

# Agenda

## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Wednesday 23 March 2022**

Time: **6.00 pm**

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

**Note:** This meeting will be streamed live to Oxford City Council's YouTube Channel: <https://www.youtube.com/c/oxfordcitycouncil>

**For further information** please contact:

Emma Lund, Committee and Members' Services Officer

📞 01865 252367

✉ DemocraticServices@oxford.gov.uk

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

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

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

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

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

## Committee Membership

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

Councillor Colin Cook (Chair)	Osney & St Thomas;
Councillor Nigel Chapman (Vice-Chair)	Headington Hill & Northway;
Councillor Evin Abrishami	Donnington;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Lizzy Diggins	Carfax & Jericho;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley;
Councillor Louise Upton	Walton Manor;

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
<b>Planning applications - background papers and additional information</b>	
<p>To see representations, full plans, and supplementary information relating to applications on the agenda, please <a href="#">click here</a> and enter the relevant Planning Reference number in the <input type="text"/> search box.</p> <p>Any additional information received following the publication of this agenda will be reported and summarised at the meeting.</p>	
<b>1 Apologies for absence and substitutions</b>	
<p>Cllr Hollingsworth has sent apologies; Cllr Fry will substitute.</p>	
<b>2 Declarations of interest</b>	
<b>3 Minutes</b>	13 - 22
<p><b>Recommendation:</b> to approve the minutes of the meeting held on 8 March 2022 as a true and accurate record.</p>	
<b>4 20/01276/FUL: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX</b>	23 - 102
<p><b>Site Address:</b> Land At Jericho, Canal Side, And Community Centre 33A Canal Street, Oxford</p> <p><b>Proposal:</b> Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to the Church and works to the</p>	

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Oxford Canal

**Reason at Committee:** The proposal is a major development

**Recommendation:**

The Oxford City Planning Committee is recommended to:

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

**5 20/01277/LBC: Land At Jericho Canal Side And Community Centre, 33A Canal Street, Oxford, OX2 6BX**

**Site Address:** Land At Jericho, Canal Side, Oxford

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*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.*

**Proposal:** Construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to south-west

**Reason at Committee:** The application is part of the Jericho Boatyard proposals, known as 'Land At Jericho, Canal Side, And Community Centre 33A Canal Street, Oxford', being a major development: 20/01276/FUL - Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to St Barnabas Church and works to the Canal

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons considered fully in this report and subject to the conditions set out in section 11 of this report; and
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - issue the listed building consent.

**6 21/02580/FUL: Marston Paddock, Butts Lane, Oxford, OX3 0QN**

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**Site Address:** Marston Paddock, Butts Lane, Oxford OX3 0QN

**Proposal:** Full planning permission for residential (Class C3), access arrangements and public open space, landscaping, associated infrastructure and works including pedestrian and cycle routes

**Reason at Committee:** The proposal is a major development

**Recommendation:**

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The Oxford City Planning Committee is recommended to:

1. **delegate authority to the Head of Planning Services to approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report and subject to approval of the final drainage strategy from the Local Lead Flood Authority; in addition to the satisfactory completion of a legal agreement under Section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **agree to delegate authority** to the Head of Planning Services to:
  - Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - Agree any subsequent minor revisions to the site wide drainage strategy in consultation with relevant consultees including the Local Lead Flood Authority;
  - Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
  - Complete the section 106 legal agreement referred to above and issue the planning permission.

## 7 Nominations for the Oxford Heritage Asset Register

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**Site Address:** Multiple sites throughout the City

**Proposal:** To consider nominations for addition to the Oxford Heritage Asset Register

**Recommendation:**

The Oxford City Planning Committee is recommended to:

**Approve** or **reject** proposed nominations.

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## 8 Forthcoming applications

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

21/00110/FUL: The Clarendon Centre, Cornmarket Street, Oxford, OX1 3JD	Major
21/01176/FUL: Former Dominion Oils Site, Railway Lane, Oxford, OX4 4PY	Major
21/01261/FUL: St Hilda's College, Cowley Place, Oxford, OX4 1DY	Major
21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford	Major
21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX	Major
21/02120/OUT: Plot 18 And Plots 23-26, Oxford Science Park, Grenoble Road, Oxford, OX4 4GB	Major
21/02513/FUL: Victoria Hotel, 178 - 184 Abingdon Road, Oxford OX1 4RA	Major
21/02581/FUL: 1 North Street, Oxford, OX2 0AY	Called-in
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in
21/02776/RES: Land At Barton, Northern By-pass Road, Oxford, OX3 9SD	Reserved Matter
21/02941/FUL DEL - 11 Masons Road, Oxford, OX3 8QL	Called-in
21/02977/FUL: 18 Bradmore Road, Oxford, OX2 6QP	Called-in
21/03622/VAR: Helena Kennedy Centre, Headington Hill, Headington, Oxford OX3 0BT	Major
21/03241/FUL: Julianstow Cottage, 10 Harberton Mead, Oxford, OX3 0DB	
21/03544/CPU: 21 Meadow Prospect, Oxford OX2 8PP	Called-in
22/00003/FUL: 40 Masons Road, Oxford OX3 8QJ	Called-in
21/03549/FUL: 14 Flexney Place, Oxford OX3 7NN	Called-in

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21/03178/FUL: 3 Iffley Turn, Oxford OX4 4DU	Called-in
20/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR	Major
22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX	Called-in
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major

## 9 Dates of future meetings

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

2022	2022
12 April	16 August
24 May	20 September
21 June	18 October
19 July	15 November

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## **Information for those attending**

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

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

The Council asks those recording the meeting:

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

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

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

### **Councillors declaring interests**

#### **General duty**

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

#### **What is a disclosable pecuniary interest?**

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

#### **Declaring an interest**

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

#### **Members' Code of Conduct and public perception**

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

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

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

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

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

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

### **Public requests to speak**

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

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

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

### **Exhibiting model and displays at the meeting**

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

### **Recording meetings**

This is covered in the general information above.

### **Meeting Etiquette**

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

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

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## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 8 March 2022



### Committee members present:

Councillor Cook (Chair)	Councillor Chapman (Vice-Chair)
Councillor Abrishami	Councillor Diggins
Councillor Fouweather	Councillor Hollingsworth
Councillor Hunt	Councillor Rehman
Councillor Upton	Councillor Wade (for Councillor Altaf-Khan)

### Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services  
Andrew Murdoch, Development Management Service Manager  
Robert Fowler, Development Management Team Leader (West)  
Hayley Jeffery, Development Management Team Leader (East)  
Gill Butter, Principal Heritage Officer  
Jennifer Coppock, Principal Planning Officer  
Sarah De La Coze, Principal Planner  
Louise Greene, Planning Lawyer  
Emma Lund, Committee and Member Services Officer

### Apologies:

Councillors Altaf-Khan and Pegg sent apologies.

Substitutes are shown above.

## 74. Declarations of interest

**Councillor Cook** stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society he had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. He said that he was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Upton** stated that as a Council appointed trustee for the Oxford Preservation Trust and as a member of the Oxford Civic Society she had taken no part in those organisations' discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Wade** stated that as a member of the Oxford Civic Society she had taken no part in that organisation's discussions or decision making regarding the applications before the Committee. She said that she was approaching all of the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

#### **21/03057/FUL**

**Councillor Cook** stated that as a member of, and employed by, the University of Oxford he had no prior involvement or prejudicial interest in the application before the Committee. He was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Upton** stated that she was employed by the University of Oxford but had no prior involvement or prejudicial interest in the application before the Committee. 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.

#### **21/03328/OUTFUL**

**Councillor Hollingsworth** stated that the officer's report included three references which implied the applicant was Oxford City Homes Ltd (OCHL), the Council's wholly-owned housing company. Whilst OCHL was not the applicant, staff from OCHL had provided some consultancy support for the application. He stated that as the Cabinet Member for housing delivery he had regular engagement with OCHL, and whilst he had not discussed this particular application he would, for the avoidance of any appearance of bias, withdraw from the meeting whilst it was decided.

### **75. 21/03057/FUL: Radcliffe Observatory Quarter, Woodstock Road, Oxford, OX2 6GG**

The Committee considered an application (21/03057/FUL) for the construction of a new humanities building in the Radcliffe Observatory Quarter to include: academic faculty space; a concert hall; a theatre; experimental performance lab; lecture hall; public engagement and outreach facilities; and new public realm and landscape space with associated access, servicing route, disabled parking facility and covered and open cycle spaces. The building would be publicly accessible: the public spaces would be located on the ground and lower floors, with the upper floors housing the faculties and academic spaces.

The Planning Officer gave a presentation and made the following verbal updates:

- Oxfordshire County Council had requested a number of contributions for highway improvements around the site in order to mitigate the pedestrian impact of the development. Discussions between the applicant and the County Council regarding these contributions were ongoing. It was proposed to update the recommendation shown in the report to include agreement to delegate to the Head of Planning Services authority to finalise, agree and secure additional contributions for highway improvements around the site through either S106 or a condition.
- A condition relating to drainage, which was required by the County Council, had been omitted from the report and required inclusion as an additional condition.

In presenting the report the Planning Officer informed the Committee that a small area of the site was located in the North Oxford Conservation Area. The remainder of the

site was bounded by three other conservation areas: Walton Manor, Jericho and Central. Additionally, there were a number of listed buildings in close proximity: most notably, Observatory Tower and St Paul's Church (Freuds). Great weight had been given to preserving these heritage assets when determining the application.

With a total height of approximately 22.5 metres to the top of the dome, the building would be visible from Castle Mound, St Mary's Tower and Raleigh Park. This had been considered by officers as set out in the report. Whilst some harm had been identified, the impact of the development on the skyline was considered to result in a moderate level of less than substantial harm. Historic England had raised no objection to the application, and it was considered that the moderate level of less than substantial harm caused by the development would be outweighed by the public benefits as described in the report. The site was an allocation site, and the proposal was considered to comply with the requirements of the allocation as well as the other policies of the Oxford Local Plan and be acceptable in terms of principle, design, impact on neighbouring amenities, highways and heritage issues.

Reverend Dr William Whyte, on behalf of the applicant, spoke in favour of the application.

In discussion, Committee Members sought clarification on: the visual impact of the plant and plant housing, in particular from Observatory Tower; the retention of the existing route from Woodstock Road past the Andrew Wiles Building to Walton Street as a public pedestrian and cycle right of way; capacity for foul water and sewerage discharge; the scope for improvements to the setting of Freuds at the eastern end; the construction traffic management plan, including spoil removal arrangements and routing of heavy vehicles given the high cycle use in the area; and measures to prevent service access routes being obstructed by parking. In relation to the construction traffic management plan it was noted that details could not be known until the contractor had been appointed, but would require the agreement of the County Council. The landscaping design would do much to minimise the potential for obstruction caused by ad-hoc parking; vehicular access would also be controlled providing further mitigation.

A Committee Member also drew attention to the fact that there was a relatively well-used pedestrian and cycle route along the southern edge of the site, between the Somerville Building and the application site, which was the only route to a local Post Office for residents in Jericho. It was suggested that an informative be added recommending that access to this route be retained during the construction period.

In discussion it was noted that overall the proposal had been very positively received. It was considered that it would represent a unique opportunity to develop an important long term asset which was well designed and which would greatly benefit the local community, improve the cultural offer, offer new opportunities in particular for young people, and encourage new and existing talent to the City.

