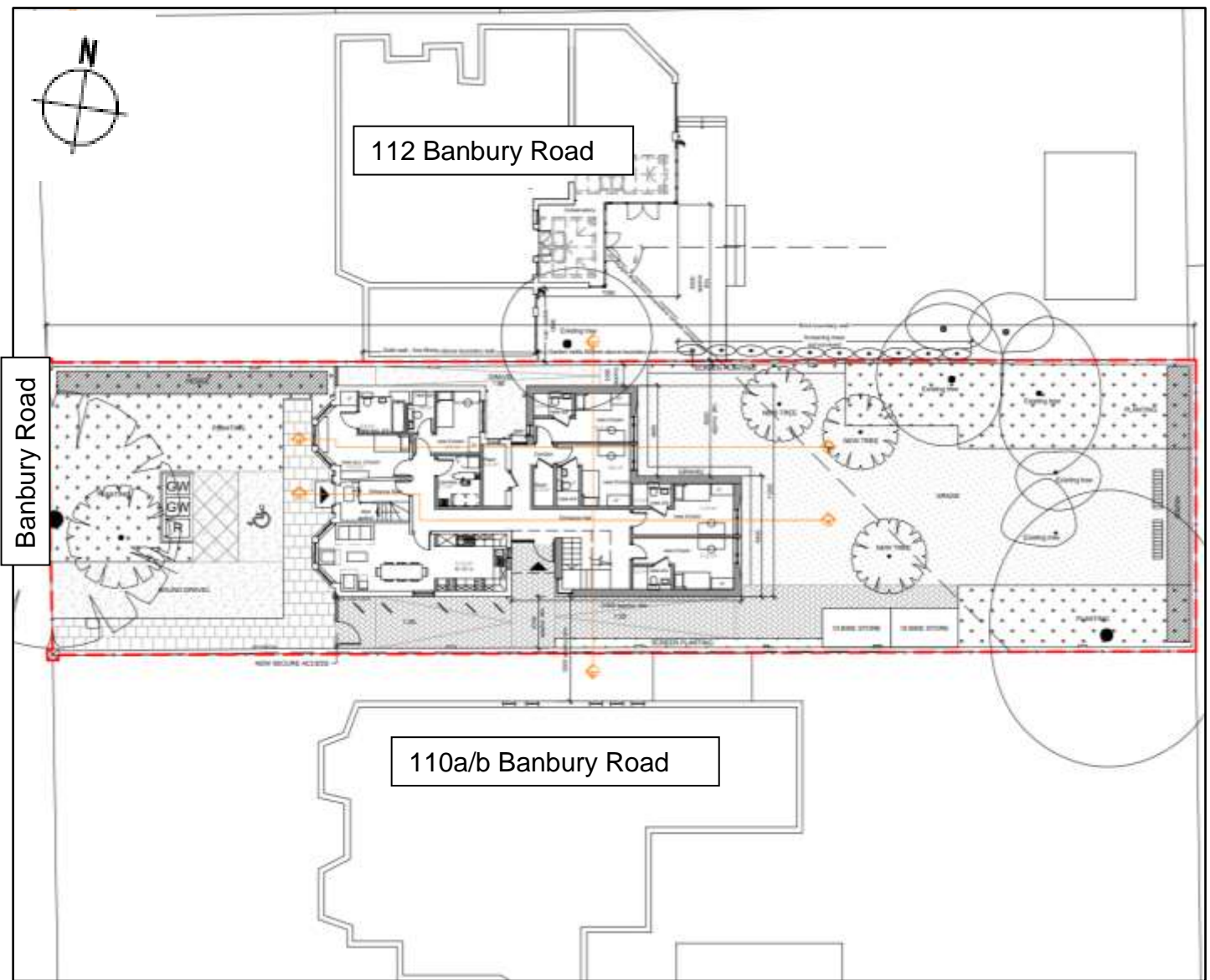
15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