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

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

**The 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 the addition of a drainage condition and a condition or S106 to secure additional contributions for highways improvements required by the County Council and an informative regarding the retention of the pedestrian and cycle route along the

southern edge of the site between the Somerville Building and the application site during construction and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning Services to finalise, agree and secure additional contributions for highway improvements around the site through either S106 or a condition; and
  3. **delegate authority** to the Head of Planning Services to:
    - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
    - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
    - complete the section 106 legal agreement referred to above and issue the planning permission.

## **76. 21/03328/OUTFUL: Northfield House, Sandy Lane West, Oxford, OX4 6LD**

Councillor Hollingsworth withdrew from the meeting whilst this application was considered.

The Committee considered an application (21/03328/OUTFUL) for demolition of the existing Northfield Hostel buildings and erection of 2no. 4 storey buildings to provide 51 dwellings (Use Class C3); provision of new pedestrian and vehicular accesses; vehicular and bicycle parking; landscaping; amenity space; refuse storage and noise attenuation works; and outline planning permission for the erection of up to 10 dwelling houses (Use Class C3) on a former playing field to the east of the existing Northfield Hostel buildings.

The Planning Officer gave a presentation and made the following verbal updates:

- The applicants were Oxford City Council and Oxfordshire County Council. References to Oxford City Housing Ltd (OCHL) at sections 6.3, 7.3 and 10.13 of the report were incorrect; the scheme would be delivered by Oxford County Council, with Oxford City Council developing and managing the site. OCHL had no legal interest in the scheme.
- Two public comments had been received following publication of the committee report. One comment had been in support of the application. One comment had objected to the application on the grounds that the site was over-developed; there would be insufficient parking; the four-storey blocks would not be in keeping with



the surrounding area; the development would impact on neighbouring amenities; highways improvements were required; and the local infrastructure was insufficient. These comments did not alter the officer's recommendation, and all of the issues raised had been addressed in the report. The site was allocated in the Local Plan, and in the preparation of the Plan any necessary infrastructure to support residential development on the site had been considered.

- Due to the presence of roosting bats, a bat mitigation licence from Natural England would be required prior to the commencement of development, as set out in the report. Natural England would apply three tests in order to decide whether to grant a licence. These were: (i) preserving public health or public safety or other imperative reasons of overriding public interest; (ii) there must be no satisfactory alternative; and (iii) the action authorised would not adversely affect the favourable conservation status of the species in their natural range. The Planning Committee must consider the three tests and the likelihood of a licence being granted. Having considered the three tests, officers had concluded it likely that a bat licence would be granted by Natural England.

With regard to affordable housing, the Planning Officer informed the Committee that the proposal included 51 affordable units, equating to 84% of the total dwellings on site. This would exceed the Local Plan requirement of 50%. 27 of the 51 units would be social rented, which also exceeded the Local Plan requirement when taking into account development on the site as a whole. The Government's First Homes policy would come into effect on 28 March: if a legal agreement and planning decision had not been issued by this date then 25% of the affordable housing would be required to be delivered as First Homes. Based on viability work, this would mean that only 40% of the overall units would be for social rent.

The proposal comprised 16 parking spaces for the flats, including 3 accessible spaces and 1 car club space. Whilst this number was low it was policy compliant; the low number derived from the need to protect several trees and root protection areas on site. The site was considered sustainable by the Highways Authority given the high frequency of buses along Blackbird Leys Road. Conditions relating to parking management had been included, and on-street parking controls were proposed in order to manage overspill parking. Officers were therefore satisfied that the proposed parking arrangements were satisfactory. A new pedestrian crossing would be constructed to the left of the emergency access, with advisory cycle lane markings to encourage sustainable travel. It was expected that residents would be made aware through tenancy agreements that it was a low parking scheme and that parking space was therefore very limited both for residents and also visitors.

The main ecological interest of site was the presence of roosting bats. A total of 21 bat boxes was proposed as on site compensation, and a condition securing details of ecological enhancements would be imposed. The applicants had been liaising with the Trust for Oxfordshire's Environment with a view to identifying potential suitable land close to Oxford (or at least within Oxfordshire) for biodiversity offsetting. In the event that this proved not to be possible, the applicant could purchase credits from the Environment Bank.

The Planning Officer advised the Committee that the proposal represented a high quality residential scheme which would respond appropriately to the site and the context of the surrounding area whilst providing up to 61 homes to help meet Oxford's need. The dwelling mix was considered to be appropriate for the area; the site was

allocated for residential development within the Local Plan; and the scheme was considered to satisfy the requirements of the policy. The proposed dwellings would achieve acceptable internal and external living standards for prospective residents, and would not materially impact the neighbouring amenity. The scheme would deliver highways improvements, including a pedestrian crossing and marked advisory cycle lanes at Sandy Lane West, thereby promoting sustainable modes of transport.

Maurice Smithson and Michael Evans, local residents, and Councillor Tiago Corais spoke against the application.

Alec Arrol, agent and Stuart Moran, applicant spoke in favour of the application.

Committee Members sought clarification on elements of the proposal, including emergency vehicle access; issues of privacy and overlooking, and the heating system to be used. It was noted that roof mounted solar panels were proposed, with the apartments being serviced by electric heat pumps. Officers were content that there would not be issues of overlooking or loss of privacy due to the distances between the properties, the angling of windows, and the use of inset balconies. Privacy screening had been conditioned to avoid overlooking of the dwellinghouse gardens by residents in the eastern elevation of block B and a tree belt would also be retained. Amenity spaces around the buildings would enable access to all faces for servicing or emergency access.

Following debate about the level of parking to be provided, it was recommended that an informative be included to encourage an increase to the number of parking spaces allocated for car club use.

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

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

**The 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 an informative recommending that consideration be given to increasing the number of parking spaces allocated for car club use and grant planning permission; subject to:
  - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

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

## **77. 21/03361/FUL: 152 London Road, Headington, Oxford OX3 9ED**

The Committee considered an application (21/03361/FUL) for the demolition of an existing retail store (Use Class E); erection of new building at 1 to 5 storeys containing retail store (Use Class E) and hotel (Use Class C1), service area, landscaping, cycle parking, and drop-off bays on Stile Road.

The Planning Officer presented the report and gave the following verbal updates:

- The Tree Officer comments referred to in section 10.118 of the report had been received. The Tree Officer had advised that the additional information which had been submitted had helped to address the previous comments made, and suitably worded conditions could be imposed to secure further measures and information in respect of the trees were the application otherwise considered acceptable;
- Clarification was required with regard to the final two sentences of section 10.28 of the report relating to building height. These sentences were misleading as they implied that the proposed building was higher than others, notably Holyoake Hall along London Road, when in fact it was not. These sentences should therefore be deleted and replaced as follows: *'Moreover, what is clear is that where this height is in the locality it is limited in its width and/or depth. Where there is this depth this quickly transitions down to the domestic scale buildings behind. By comparison, the proposal with the size, height and massing due to its significant height, width and depth would cumulatively appear as an incongruous and bulky addition in an area characterised by low scale buildings.'*
- Reason for refusal no. 5 relating to the amenity impacts of the scheme should also refer to shading as an unacceptable impact on the adjacent school. This had been detailed in the report, but not carried through to the reason for refusal.

The Planning Officer advised the Committee that officers considered that the scale and massing of the building, occupying a wide and deep frontage, along with the overall height of 16.3 metres would be unacceptable and out of character in its setting, given the suburban two-storey character of the surrounding uses. The development also failed to take into account the significance of the non-designated heritage asset of St Andrew's School. There were highway concerns with the proposal in that the application had not been supported by an appropriate assessment of the existing trip rate of the retail store, nor had local car parks been surveyed to assess whether there was capacity to meet the demands of the development. Officers were concerned that the lack of operational parking on site to service hotel drop-offs and pick-ups could lead to indiscriminate parking on the highway and thus obstruction, which would be detrimental to highway safety. There were also significant amenity concerns as detailed in the report. These included a loss of privacy to neighbouring properties and the school from the hotel windows; the proposal would be overbearing and intrusive and would impact on sunlight to the school and cause undue shade. The proposed hotel was heavily reliant on obscured glazing in an attempt to reduce overlooking, which in turn compromised the amenity of the occupiers of the hotel rooms. There were also deficiencies in the health impact assessment, and in relation to energy efficiency; in particular achieving the BREEAM excellent standard.

Dr Sanja Thompson and Trish Elphinstone, local residents, spoke against the application.

Nik Lyzba, agent, spoke in favour of the application.

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

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

**The Oxford City Planning Committee resolved to:**

1. **refuse the application** for the reasons considered fully in the report and stated to be:
  1. The proposed development by reason of its scale, height and massing would result in an inappropriate overdevelopment of this open and prominent peripheral edge of District Centre, location at odds with the prevailing character and appearance of the area. The development would be highly visible and a strident building in the street scene, visually discordant in views on London Road and Stile Road resulting in a form of development that would fail to be locally distinctive, and would not be of high quality design. The proposed development is therefore contrary to Policies DH1 and DH2 of the Oxford Local Plan, Policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan, and guidance in the NPPF.
  2. The proposed development fails to take into account the effect of the proposal on the significance of St Andrews CE Primary School, as a non-designated heritage asset. The proposal, by reason of its scale, siting, massing and height will dominate this Victorian school building and will reduce the school's prominence in views on London Road, resulting in a low to moderate level of less than substantial harm to the significance of this heritage asset. The proposal is therefore contrary to policy DH3 of the Oxford Local Plan, policy CIP4 of the Headington Neighbourhood Plan 2017 and paragraph 203 of the NPPF.
  3. The proposed development, by reason of failure to provide operational parking on site and drop off/pick up layby could result in indiscriminate parking on street, by those visitors to the site, resulting in hazard and obstruction to the detriment of highway safety. The proposed development is therefore contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF.
  4. The proposed development fails to adequately provide accurate trip generation of the existing retail store and appropriate TRICS data for the proposed development to accurately assess highway impact. The proposed development has failed to provide any assessment of the capacity of public car parks in Headington to meet the demands of the proposal. The failure to undertake and provide such assessment could result in adverse highway impacts to the detriment of highway safety and infrastructure contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF.
  5. The proposed development by reason of its siting, scale, massing and height, and windows, will create an intrusive and overbearing form of

development and a loss of privacy through overlooking and shading detrimental to the amenities of the occupiers of the adjacent school and neighbouring dwellings on Stile Road. The development would thus have an unacceptable impact on these neighbouring occupiers contrary to policy RE7 of the Oxford Local Plan 2036.

6. The proposed development by reason of its use of opaque glass will result in a poor outlook and amenity for the occupiers of the hotel, and a substandard level of accommodation, contrary to policy RE7 of the Oxford Local Plan 2036.
7. The proposed development fails to demonstrate that the proposal will meet BREEAM Excellent standard and be a sustainable design and construction, contrary to policy RE1 of the Oxford Local Plan 2036.
8. Had the above overriding reasons for refusal not applied, an amended Health Impact Assessment would have been sought to address how measures in the assessment would be monitored and implemented. Without a robust Health Impact Assessment, the proposed development is contrary to policy RE5 of the Oxford Local Plan 2036 and the objectives to promote a strong and healthy community and to reduce health inequalities.

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

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

## **78. Minutes**

The Committee resolved to approve the minutes of the meeting held on 15 February 2022 as a true and accurate record.

## **79. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **80. Dates of future meetings**

The Committee noted the dates of future meetings. An additional meeting had been scheduled for Wednesday 23 March at 6.00pm.

**The meeting started at 6.00 pm and ended at 8.19 pm**

**Chair .....**

**Date: Wednesday 23 March 2022**

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**Oxford City Planning Committee**

23<sup>rd</sup> March 2022

**Application number:** 20/01276/FUL

**Decision due by** 28th September 2020

**Extension of time**

**Proposal** Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to the Church and works to the Oxford Canal. (Amended information and plans).

**Site address** Land At Jericho, Canal Side, And Community Centre 33A Canal Street, Oxford – see **Appendix 1** for site plan

**Ward** Jericho And Osney Ward

**Case officer** Felicity Byrne

**Agent:** Mr Andrew Ross      **Applicant:** Cornerstone Development

**Reason at Committee** Major Development

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

- receipt of further updated bat surveys and details of mitigation and enhancement measures as necessary;
- the satisfactory completion of a unilateral undertaking and a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

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

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

- Complete the unilateral undertaking and section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the mixed use development of an allocated brownfield site to the north of Oxford City Centre within the Jericho Conservation Area. The proposed development includes 18 residential units, combined boatyard and community centre building, works to the Oxford Canal to create a new basin and associated boatyard moorings, provision of a public square and ramped access to the Grade I listed St Barnabas Church, associated car and cycle parking and hard and soft landscaping. The site is constrained due to its size and shape, location beside the Oxford Canal, proximity to the Grade I listed Church and existing residential properties. It also involves several different land ownerships and stakeholders. It is in a relatively sustainable location, however the nearest bus stops are in excess of 800m walking distance.

2.2. Officers conclude that the principle of development is acceptable. During the application, in response to the Canal and River Trust representations, the bridge and winding hole have been removed from the scheme. The Applicant has agreed to provide a financial contribution towards a replacement bridge at Mount Place, located close to the site, in lieu of provision on site. The development would be of high quality that makes best and efficient use of the constrained site. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in this case by material considerations of the development and the public benefits of the development including the provision of housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.3. The viability of the scheme to deliver affordable housing has been robustly reviewed and the inability to provide any affordable housing onsite or off-site contribution is fully justified in this case. In the event of any surplus profit from the development in the future, a review mechanism secured via a s106 legal agreement would secure a 60% proportion of the surplus profit as a contribution to affordable housing in the City.

2.4. The development would result in an overbearing impact and reduction in day and sunlight at certain times of year to some adjacent properties. However, weighing in the balance all material considerations and constraints on site in this urban location together with the substantial public benefits of the scheme, Officers consider that in this case the benefits outweigh the harm in this case. The



development would have good internal living space but external living space is below normal requirements. However, due to the proximity to the Canal and towpath and Port Meadows, this lack of external space is therefore outweighed in this case.

- 2.5. The site is within a Controlled Parking Zone (CPZ) but in excess of 800m walking distance to a bus. The provision of 16 car parking spaces for 18 units is therefore accepted and would result in a significant reduction in parking currently available. Two Co-Wheels car club cars are located in close proximity. There would be no harm to high way safety as a result of traffic generation. Parking in surrounding on-street parking would be controlled by the CPZ and the development would not have permits for parking. Adequate cycle parking would be provided.
- 2.6. There would be some tree removed and a loss of public amenity in one instance. The constraints of the site and other material considerations means that it would not be possible to provide a net gain in canopy cover and this is justified in his case. Overall a net gain in biodiversity could be achieved through suitable tree and shrub planting and other enhancement measures. There are protected bat species on site and subject to receiving updated bat surveys and details of any appropriate mitigation measures needed due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). A financial contribution towards mitigation signage at Port Meadows would mitigate additional use of the generated by the development.
- 2.7. The site is in Flood Zone 3a and 3b. The development would provide suitable compensation and mitigation measures and Officers are satisfied that the operation of the boatyard would not be unduly compromised by these measures. Details of a final drainage strategy and sustainable drainage details could be secured by condition.
- 2.8. The development would be of sustainable design and construction principles meeting the 40% carbon reduction requirement. There would be no adverse land contamination, air quality or noise impact. Subject to updated bat surveys, appropriately worded conditions and s106 legal agreement, and the development would accord with all policies in the local plan and NPPF.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover:

City:

- a contribution of £655,000 towards a replacement bridge at Mount Place;
- a contribution of £7000 towards a signage board at Meadows;
- Affordable Housing Review Mechanism to secure a proportion of any future surplus profit of the scheme towards affordable housing in the City.
- Provision and construction of the community centre/ boatyard phase 1 to shell;
- Canal works (bank and basin and boatyard docks) in conjunction with

CRT;

- Public Realm maintenance use and management strategy;
- Triggers for construction/ phasing of the development; occupation of residential units and construction of the public open space, works to canal, boatyard/ community centre Phase 1 to shell has been completed;

3.2. The County Council request the below secured via a unilateral undertaking:

- A contribution of £1,446 towards monitoring of the Framework Travel Plan.

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

4.1. The proposal is liable for CIL amounting to £526,080.98.

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

5.1. The site comprises an irregular shaped 0.45 hectare allocated brownfield site under Policy SP33 of the OLP within the historic suburb of Jericho, and incorporates land within separate ownerships. It is bounded to the west by the Oxford Canal, which is owned by the Canal and River Trust (CRT) and surrounded on all other sides by residential development, including student accommodation to the immediate south and the gardens of Worcester College and the Grade 1 listed St. Barnabas Church owned by The Diocese of Oxford and St Barnabas Parochial Church Council (PCC).

5.2. The brownfield site is a former boatyard and workshop site and has been vacant and derelict since 2006, with many of the few remaining building structures fallen into disrepair. The northern end of the site is currently used by College Cruisers as part of their boat hire facility: storage buildings/ office, boat repairs and informal parking. To the north eastern end of the site are the Dawson Place garages and open space owned by the City Council. The Grade 1 listed St. Barnabas Church adjoins the eastern boundary of former boatyard, marked by a high stone wall, and forms an important backdrop to this part of the site. The land to the rear of the Church (including elevation) and stone wall fall within the application site.

5.3. The former boatyard is mostly hardstanding with an existing dock from the Canal, a collection of single storey outbuildings and a few individual mature trees and self-set saplings and plants. More substantial tree coverage is found adjacent to the site along the Canal towpath and in Worcester College Gardens to the south of the site.

5.4. The site is located approximately 1km to the north of the City Centre, and benefits from relatively good accessibility to the City Centre, Railway Station and the neighbourhood shops along Walton Street by foot and cycle. The nearest regular bus service is on Woodstock Road, more than 800m walking distance away.

5.5. See block plan below:



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Ordnance Survey 100019348

## 6. BACKGROUND AND PROPOSAL

### *Background*

6.1. Planning permission was previously granted under 14/01441/FUL for a mixed use development including combined boatyard and community centre, 3 docks, basin and winding hole, public open space (piazza), new bridge over the Canal demolition of the Church wall and steps up to the rear of Church, restaurant/café use and 28 residential units: 14 houses(13 x 3 bed and 1 x 4 bed) and 16 flats ( 5 x 1 bed and 4 x 2 bed flats and 7no. affordable flats (3x1-bed and 4x2-bed)) The development was car free, except for disabled and retention of the existing church car parking. See Figure 1 below showing the approved layout. This permission has lapsed, however it is a material consideration in this case.



*Fig 1 showing approved layout under 14/01441/FUL*

*Proposed development*

6.2. This application proposes demolition of existing single storey buildings, structures and garages and redevelopment to provide a mixed use development of a similar layout, height and massing to 14/01441/FUL including:

- 18 market sale residential units:
  - 1 x 4 bed detached house
  - 1 x 4 bed townhouse
  - 12 x 3 bed townhouses
  - 1 x 3 bed maisonette
  - 2 x 3 bed flat
  - 1 x 2 bed flat
- A combined community centre and boatyard building to the northern half of the site measuring overall approximately 56m in length and maximum 11.5m high. The boatyard element would measure approx. 34m in length and 19m wide. The Community centre (ground floor) would measure approx. 38m long and 19m wide. The community centre sits above the main boatyard dock area at first floor.
- New public open space (piazza) and other hard & soft landscaping/ tree planting;
- Ramped access to the rear of St Barnabas Church (associated listed building application 20/01277/LBC refers);
- Works to the Oxford Canal to create a new basin in front of the boatyard docks to provide access to the boatyard and associated boatyard moorings.

6.3. See Figure 2 below for proposed layout.



Fig 2 showing proposed site wide ground floor layout: yellow denotes residential, Red Phase 1 community centre and boatyard.

6.4. The community element would include a multi-sport hall, dance hall, pre-school, several meeting rooms, café, ancillary kitchen, toilets/changing rooms and office. The boatyard element would provide 3 docks (2 dry one wet) and 2 workshop rooms, chandlery shop, and two overnight bedroom accommodation. The basin area to the front would provide mooring space for boats associated with the boatyard and would be managed by the boatyard operator.

6.5. This combined building would be constructed in two phases:

- Phase 1 - construction of the boatyard and workshops / accommodation etc, docks, basin and part of the community centre that sits above and immediately adjacent to the boatyard. This element of the community centre would provide a large multi-use hall, dance floor room, café, toilets and changing rooms;
- Phase 2 - construction of the community centre including smaller rooms for office/ event use/ meetings, a pre-school (with associated toilets/ staff room/ buggy store etc.) and outdoor amenity space.

6.6. Phase 1 would be constructed to shell by the Applicant and Phase 2 would be funded and constructed by the community in the form of the Jericho Wharf Trust (JWT). The JWT comprises the Jericho Living Heritage Trust (JLHT), the PCC, the Jericho Community Association (JCA) and the Jericho Canal Boatyard (JCBY). The new Community Centre (Phase 1 and 2) would provide approximately 2,633.80m<sup>2</sup> (GEA) (1,777.5m<sup>2</sup> (GIA) floor area. Phase 1 would provide the equivalent re-provision of the existing community centre floor area. Figure 3 below shows the layout of and phasing of the community centre:

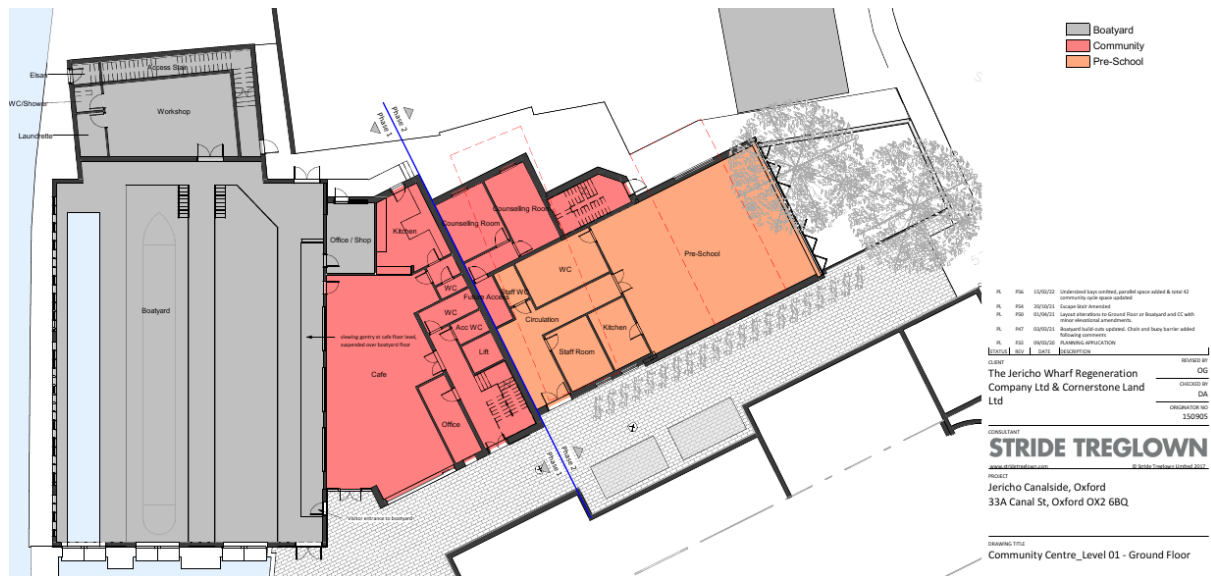


Figure 3 showing ground floor of community centre and boatyard with phasing. Orange denotes pre-school, Red community centre and grey boatyard, Blue line denote phasing: Phase 1 to left hand site and Phase 2 right hand side