This page is intentionally left blank

Appendix 1 – Site Plan

22/00841/FUL - 110C Banbury Road



This page is intentionally left blank

Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 13 December 2022



Committee members present:

Councillor Clarkson (Chair)	Councillor Upton (Vice-Chair)
Councillor Altaf-Khan	Councillor Aziz
Councillor Fouweather	Councillor Hollingsworth
Councillor Hunt	Councillor Malik
Councillor Rehman	Councillor Coyne (for Councillor Chapman)

Officers present for all or part of the meeting:

Jennifer Coppock, Principal Planning Officer
Sally Fleming, Planning Lawyer
Emma Lund, Committee and Member Services Officer
Andrew Murdoch, Acting Head of Planning Services (Development Management)

Apologies:

Councillors Chapman and Pegg sent apologies.

The substitute for Councillor Chapman is shown above.

51. Declarations of interest

21/01695/FUL

Councillor Upton stated that as a member and trustee of the Oxford Preservation Trust, and as a member of several of the other organisations which had responded to the consultation (including Cyclox and the RSPB), she had taken no part in those organisations' discussions regarding the application. Councillor Upton said that she was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Clarkson stated that she was a member of Cyclox, which had responded to the consultation, but that she had taken no part in that organisation's discussions regarding the application. Councillor Clarkson said that she was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

52. 21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX

The Committee considered an application (21/01695/FUL) for demolition of The Cottage; partial demolition and alterations to Forest Lodge; erection of 402 apartments

(Use Class C3) and a 133-bed hotel (Use Class C1); employment provision in the form of offices, with additional mixed use accommodation to include gym, café and restaurant (all within Use Class E); public open space; associated landscape, bicycle and car parking and the provision of a new vehicular access onto the A40.

The Planning Officer gave a presentation and highlighted the following:

- The quantum of housing development had been requested by the Local Plan examining Inspectors within their main modifications report during the examination process. The main modifications report had been subject to public consultation, during which time local residents had had an opportunity to comment on the proposal;
- The proposal sought to erect 10 blocks of residential flats, varying in height from 3 storeys to 6, providing a total of 402 build to rent units, 50% of which would be affordable. A four storey hotel would be located to the north, comprising café and gym facilities on the ground floor. The Forest Lodge building would be altered internally, and partially demolished, to provide flexible office use with accommodation available for use by the local community (referred to within the application as 'The Innovation Centre'). A new main vehicular access would be created from London Road between the proposed hotel and the Innovation Centre, with the existing access open only to pedestrians, cyclists and emergency vehicles;
- The site would provide private amenity space for residents, and public open space which would be accessible 24 hours a day;
- The application proposed a low level of car parking across the site, with 95 unallocated spaces for the 402 residential units (including 20 accessible bays and 2 car club bays). The hotel, with 133 bedrooms, would be served by 26 parking bays including 2 accessible bays. 25% of all parking bays would be fitted with EV charging points (with potential to provide additional charging points in the future). The Innovation Centre would be car-free;
- The proposal would provide 928 cycle parking spaces for residents, which was in excess of the Local Plan requirement. Sufficient spaces would be provided for the non-residential uses and for visitors;
- The internal roads would not be offered for adoption by the County Council, and in order to ensure that the low level of parking provision would not lead to informal parking within the site a parking enforcement plan would be conditioned. The applicant would deliver, and contribute towards, improvements to sustainable transport infrastructure. The site was anticipated to become the subject of a Controlled Parking Zone (CPZ) from 2025, as part of the commitment to city-wide CPZs within the Local Plan. In the interim, double yellow lines would be laid within the vicinity of the site access, subject to public consultation. It was considered that these mitigation measures would be sufficient to address overspill parking in surrounding streets and unauthorised parking within the application site;
- The proposal would involve the loss of two Common Pipistrelle day roosts, which would be mitigated by the provision of at least 18 bat roosting devices on site and other measures to be secured by condition, maintaining the conservation status of the species. A licence from Natural England would be required by the applicant in

order to agree the mitigation measures. Conditions would also be attached to the planning permission to ensure that a population of Great Crested Newts was translocated from the application site to other suitable nearby ponds. The Planning Officer provided an update that reference to the Conservation (Natural Habitats, &c.) Regulations 2010 at paragraph 10.167 of the report should in fact refer to the Conservation of Habitats and Species Regulations 2017;