6.7. The new boatyard element would contain 3 docks, one wet and two dry and associates two workshops, with overnight accommodation and laundry facilities. The purpose for the boatyard would be to provide both professional commercial and DIY facilities for boaters in a safe, secure and managed environment. The boatyard would provide for those boats that do not have engines to get them to Eynsham or Banbury which are currently the closest boatyard repair facilities. It is understood from the JCBY that the DIY aspect of the yard is intended to work alongside the professional commercial side in two ways. Firstly, anyone who wants to do DIY work would have to rent the dry dock to undertake work on their boats there. They would need to demonstrate ability with tools (e.g. angle grinders to take off the rust) and sign legal agreements as to responsibility in case of an accident before being allowed to do so. The professional commercial boatyard activities could then carry on in the other dry and wet dock. In this way the boatyard would be commercially viable and allows for professional work and supervised DIY work to run alongside each other in the docks. Boat owners would also be able to effect repairs for their boats in the communal DIY workshops. DIY owners could also use the overnight accommodation whilst their boats were being worked on. The JCBY and JWT intend for the boatyard to be run by the same professional boatyard operator of Tooleys boatyard.

6.8. 16 of the residential units would have one car parking space each, together with cycle and bin storage. The Church would retain their existing level of car parking, albeit located elsewhere on the site, as previously approved under 14/01441/FUL.

6.9. During the application process the bridge and winding hole have been removed from the original submission in response to a strong objection from the CRT (as

Statutory Consultee and landowner). The proposed development has been further amended to remove the existing Community Centre, No.33 Canal Street, from the scheme and the provision of 6 affordable housing units within that converted building, due to the non-viability of the development to provide affordable housing. These issues are discussed in more detail below.

## 7. RELEVANT PLANNING HISTORY

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

<p>14/01441/FUL - Demolition of various structures on an application site including former garages and workshops. Erection of 23 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans). Approved 19th April 2016.</p> <p>14/01442/LBD - Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church. (Amended plans). Approved 29th December 2016.</p> <p>20/01277/LBC - Construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to south-west: Currently under determination in conjunction with this application.</p>
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## 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	92-103, 119-125, 126-136	DH1 - High quality design and placemaking 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	

<b>Housing</b>	60-77	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
<b>Commercial</b>	86-91		
<b>Natural environment</b>	92-103, 152-169 174-188	RE3 - Flood risk management G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
<b>Social and community</b>	114-118	V7 - Infrastructure, cultural and community	
<b>Transport</b>	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking TAN
<b>Environmental</b>	117-121, 152-169, 170-183	RE1 - Sustainable design and construction RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
<b>Miscellaneous</b>	7-12	S2 - Developer contributions H1 - Scale of new housing provision RE2 - Efficient use of Land V8 - Utilities V9 - Digital Infrastructure SP33 - Canalside Land	

## 9. CONSULTATION RESPONSES



9.1. Site notices were displayed around the application site on 20th August 2020 and an advertisement was published in The Oxford Times newspaper on 6<sup>th</sup> August 2020. A second round of consultation (amended plans and information submitted) and third round of public consultation (omission of bridge and winding hole) were undertaken and site notices were again displayed around the site on 18<sup>th</sup> March 2021 and 9<sup>th</sup> September 2021 respectively and an advertisement was published in The Oxford Times newspaper on 18<sup>th</sup> March and 09<sup>th</sup> September 2021 respectively. A fourth round of public consultation was undertaken (omission of No.33 Canal St from the development) and an advertisement was published in The Oxford Times newspaper on 11<sup>th</sup> November 20 and site notices were put up on 10<sup>th</sup> November 2021.

### **Statutory Consultees**

#### Oxfordshire County Council (Highways Authority (HA))

9.2. The HA comments can be summarised as

9.3. While the canal bridge would have served as a direct linkage of the site (including this part of Jericho) to the towpath between Castle Mill Stream and Oxford Canal, which is a vital north to south walking route, the alternative is to utilise the existing footbridge off the northern end of Canal Street where it meets Mount Place. This would be a detour of about 150m to north from the point where the proposed bridge was assumed. While the change related to omission of the bridge is undesirable, recommending refusal on this basis would be unjustifiable and would not meet the government tests required for infrastructure requests, noting that the bridge would be outside of land under the applicant's control.

An objection is presented on the basis of substandard car parking space dimensions which are not fit for purpose.

Conditions requiring Electric Vehicle charging points, and Construction Traffic Management Plan, Travel Plan and Travel Information Packs

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

9.4. No objection subject to conditions requiring a full detailed design of Surface Water Sustainable Drainage (SUDS) in accordance with the submitted Flood Risk Assessment and Drainage Strategy (including calculations, ground levels and plans) ; a SUDs Management and Maintenance Plan; Evidence to be submitted of implementation for the LLFA Asset Register.

#### Thames Water Utilities Limited

9.5. 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, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.

- 9.6. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. There are public sewers crossing or close to the development.
- 9.7. The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that any occupied premises should be located at least 20m away from the pumping station. The amenity of those that will occupy new development must be a consideration to be taken into account in determining the application as set out in the National planning Policy Framework (NPPF) 2019 at paragraphs 170 and 180. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative be placed on the permission advising occupiers that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.
- 9.8. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 9.9. To the south west of the proposed development site sits St Barnabas SWPS. There are easements within the proposed Site [shown from within the site and underneath the canal to the towpath].

#### Environment Agency

- 9.10. Following the third round of consultation, the EA raise no objection. Their comments can be summarised as:
- *Flood risk* – they note the removal of the bridge and winding hole. Based on the information submitted and amended plans the development is acceptable subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment and amended plans and mitigation measures detailed therein (which shall be implemented prior to first use of the development).
  - *Biodiversity* - satisfied to see the recognition of the importance of the canal as a wildlife corridor and that lighting needs to be carefully considered during construction and operation to ensure no harm to wildlife. The risk of pollution during construction is highlighted too and a Construction Environmental Management Plan (CEMP) is recommended. The site is brownfield and offers limited potential for wildlife currently. Bats have been found and proposals for mitigation of the loss of roosts in existing buildings to be demolished has been addressed. Whilst no Otters have been found on site, it does offer holt breeding sites and they breed all times of the year. Therefore this should be reviewed prior to commencement of construction. Bat/ bird boxes could be incorporated. Surface water should

be multifunctional and for biodiversity/ wildlife and residents. The development is acceptable subject to conditions requiring a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), which should include a lighting plan; Habitat improvements; Otter searches prior to construction; details of treatment of site boundaries and/or buffers around water bodies, details of maintenance regimes and management responsibilities.

- *Groundwater and Contaminated Land* – The information submitted is old however there has been no change in use. Further investigation is needed including Controlled water receptors could also include nearby “site drains” shown just to the south and the Castle Mill Stream/River Thames (if the canal is not based in the underlying clay). The weathered the oil storage tank which is close to the Canal is unbunded and poses a threat. The Applicant would be liable should any pollution incident resulted in oil entering the Canal. The development would be acceptable subject to conditions requiring a Phased Risk Assessment, submission of a Verification and remediation Report, and submission and prior approval of an assessment of the risks to controlled waters for all drainage systems for the infiltration of surface water to the ground.

#### Historic England

9.11. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### Natural England

9.12. Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Consideration should be given to the potential impacts on the nearby Thames Path National Trail. Appropriate mitigation measures should be incorporated for any adverse impacts.

#### Thames Valley Police (TVP)

9.13. TVP has made comments on the design of the development in respect to Secured by Design, as summarised below:

- Residential access should be controlled by a two-way audio visual system with remote access controls;
- Undercroft parking is vulnerable to crime and ASB. Formal surveillance (CCTV) and lighting should be provided;
- The cycle store is enclosed with a visually permeable, secure lockable door certified to a minimum;
- Bin stores should have a large single leaf door to deter crime, ASB and rough sleeping;

- There is a significant amount of cycle parking located between the community centre and church, in an area with limited natural surveillance. It is more appropriate to provide cycle parking across the development in smaller clusters with better surveillance. Similar with vehicle parking in this location;
- Blank elevations (or obscured high level windows) on either side of the footpath and restricted sightlines from Canal Street. Ground floor of pre-school should have windows. Corner of play area should be chamfered;
- Vehicle bollards should be provided to prevent unauthorised vehicle incursion into pedestrian areas;
- Recommends a window is added to the community centre office to provide views over the building core;
- Several doors to the rear of the community/ boatyard building that are located in a recessed area lacking surveillance,. Access to the rear should be controlled with alarmed fire doors and CCTV should be provided;
- Rear access route serving the terraced housing is excessively long. Routes should serve ideally no more than 4 units and be kept as open as possible, to maximise surveillance from surrounding dwellings;
- Boundary details required.

#### Canal and River Trust (CRT)

9.14. The CRT's first letter raised several issues and request for further information. These points can be summarised as:

- Objection to the boatyard / community building. CRT previously objected at application and pre-app stages. The building is overly large and overbearing to the Canal;
- The application does not address the delivery and operation of the boatyard, winding hole, and lack of associated moorings and therefore the impact on the waterway and navigational safety cannot be assessed. A full operational statement is required;
- Previously the CRT raised concern over the bridge in relation to its position adjacent to the winding hole. An assessment of the impact of the fixed bridge on the navigational safety and other users and canal towpath is required before it can be assessed as acceptable
- The bridge would result in a loss of visitor moorings which would harm the blue infrastructure. Replacement moorings would need to be provided elsewhere on the Canal;
- No moorings are shown for the boats waiting for the boatyard. Moorings are shown for the CRT Tennant, College Cruisers. A Mooring Plan is required.
- The proposed housing is an improvement over the previous scheme;
- A contribution may be required to improve the towpath;
- A narrowing of the canal appears to be proposed to facilitate the bridge.

No details are provided and this may not be acceptable. Details of diversion of the towpath under the bridge, surfacing and connection is required.

9.15. Subsequently a meeting was held between the Council, Applicant, CRT and JWT to discuss issues raised and further information submitted.

9.16. The CRT raised a strong objection response received at the second round of consultation. Their letter dated 28<sup>th</sup> January is appended in full at Appendix 2. A summary is given below:

- The proposal would be detrimental to both navigational safety of the canal and the safety of towpath users. The CRT would not be able to agree to the proposals as submitted as Landowner and are minded to object as Statutory Consultee.
- Further information submitted in December relating to the moorings and the bridge confirmed that the proposed bridge would have an adverse impact on navigational safety due to the build out into the canal and proximity to the winding holes and boatyard entrance, and also a detrimental impact on towpath users who must go under or behind it.
- Build out into the Canal is needed to allow users of the towpath under it, however it acts as an obstruction to boats attempt in to wind and has an impact on visibility for boats moving in the canal.
- Even with build out into the Canal the bridge would not provide adequate headroom for all users below, nor is there sufficient space to allow users to move behind it without significant works to the eastern bank of the Castle Mill Stream.
- The bridge does not comply with the Trusts guidance on bridge design nor location of new structures and objects to the bridge. As landowner the CRT would not permit the bridge being installed
- The CRT guidance on new marinas applies in relation to new areas of waterway on the canal (i.e. the basin). Sufficient visibility is required for egress and ingress of the boatyard and boaters moving in the Canal. A boatyard entrance should not be within 40m of a bridge (as set out the guidance).
- The proposal is likely to result in an unacceptable increased risk of boating collisions, damage to property and accidents on the waterway due to the proximity of the bridge to the boatyard entrance and basin.
- Many bridge designs have been considered by the Council and CRT and Applicant and we have been unable to agree a suitable bridge design in this location that does not have safety implications for users of the canal and towpath, due in part to the limited land available on the towpath side.
- There would be a conflict between visitor moorings, passing manoeuvring boats and particularly if the boatyard entrance is used as a winding hole. (Compounded by proximity of bridge and necessary build out into the Canal). 4-5 visitor moorings would be lost to allow a boat to safely wind. Further research by the CRT established it is not possible to provide

replacement moorings elsewhere on the towpath side. Moorings could be provided in front of the new housing;

- Without moorings associated with the Boatyard, increased pressure would be placed on the limited visitor moorings in the area. As landowner the CRT will not allow the boatyard to connect to the Canal unless a suitable provision of dedicated moorings for the boatyard are provided.

9.17. Following the third and fourth round of consultations on amended plans, the CRT objected (letter 24<sup>th</sup> November 2021). Their comments are summarised as:

- the size, mass and scale of the proposed boathouse/community building does not reflect the waterside heritage of the site, of the conservation area and will have a detrimental impact on views of the Grade 1 listed building and the amenity of the canal corridor by virtue of its overbearing effect. The canalside elevation remains overly large and oppressive in this location and does not comply the Councils Policies SP33 or DH3. The building is too tall, top heavy and without any apertures or roof variation at high level to provide relief from the overbearing sense of mass. It would have a negative impact on the designated and non-designated heritage assets and visual amenity of the Canal corridor;
- No assessment of over-shadowing of the corridor has been done;
- Navigational safety – the removal of the bridge and winding hole has overcome the CRTs serious concerns regarding navigational safety
- Boatyard operation – Additional information and revised plans help overcome previous concerns raised regarding delivery and operation of the boatyard, winding hole, lack of associated moorings and impact on existing visitor moorings. The proposal includes the provision of off-line moorings for the boatyard and allows retention of the well-used towpath visitor mooring which provide an important facilities in the area and maintaining the existing recreational waterway resources in accordance with G1 of the Oxford Local Plan.
- Further information on methods of pollution prevention during operation of the boatyard is needs and could be conditioned.
- Boat movements – boat manoeuvring in relation to the boatyard operation may cause scouring and erosion of the canal bank opposite the boatyard entrance and thus degradation of the towpath. Further protection work may be required and details to demonstrate likely damaged and mitigation measures is required and could be secured by obligation.
- Construction - The development would be constructed close to the waterway. The canal and towpath was not designed with the consideration of modern day loading. There is risk to the canal and navigation from buildings, foundations, scaffolding, plant and equipment. Excavation could cause leakage pathways and in extreme cases inundation. Leakage could cause collapse of supporting structures and risk to navigational safety. Ground vibrations may lead to accelerated degradation and collapse of the waterway wall. The Applicant should engage as soon as possible with the CRT on these issues. Risk Assessments and Method Statements for all

works within 10m of the waterway edge, including foundation details and a CEMP are required and could be secured by condition.

- Piazza – Further details of hard landscaping, seating, waste bins and any waterside boundary fencing or bollards to prevent vehicles accessing the waterside area are required. Field Maple tree species now proposed is acceptable and details of tree root guards are required. Details of external lighting to ensure lighting of the canal remains low. The canal is a popular habitat for bats and other nocturnal animals. The CRT expects lighting to be zero lux over the canal. This could be conditioned;
- Drainage – It is noted that the proposal does not seek to discharge surface water into the canal. Any diversion of the rising main from the existing pumping station which passes under the canal will require review by the CRT.
- Accessibility – the CRT is discussing with the Highways Authority about towpath upgrades as a result of the proposal. A contribution may be required towards these improvements;
- Comments as Landowner – The CRT own 0.5m strip of land alongside the canal. Any proposals impacting on this would need the CRT's express permission. The boatyard and basin had not been fully assessed through their Works Proposal or New Marina process or agreed by the Third Part works process. The Applicant should engage with the CRT as soon as possible to assess the impact on navigational safety and structural integrity of the canal. A Party Wall Agreement for construction of the boatyard/community centre and housing is required due to proximity to the canal. A DERFA consent is required for various elements. Discussions regarding the Mount Place Bridge should take place as soon as possible. No comment is made regarding suitability or otherwise of replacing the Mount Place Bridge or the financial contribution suggested.

## **Public representations**

9.18. Local people and interested parties commented on this application from the following addresses and groups:

Jericho Community Association  
Jericho Living Heritage Trust  
Jericho Wharf Trust  
Parochial Church Council of St. Barnabas  
Rewley Park Management Company  
The Victorian Group

Albert St: 3  
Aldrich Road: 13  
Allam St: 7  
Apsley Road: 12  
Beckley, Royal Oak Cottage  
Boults Close: 4  
Rewley Road: 80

Canal St: 1A, 31  
Cardigan St: 47, 48, 64  
Charlbury Road: 18A  
Church House  
Church Way: 44  
Clearwater Place: 24  
College Cruisers  
Combe Road: 4, 8  
Complins Close: 36  
Cranham St: 40, 43, 45, 51, 71,  
Cranham Terrace: 8A, 15  
Cumnor Rise Road: 17  
Eagle Works: 61  
Foundary House: 5, 63  
Godstow Road: 185  
Great Clarendon St: 59, 31, 58, 60, 63, 66, 69, 72, 83  
Hart St: 33  
Hertford St: 14  
High St: 24  
Ivy Lodge, Radway  
Juxon House, Flat 6  
Kingston Road: 6, 6A, 41, 64, 70, 97, 102  
Lark Hill: 44  
Leckford Road: 2, 23  
Lonsdale Road: 65  
Market St: 11  
Minster Road: 25  
Mount St: 12  
Nelson St: 6, 45, 46, 51, 56  
Observatory St: 36, 54, 57, 64  
Old Village School, Cuddesdon  
Plantation Road: 49, 53, 91  
Rewley Road: 36, 62, 80  
Richmond Road: 8, 10, 33, 24  
Rowland Hill Court: 44  
School Court: 4  
Southmoor Road: 5, 49, 68, 78, 93, 109  
St. Barnabas St: 10, 15  
Stable Close: 12  
Sunderland Ave: 41  
The Villas, Rutherway: 11  
Thornccliffe Road: 12  
Tumbling Bay Court: 61  
Venneit Close: 42  
Victor St: 5, 7, 9, 32  
Walton Crescent: 4, 8  
Walton St: 5, 14, 37A  
Waterloo Barn, Stonesfield  
West Ave: 4  
William Lucy Way: 26



Woodstock Road: 81  
Worcester Place: 20

9.19. The comments are summarised as:

- Proposal not in keeping with character and nature of Jericho;
- The proposed centre seems to be an afterthought to the space
- The need for a bridge is paramount and essential to the success of the space;
- Anybody visiting the site will have a much longer walk ;
- The footbridge will act as an important connection which is likely to be used by residents of both sides of the canal;
- Concerns that the City/County see the bridge as a cycling link. Doesn't meet the specifications set out in the Dept for Transport design;
- The design of the bridge is not suitable for people with buggies/wheelchairs/mobility scooters;
- Risk of failure of the lift – where does that leave those with mobility issues?
- A more suitable location for the bridge is Great Clarendon Street, where it provides a direct route for people on bikes travelling to and from the station into Jericho;
- Lack of restaurant use has significant impact on community feeling;
- The area needs to be an attractive space to encourage people to use it;
- Reducing the piazza space means less space for community activities;
- The planned “affordable housing” is not on site, amounts to social segregation;
- Developer only providing 25% of affordable housing, whereas the Council has stated that 50% is required;
- The large size and bulk of the housing to the south is out of proportion to the rest of the houses in Jericho;
- The housing facing the Piazza is too close to the Grade 1 listed Church of St. Barnabas;
- Jericho is a conservation area and the architectural style of the buildings next to the church do not align with the church and other buildings of Jericho;
- No space for emergency vehicles to access the Piazza;
- Car parking spaces have now been allocated for the town houses, whereas previously there were none (takes up a large space);

- There are currently 2 good sized trees in churchyard. Not shown on the plans;
  - Proposal should include provision for a restaurant or café on the Piazza in order to encourage its use as a communal space;
  - Support highway comments that the plan indicates too many car parking spaces and does not comply with car parking standards;
  - Historic view from the canal up Cardigan St to the ROQ Observatory will be lost unless the bulk of the proposed housing on the south side is reduced;
  - In support – it's a good size and the size of the square and shape is right for the size of the development;
  - In support – plan is better than previous one. Jericho deserves a new boat yard; the plan enhances the St. Barnabas church location;
  - The square is much smaller in size, therefore limits possible events; festivals; markets etc.;
  - Removal of the restaurant and replacement with private housing means it's likely that residents of the houses will want to limit activities due to disturbance;
  - The traffic over the bridge and through the square will be very difficult ;
  - Bridge access will greatly promote eco-friendly footfall into the community;
  - Not enough green space proposed, development should include trees and bee-friendly plants;
  - Agreements need to be place for the ownership and management of the community centre, including the square, to secure community control of those facilities before the existing community centre closes;
  - The proposed housing encroaches too far into the public square;
  - More traffic will be generated with the additional housing;
- 9.20. Further comments received from second, third and fourth rounds of public consultation, where different or in addition to the above:
- Development too close to surrounding residential properties, daylight and sunlight will be compromised;
  - Development too large on a small site;
  - Viability Statement does not go far enough to understand the Oxford housing market;
  - Contributions made, as part of the development, should be used on pre-agreed community benefits;

- Proposed housing doesn't address the lack of affordable housing in Jericho;
- Removal of affordable housing goes against the Council's policy of having 50% affordable housing in new developments;
- The piazza should be larger and much more prominent and a bridge is essential;
- Proposed houses don't need garages, Jericho is well served with rail and bus links, there is no need for cars;
- Revised plans seem misleading and submitted without proper consideration to the area and needs of the local residents;
- Many of the original benefits seem to have disappeared – decent size plaza; meeting place; affordable housing and bridge;
- Removal of the bridge will restrict the access to Botley Rd and Port Meadow;
- Suggestion that the houses will sell at a similar price to those in Barton and Wolvercote clearly ignores the premium that is consistently placed on Jericho's canalside position and accessibility to the railway station;
- Housing figures underestimates the income the developer will receive and significantly reduces the contribution the development can make for community benefit. These figures should be reassessed;
- In support - Jericho needs to be redeveloped. It will have a good effect on the character of the area with the new boatyard; community centre; piazza will provide valuable gains;