- The development would result in a net loss of 2.48 habitat units, a net gain of 0.28 hedgerow units and a net gain of 0.12 river units. Therefore, the applicant would be required to provide habitat units to achieve the necessary 5% biodiversity net gain. A biodiversity scheme would be secured under the Section 106 legal agreement;
- Thames Water had advised that the local sewerage network did not currently have sufficient capacity for the needs of the development, and upgrades and reinforcement would be required. Thames Water had recommended conditions relating to waste and water, and it was therefore considered that their capacity issues would be resolved adequately as the development was commenced;
- The scheme would achieve an overall reduction of 53% in carbon emissions when based on the 2013 building regulations. The application had been assessed on the basis of the 2013 regulations as it had been submitted in June 2021, ahead of the introduction of new regulations in June 2022;
- The application was considered to propose a high-quality residential-led mixed-use scheme which would respond appropriately to the requirement of Local Plan policy SP47 whilst providing 402 homes to help meet Oxford's housing need. Officers considered that the proposal would accord with the overall aims and objectives of the NPPF and policies within the Oxford Local Plan for the reasons set out in the report. The application was therefore recommended for approval, subject to the conditions set out at section 13 of the report and a Section 106 agreement.

Roger Smith (agent), Keith Mapingire (for the applicant) and Memory Tapfumeyi and Salim Damerджи (local residents) spoke in favour of the application.

The Committee asked questions about details of the application, which were responded to by officers. The Committee's discussions included, but were not limited to:

- The social housing to be provided would be distributed throughout the scheme;
- It would be desirable to have provision within the cycle parking spaces for cargo bikes and bikes with trailers, given that the scheme was designed for low car use with limited car parking spaces;
- The Section 106 was expected to require that the units remained 'build to rent'. The applicant would have the right, after 5 years, to request that this requirement be discharged or modified. In the event that such a request were refused by the Council, the applicant would have a right of appeal to the Secretary of State but if the requirement was still considered to be justified, an appeal was unlikely to be successful;

- A toucan crossing across London Road would be provided by the applicant, as well as contributions towards transport infrastructure improvements;
- The Government's guidance in the NPPG relating to 'build to rent' specified that build to rent developers should, as a norm, offer longer tenancy agreements of three years or more to all new tenants. Further, in granting planning permission for build to rent developments authorities should set in place a planning condition requiring scheme operators to offer tenancies of three years or more to eligible tenants. As no condition to this effect had been proposed, the Committee requested that, subject to legal advice, officers should include this requirement - either within the Section 106 legal agreement or with the addition of a condition.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation with, subject to legal advice, the addition of a condition or a planning obligation relating to the length of tenancies to be offered to eligible tenants.

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 addition of a condition and / or a requirement within the Section 106 legal agreement for longer tenancies of three years or more to be offered to eligible tenants for all dwellings on the development across all property tenures;
 - the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and
2. **Delegate authority** to the Acting Head of Planning Services (Development Management) to:
 - finalise the recommended conditions as set out in the report and the possible additional condition as referred to above including such refinements, additions and / or deletions as the Acting Head of Planning Services (Development Management) considers reasonably necessary; and
 - finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and / or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services (Development Management) considers reasonably necessary; and
 - complete the Section 106 legal agreement referred to above and issue the planning permission.

53. Minutes

The Committee resolved to approve the minutes of the meeting held on 18 October 2022 as a true and accurate record.

54. Forthcoming applications

The Committee noted the list of forthcoming applications.

55. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 7.22 pm

Chair

Date: Tuesday 24 January 2023

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.

This page is intentionally left blank