### **Officer response**

9.21. The provision of a restaurant is not a specific requirement of the local plan site allocation policy and therefore the Applicant is not required to provide this use. The only tree within the Church's ownership and the red line of the application that would be affected by the development is the one tree with in the Church Car park on the Corner of St Barnabas St and Cardigan St. Other trees mentioned above within the Churchyard are not within the application site or part of the proposed development. Other comments are dealt with in the report.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing and Housing mix
- Design and Heritage
- Neighbouring amenity
- Transport and parking

- Landscape and Trees
- Biodiversity
- Sustainable Design and Construction
- Flood Risk and Drainage
- Archaeology
- Land Quality
- Air Quality

**a. Principle of development**

- 10.2. The National Planning Policy Framework (NPPF) 2021 sets out 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.119).
- 10.3. Policy S2 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.
- 10.4. Provision will be made for at least 10,884 new homes to be built in Oxford over the plan period 2016-2036 as set out in Policy H1 of the OLP36. This will be achieved through Site Allocations; the efficient use and development of land/sites, including higher densities and building heights in appropriate locations; and ensuring that all new housing developments contribute to the creation and/or maintenance of mixed and balanced communities.
- 10.5. The site is allocated for mixed use development under Policy SP33 which states that 'Planning permission will be granted for a mixed use development at the Canalside Land that includes all of the following uses:
- a) residential
  - b) a sustainably-sized community centre
  - c) public open space/square
  - d) replacement operating boatyard and winding yard
  - e) a new bridge over the Oxford Canal for pedestrians and cyclists
- Other complementary uses will be considered on their merits.
- 10.6. The policy also requires a Flood Risk Assessment, that any impact on air quality during construction is minimised, an assessment of the potential impact on Oxford Meadows Special Area of Conservation (SAC) is undertaken, and provision of sealed storage areas if fuels, paints and chemicals are to be used at the boatyard.
- 10.7. The mix of uses within the development would broadly meet those listed in the allocation policy, specifically the provision of residential accommodation, a

boatyard, community centre and public open space. A bridge and winding hole were also proposed as originally submitted. However, these two elements of the scheme have been removed from the application as a result of comments made by the CRT as both Statutory Consultee and Landowner, as set out in their letter attached at Appendix 2. The CRT would not permit the bridge being installed on their land for a number of reasons. The bridge design was unacceptable and did not meet their requirements for all users, the necessary abutments built out into the canal would lead to harm to navigational safety. The bridge would be too close to the entrance of the boatyard (within 40m). There would also be conflict between moored boats on the far side of the Canal, boats arriving and departing of the boatyard, winding boats and proximity to the bridge, resulting in harm to navigational safety. There is not enough space on the towpath side to land a bridge (hence the need for abutments), provide the space for cyclists and horse drawn boats underneath, and necessary steps (or ramps), or users to go round the bridge, and without landing in the Mill Stream. Officers also consider this would require removing a large number of trees which would unacceptably harm the character and appearance of the CA, the Canal and Mill Stream and also have a possible adverse impact on ecology). The loss of visitor moorings to accommodate any winding would be unacceptable as they provide an important recreational facility.

10.8. The EA commented in their letter of 8<sup>th</sup> January 2021 that the footbridge and its abutments could impede flood flows, hence they could increase flood risk at the site and elsewhere.

10.9. Officers consider that the comment of the CRT and Statutory Consultee and Landowner is a material consideration and has great weight. As the CRT has commented, considerable time and effort during the previous application, at pre-app and during this application stage) has been put into trying to find a suitable bridge that meets all requirements and would not result in harm to navigational safety or loss of moorings. However it is clear from this thorough exploration, that there are inherent difficulties to delivering a bridge in this location as set out in the allocation policy. To mitigate the loss of the bridge, the Applicant has agreed to contribute £655,000 towards a replacement bridge at Mount Place which is just north of the site. Public comments regarding the lack of bridge provision are noted and the desire to have a bridge in this location understandable. However, the weight of the material reasons preventing delivery would outweigh its provision as part of the development and it is considered that the financial contribution would satisfactorily compensate in this case. The removal of the bridge from the scheme also removed the EA's objection to the development. The winding hole was originally provided for the longest boats to turn around (wind) as there is already a winding hole that smaller boats can use just south of the site. The larger boats would still be able to turn in the River Thames as they do now. The CRT has not objected to the lack of winding hole provision. As such it is considered in view of the CRT comments that this is acceptable. In conclusion therefore it is considered that the material considerations outweigh the Policy requirement for on-site provision in this case.

10.10. The principle of development of this brownfield site for residential, boatyard, community centre and public open space is therefore acceptable in principle, subject to other consideration sets out in the report below. The provision of

residential accommodation would help meet the provision of new homes in accordance with Policy H1.

## **b. Residential and Affordable Housing**

- 10.11. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings (equivalent to 80% of the affordable housing). The remaining element of the affordable housing may be provided as intermediate forms of housing provided that they are affordable in the Oxford market. Policy H2 also sets out that exceptions will be made only if it is robustly demonstrated that this level of provision makes a site unviable, in which case developers and the City Council will work through a cascade approach, incrementally reducing affordable housing provision or financial contribution, until the scheme is made viable.
- 10.12. The application as originally submitted in 2020 was for 24 residential units 18 market sale and 6 affordable units (25%) contained solely within the existing Jericho Community Centre building (No.33 Canal Street). In accordance with Policy H2 the Applicant submitted a Financial Appraisal containing viability evidence seeking to demonstrate that any onsite provision of affordable housing beyond the 6 flats proposed would make the scheme unviable and therefore an exception should be made in this case, in accordance with policy H2. The Financial Appraisal concluded that that only 6 of 24 units (18%) could be supported as being affordable, and that these would be social rent tenure.
- 10.13. The Council's methodology for assessing viability is set out in Appendix 3.3 of the OLP and the Housing Technical Advice Note. In simple terms, this works out what a developer could afford to pay for a site it wishes to develop (the RLV). This is calculated as the difference between the Gross Development Value (GDV) – i.e. what the completed development is worth when sold – and the total cost of carrying out the development, including an appropriate margin of developer profit. The RLV is then compared with an appropriate benchmark land value. If the RLV is greater than the benchmark value, then the scheme is viable.
- 10.14. The financial viability of the scheme was been reviewed and assessed by an independent Consultant, Evolution PDR, and a Financial Viability Appraisal (FVA) Report (May 2020) and Supplementary Report (January 2022) provided. The FVA is based on Royal Institute for Chartered Surveyors (RICS) guidance 'Assessing viability in planning under the National Planning Policy Framework 2019 for England' March 2021 and the NPPF.
- 10.15. RICS guidance states that the assessment of land value is required to be an up to date assessment of market conditions, reflecting the Existing Use Value (EUV) plus uplift at such a level that the landowner is incentivised to release the site for development. It should not consider historic land values or purchase prices. The Applicant's submission that the £2.6m purchase price paid for the site should be used was therefore not accepted. The FVA identified a lack of corroborative market evidence for similar sites and uses in Oxford to establish a

benchmark land value (BLV). Therefore the Local Plan Economic Viability Assessment (LPEVA) for the Local Plan 2036 was considered to provide the most up to date valuation. The FVA concludes that a BLV target of between £2.0m and £2.3m was appropriate, based on the most recent LPEVA evidence available and in line with NPPF and RICS guidance. This was accepted by the Applicant and the Council.

10.16. The FVA concludes in that the provision of 50% affordable housing, the provision of the Community Centre to shell standard and the provision of all other requirements of the scheme cannot be supported. Applying other policy options in accordance with the cascade approach in policy H2, such as a reduction of the affordable housing provision to 40% of the total number of units, or taking a financial contribution achieves a similar result, as summarised in Table 1 below:

<b>Contribution Mix</b>	<b>Residual Land Value (BLV £2.0m and £2.3m)</b>
50% Affordable/ Community Centre to shell	£ 999,667
40% Affordable/ Community Centre to shell	£ 163,451
Affordable Housing Contribution @15% /Community Centre to shell	£ 1,442,158

*Table 1 Residual Land Value and Policy H2 Cascade*

10.17. The FVA also highlighted areas of concern with the submitted viability assessment including:

- the fact that the proposed costs used 2019 figures, which were high in comparison to industry standards and were not evidenced or substantiated;
- the projected sales values were higher than any evidence of the current market comparisons could corroborate and were not evidenced or substantiated;
- Concern was also raised regarding overall timescales for implementation of any permission and conversion of the existing community centre to affordable housing units and the construction of the combined community centre/ boatyard.

10.18. The FVA of the scheme as proposed at that time demonstrated that a fully policy compliant scheme was not viable. It should be noted that this was based on industry standard input costs rather than the Applicants costs (which were not accepted at the time). However, the FVA identified that the proposed scheme (comprising provision of Boatyard and community centre Phase1 to shell, a contribution towards a Bridge at Mount Place, public realm provision and 6 affordable housing units (social rent)) would generate additional value over the anticipated residual land value and so there was a possibility of seeking a greater level of public benefit contribution over that which the developer proposed.

10.19. The assessment also considered the potential for value engineering, reflecting the fact that the design of the scheme generated increased costs due to unit size

and configuration, which ultimately reduced the potential for scheme viability and public benefit contributions. Recent changes to the NPPF and Policy Practice seek to avoid such practice. This exercise also used lower sales values than the developer submitted for the reason set out above and industry standard costs. The FVA therefore considered whether the provision of a less complex design, whilst still meeting policy standards, could result in greater optimisation of policy objectives. It showed that there was a potential for the delivery of the Boatyard and Ph1 of the Community Centre in full (turn key), public realm and contribution towards a bridge, however there would be no affordable housing. TI would solve the risk of timing of conversion and delivery of the community centre but at the expense of the affordable housing. The FVA concluded that the provision of a fully policy compliant scheme as not viable, but that the scope for additional contributions may be possible. The developer did not agree with this conclusion and consequently could not confirm their acceptance of the May 2021 report.

10.20. Officers also established from the JCA that Phase 1 of the Community centre would provide the like for like replacement floor space of the existing community centre and Phase 2 would be the additional floor space the JCA considered was required to maintain financial viability into the future. The JCA were also asked to undertake a Needs Assessment to underpin and justify the floor area of the Community Centre they required and proposed uses and facilities therein. The Needs Assessment demonstrated a need for a large multi-purpose hall which could serve a range of functions, re-provision of dance hall and a desire for improved changing rooms and toilets. However, it also showed that there was not the demand for a pre-school provision specifically but instead demands for other educational/ community uses, such as after school clubs, parents/ toddlers clubs/ groups and teenager clubs. These could be provided within the same larger ground floor room of the phase 2 community centre.

10.21. In relation to sales values both the National Planning Practice Guidance and RICS Guidance provided on undertaken assessments of this nature require the use of market evidence to justify/support the approaches proposed by the Applicant. The evidence must be comparable. The FVA identified that there is a lack of directly comparable market evidence in Jericho to substantiate the proposed sales figures. The Applicant also is not able to evidence it. Their justification for an increased value over existing was based on an assumption of locational advantage and unit specification, however there has been no substantiation of this claim. In these circumstances therefore the next best step is to look at other similar developments close by or within Oxford. In this case Barton Park and Wolvercote Paper Mill have been used, the latter largely reflects unit type and size similar to those proposed. Both these sites showed a lesser value than projected by the Applicant. The projected sales were therefore been adjust down in the Evolution PDR FVA and Officers considered this appropriate. In order to recoup any surplus profit as a result of higher sales values realised, a Review Mechanism could be put in place, for the Council to get a share of this towards affordable housing.

10.22. Given the length of time between submission of the application and agreeing points of difference raised in the FVA between parties, Officers requested that the Applicant re-submit an updated viability assessment with updated 2021 costs with evidence and justification for those costs, and the financial contribution of



£655,000 to be taken in lieu of onsite bridge provision. The Applicant also agreed to an independent review of construction costs by a Quantity Surveyor (QS), W.H.Stephens. McBain, acting on behalf of the applicant provided an updated assessment of the construction costs. W.H.Stephens advised that the costs were, on the whole, reasonable for the stage in the design process.

10.23. As part of the ongoing discussions, the Applicant showed that as a result of the additional costs there was now a lesser degree of viability. This was set out in the Applicant's subsequent FVA update Note (dated October 2021) with supporting cost plan and evidence and justification for the costs. The Applicant also sought to remove No.33 Canal Street from the application which addressed concerns over the timing of the affordable housing delivery and provision of the proposed Community Centre prior to any conversion taking place.

10.24. The Applicant's Update FVA Note states that the balance of securing a high-quality scheme for the local community's benefit, bringing regeneration to a longstanding development site and securing a package of planning obligations remains challenging on this site. It concluded that the scheme with the agreed BLV of £2.3m, contribution towards a bridge, removal of 33 Canal Street from the scheme, agreed build costs, and construction of Phase 1 to shell, was not viable to provide any affordable housing on site or contribution towards off-site provision.

10.25. Evolution PDR reviewed this and a Supplementary FVA Report was received January 2022. There were some minor discrepancies in agreed costs in the Applicant's Update Note. These were amended and agreed by the Applicant for inclusion in the Evolution PDR viability assessment. The FVA again reviewed the current sales values in the area and confirmed that there was insufficient evidence to suggest that sales values have increased to any great degree or directly comparable sites. The FVA shows that the proposed scheme of community centre/ boatyard to phase 1 to shell, piazza and residential would result in a RLV of £332,880. This is significantly below the BLV of £2- 2.3m. This deficit of circa £2.0m engenders the basis for confirming that the scheme does not generate sufficient viability to support all policy requirements. It should be noted that despite the viability of the scheme and the deficit, the Applicant has confirmed his commitment to constructing this development (including the community centre/ boatyard phase 1 to shell) should planning permission be granted.

10.26. The Review Mechanism has been agreed with the Applicant and 60% of any surplus profit would be contributed to affordable housing in the City and would be secured via the S106 legal agreement. This has been done elsewhere in the City, notably Oxford North.

10.27. In response to JWT and others concern about the property sales values within the Evolution PDR FVA and their belief that higher sales values would be obtained, the RICS guidance is clear that directly comparable evidence must be used in any assessment. There are no directly comparable developments in Jericho and this is why Wolvercote Paper Mill and Barton Park have been considered. JWT has been asked to provide the evidence to support their claims however none has been provided to date. There is no reason to suggest that the approach by Evolution PDR does not form a robust evidence base in this case and Officers

consider it entirely appropriate and acceptable in accordance with RICS guidance. The review mechanism would in any event secure any surplus profit for affordable housing in the City. It should also be borne in mind that any reduction in values would to some extent be negated by a reduction in the benchmark land value.

10.28. In conclusion therefore all areas of the viability appraisal have been robustly and independently considered and it is considered that the Applicant has robustly demonstrated that the scheme is not viable to provide any affordable housing on site or contribution towards off-site provision in accordance with H2 of the OLP.

### **c. Design and Heritage**

10.29. The NPPF makes clear that the creation of high quality buildings and places is fundamental and good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities. Developments should function well and add to the overall quality of the area for the duration of their lifetime. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and which are sympathetic to local character and history including the surrounding built environment and landscape setting. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. They should create places that are safe, inclusive and accessible and which promote health and well-being.

10.30. Sections 66(1) and 72(1) 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 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area including its setting. Case law (South Lakeland-1992) makes it clear that to preserve in this context means to do no harm. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In considering any degree of harm whether substantial or less than substantial the duty to preserve the significance of the heritage asset (NPPF definition includes listed buildings, conservation areas and historic parks and gardens) must be afforded considerable weight (Barnwell-2014). Having assessed any degree of harm that may be caused to the significance of a heritage asset affording considerable weight to preservation of the asset's significance, the decision maker is then required to weigh this harm against any public benefits that may arise as a result

of the development, in the balancing exercise, including securing its optimum viable use (paras 193-196).

- 10.31. Policy DH1 of the Oxford Local Plan 2036 (OLP2016) states that only development of high quality design that creates or enhances local distinctiveness will be granted. Development should meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1. Developments should also be designed to meet the principles and physical security standards of the police's Secure by Design scheme.
- 10.32. OLP Policy DH2 seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline and permission will only be granted for developments of appropriate height or massing where it meets the criteria set out in the policy. Developments above 18.2m in height within a 1,200 metre radius of Carfax tower (the Historic Core Area) should be limited in bulk and must be of the highest design quality.
- 10.33. 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 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.
- 10.34. Policy DH6 concerns itself specifically with new shopfronts and associated signage/advertisements. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.35. 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.
- 10.36. 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.

#### Significance of the heritage assets

- 10.37. The site lies within the Jericho Conservation Area (JCA). The JCA was designated in February 2011 and includes the suburban area surrounding the north and east of the site, the Oxford Canal, the Castle Mill Stream and land right up to the railway tracks themselves to the west. Jericho represents the Georgian and Victorian industrial and residential expansion of the City into the surrounding countryside. It is an area of working class and artisan housing that has developed a unique character by virtue of its historical land ownership, relationship with the canal, the railway, three major employers and its unique position as a working class suburb in the midst of the middle and upper class estate that was developed by St John the Baptist College.
- 10.38. The site falls within the Central Jericho character area of the JCA. It is a blend of terraced cottages tightly packed along narrow streets. The overarching character is one of regularity, created from the building line, roof line, form, scale and materials of the buildings. It is enclosed and intimate with its core character supplemented by individual expressions of architectural details that reflect the styles and personality of the army of small scale developers that built out the area. Mostly buildings are two storey with the occasional 3 storey building, such as No.33 Canal Street (the existing community centre). The street structure allows for a number of long views. Whether by design or not St Paul's Church, St Barnabas Church and the Radcliffe Observatory are framed in a number of key views. The interaction of St Barnabas and the Radcliffe Observatory along Cardigan Street is of great interest and is revealed when the leaves fall in the autumn.
- 10.39. The canal and the wharves represent a physical reminder of the earlier transport links into the city. Its primary function now is recreational with some residential moorings and chandlers adding a level of activity. The buildings that remain on the site of the closed boatyard are a hap-hazard collection of single storey buildings reflecting the history of use. St Barnabas Church towers over the canal and vacant boatyard. Early images of the church show two entrances looking over a mid-height stone wall onto the boatyard and canal. The existing hoardings around the boatyard detract from the character of the area. The towpath side of the Oxford Canal, along with the banks of Castle Mill Stream, is characterised by a 'wild' and dynamic treescape. The trees, which are of indigenous riparian species, provide a green back drop to Jericho as well as a screen between the differing townscapes of Jericho and Rewley as well as the railway. Few of the trees are of individual merit but they have group value to the Canal and JCA as a whole.

#### Listed building

- 10.40. The church of St Barnabas at Cardigan Street is the parish church of Jericho. The church was built from 1868-9, the campanile in 1872 (re-roofed with a lower pitched roof 1893) and the Morning chapel (now Lady Chapel) and N aisle

erected 1888-9. The architect was Sir Arthur Blomfield (1829-1899), awarded the RIBA Royal gold medal in 1891. Blomfield was one of the most active and successful church architects of the Gothic Revival. His early work is characterised by a strong muscular quality and the use of structural polychrome often with continental influences. The style of St Barnabas is Italianate Romanesque, in complete contrast to the prevalent Gothic style of church-building in the 1860s. As such the significance of the Church is very high as shown by its listing at grade I. The also has technological interest for its innovative methods of construction, including the use of cement and concrete. Its internal decorative work is of outstanding significance, enhanced by its little-altered condition. Historically, it is an important monument to the influence of the Oxford movement in the city where that movement began.

10.41. The boundary walls are constructed of rubble stone and brick and are part of the curtilage of the listed church. They have historic significance as evidence of the church ownership and historic pattern of walls to the canal side; they were constructed after the church was completed, to form a tall barrier between the coal wharf at the boat yard and the church. The high level walls have suffered from decay caused by cement-rich pointing. Officers consider that the walls have medium significance primarily derived from its function and historical evidence.

#### Layout, Design & Appearance

10.42. As set out about the development is of a similar layout, height and massing as previously approved. To the southern end of the site, the residential element takes the form of three storey terraced town houses that abut the Vicarage on St Barnabas Street and then wrap around it to front the canal. The terrace would be 4 storey at the corner. At the southern end of the terrace the architectural building form and style changes from the domestic form of surrounding properties to a traditional wharf style of building architecture. Within this part are the flats and the undercroft car parking at ground floor. They would have front entrances onto the Canal still to maintain activity. To the south of the terrace, on the other side of the access road, would be a new detached dwelling with integral undercroft parking. Large windows and glazed elements would let natural light in and allow views across the canal. On the ground floor of the houses facing on to the Piazza and Canal frontages timber louvres would add an element of privacy and steps up (to mitigate against flooding) would create a further separation from the public realm. On the canal frontage, these house would also have a small garden with further timber slats that would provide additional privacy between properties. Materials proposed are brick (grey and red), timber and slate (or similar) roof tiles. Patterned brickwork would also reflect the detailing of the surrounding residential houses. Figures 4 below show the elevation fronting the Canal of the whole development and demonstrates the domestic heights, form and scale of the proposed residential in relation to the Church. Figure 5 shows the detailing and different architectural style of the residential.



Figure 4 above shows the whole development fronting the Canal (DAS pg. 18)



Figure 5: Detailing of the residential

10.43. It is considered that the residential appropriately reflects the existing character and appearance of the surrounding two storey terraces and the wharf style element is suitable and reflects Canalside architecture. Good quality internal space accords with National Space Standards and sufficient privacy from the Canal and Piazza would be provided for future occupiers.

10.44. To the north of the site is the combined community centre and boatyard that sits close to the rear façade of No.10 Canal Street and runs parallel to the Church and Combe Road properties, down to the Canal edge. A new basin would be created in front of the boatyard to accommodate boats waiting to be worked on, dropped off or collected. Adjacent to the boatyard would be the existing moorings for College Cruisers who operate on land adjoining to the north and on the site itself. The brief for the design of the boatyard was provided in 2018 by the JWT including the required clear dimensions for operation. In 2021 the JWT requested that the dry docks were reduced in width, agreed with the intended Operator of the boatyard, to be no less than 14ft clear. This was to enable the inclusion of a public viewing platform, within the boatyard and connected to the Community Centre café. This has been incorporated into the design. Some comments received from the JWT and JCBY relate to more technical matters that would be dealt with at a later design stage on ce permission was granted such as silt traps and electrical vs mechanical operating dock gates.

- 10.45. As previously approved, the combined building is large in massing and overall height in order to accommodate the requirements of a multi-purpose sports hall. Again this hall would be provided over the top of the boatyard docks. The JCA Needs Assessment demonstrated a need to this type of hall which could serve a range of functions. Also demonstrated was the need for and re-provision of dance hall and a desire for better and more changing rooms and toilets. On the basis of the Needs Assessment Officers are satisfied that the building of the proposed height and massing is justified in this case.
- 10.46. In relation to floor levels of the boatyard is placed broadly at the existing ground levels on the site which also reflects the levels of the new piazza at 57.50m datum. Due to flood risk, the Community Centre floor level is required to be placed higher at 58.02m. This is a level difference of 0.52m. This means that in terms of external levels, the boatyard floor will be flush with the piazza with the level change up to the Community Centre entrance being mitigated by a gentle slope in the piazza less steep than 1 in 20. This is considered appropriate in the circumstances.
- 10.47. Architecturally the scale of the whole building has been broken down into three elements, with differing fenestration which reflects the intended uses inside. The scale of the boatyard and sports & dance halls element has been reduced by dividing it into three gables with large windows and balcony facing the piazza, with three pitched roofs over. The adjoining community centre element containing the café is smaller in height with large glass windows to take advantage of the views of the piazza and Canal. The last element of the community centre contains the pre-school and meetings rooms and is again higher and larger in massing with less number (particularly at ground floor) and smaller windows for privacy safeguarding of children in the pre-school. The boatyard element is cranked to face the basin in the canal. Figure 6 below shows the front (south) elevation of the whole building. Materials proposed are again grey and red brick, standing seam zinc roof and timber. The canal and industrial aesthetic of the building, aligned closely to the canal with a sheer wall, is a characteristic of canal side architecture is considered appropriate for this location. In relation to the Church, the building would sit approximately at the same height as the Church eaves height, as seen in Figure 4 above. It is considered that as a whole the three distinct elements of the building and fenestration the building are appropriate in scale and height for its intended use. It would not appear overbearing or compete in height or massing with St Barnabas Church and would allow the church to retain its pre-eminence.



*Figure 6: front (south) elevation of the combined boatyard and Community centre building*

10.48. In response to Thames Valley Police (TVP) comments, the CCTV and Lighting and controlled accesses for the development could be secured by condition to reduce crime and the fear of crime. Specifically in relation to the Community centre windows at ground floor, there are few windows due to concern about the welfare of children in the pre-school. Any additional windows would likely be obscure glazed by the operator to prevent looking in. Officers therefore consider it unreasonable on balance to require additional windows here. In response to other comments raised, the Applicant would address these at the later design stage.

#### Piazza and Church ramps

10.49. The development proposes new ramps to the west doors of St Barnabas Church which would provide improved level access and combined seating, and remove the high wall that separates Church from the Canal thereby improving its relationship, setting and views of the Church from the Canal. The ramps would have a simple design as befitting the unadorned design of the Italianate Church and would be formed using recycled materials from the demolition of existing buildings on site (where feasible). This re-purposing would minimise waste produced by the development as well as ensuring the addition fits fully with the character of the area. Listed building consent is also needed. It is considered that this element would have an appropriate relationship to the Church and vital aspect of the piazza and its function as a public open space.

10.50. The development would provide a new public open space in accordance the Site allocation policy SP33. As before the Italianate Church has been the inspiration for a piazza and similar canal side examples can be found in Italy (see DAS pages 12 & 23). The open space would measure approximately 25m in width from boatyard building to residential townhouse on the opposite side and approx. 15m from the new ramp to the canal edge. A difference in hard surfacing material would be used to identify areas in front of the boatyard and residential properties and the central piazza area which would also have public area in the flooring. The Applicant would also provide public art as part of the hard landscaping of the Piazza, the details of which could be secured by condition in accordance with Policy DH1 of the OLP. Figure 7 below shows CGI model image of the proposed piazza, Church and boatyard building.





*Figure 7 : Proposed piazza and Boatyard/ Community Centre Building*

10.51. The JWT and residents have raised concerns that the piazza would not be sufficient in size to hold events and activities, in particular markets, and is smaller than previously approved. The Plan at Figure 8 show the measurements of the proposed space. The piazza as previously approved measured approx. 32m wide (boatyard to building on southern side) by 19m long (rear elevation of the Church to Canal (no ramp proposed at that time)). In this scheme the dimensions of the public open space have been dictated by

- a. The northern edge: the size of the boatyard (docks and space around to work and circulate) and the needs and requirements of the JCA for the new community centre (re-provision of the current community centre provision at No.33 Canal St, plus additional floorspace to ensure it survives and is financially secure into the future);
- b. The southern edge: the relationship of the residential to the Vicarage. It has moved away from the Vicarage in order to prevent this building being overbearing to a significantly harmful degree;
- c, The western edge by the Canal and space requirements for the basin. The basin is needed to access the boatyard and ability to moor the longest (21m) boats out of the main navigational channel of the Canal, and to avoid collision with moored boats in the Canal;
- d. Eastern edge: To provide an appropriate setting for the Church and sufficient separation distance between the buildings to the north and south of the Piazza.

10.52. The site is a very awkward shape and the requirements of the site allocation and materials considerations have to be weighed in the balance. Policy SP33 states that a public open space/square must be provided and does not set a

minimum size. The main difference in this case from the previous approval is the relationship of the building to the southern side of the piazza to the Vicarage, and provision of the ramp. Previously there would have been a new rear extension to the Vicarage that would have mitigated the overbearing impact of the development, which sat close to the property boundary. This is not the case here. To move the building southwards would have an adverse impact on the Vicarage. The new ramps and seating proposed provide good multipurpose use of this space and accessibility whilst improving the setting and appearance of the Church. In weighing in the balance the site constraints and all material considerations of this site together with the overall public benefits, it is considered that the proposed piazza is of an acceptable size and would provide an appropriate setting of the Church and Canal. Surfacing material could be secured by condition.

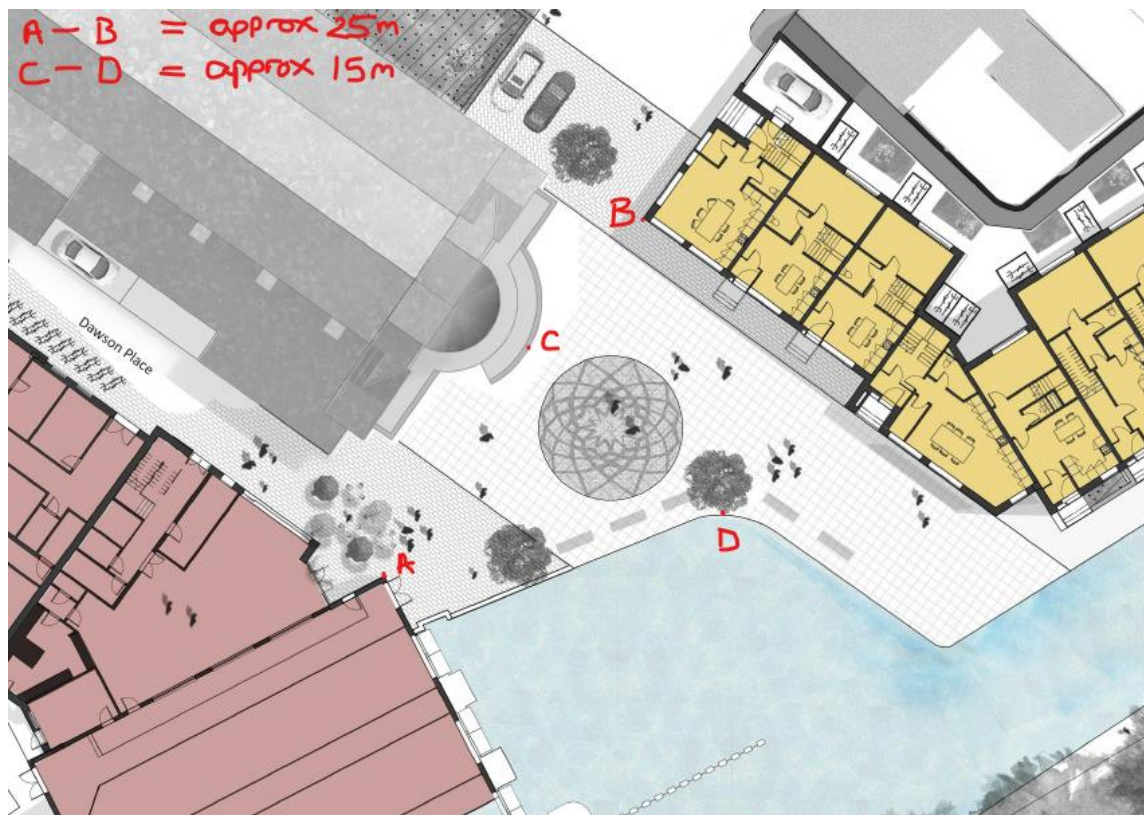


Figure 8: Piazza

### Impact on heritage Assets

#### Walls

10.53. The proposed demolition of the church wall would result in substantial harm to that curtilage listed structure. It has evidential, historical and aesthetic value and defined the curtilage of the church, separating it from the working wharf area.

10.54. Paragraph 200 (b) of the NPPF states that assets of the highest significance including grade I and II\* listed buildings their total loss should be wholly exceptional. The wall is a curtilage structure to a grade I listed Church, thus this loss would be wholly exceptional.

10.55. Paragraph 201 states: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

(a) the nature of the heritage asset prevents all reasonable uses of the site; and

(b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

10.56. In this circumstance it is considered that the substantial harm is justified by the substantial benefits brought about by integrating the church with the development proposals and by opening up space for a new public square or piazza. To retain the wall would not contribute to good urban design and would unduly compromise the piazza and public benefits that would bring. The demolition would enable the highly significant church to be more visible and appreciated from locations including the canal and the piazza. It is considered that the justification for the loss is clear and convincing and that the substantial harm to the wall from its demolition is outweighed by the substantial public benefits of the development in accordance with the NPPF. Further mitigation would be provided through recording, good design and by salvage of historic material for re-use in the proposed ramp and where possible through-out the re-development. This could be secured by condition.

#### St Barnabas Church

10.57. As set out above, the proposed design, massing and height of the combined boatyard and community centre has been clearly and convincingly justified. This new building would alter the setting of the church from the north and the residential terrace an impact on its setting to the south. These building would provide a frame for views to the western elevation of the Church when viewed from the canal and towpath. The immediate setting of the church to the west would alter as a result of the demolition of the walls which would open up the view from the canal and there would be an improvement as the Church would be much more visible. However this would result in a low level of less than substantial harm to the immediate setting of the Church.

10.58. The siting of new buildings would reduce the extent of the views of the Church from the Canal itself, instead creating framed views and a sense of enclosure formed by the public square. The development would preserve the effect of the campanile rising up over buildings. This framed view offers a new series of views into the site from both northern and southern approaches, which is comparable to other glimpsed and surprise views within the fabric of Oxford and its Colleges. Whilst it alters the character of the canal from currently more open

views, Officers do not consider this to be inappropriate to the canal side or the conservation area.

10.59. It is considered that the development would result in less than substantial harm to the setting of the Church and that level is considered low. In accordance with the NPPF, the public benefits of the development need to be considered. It is considered that the public benefits of the scheme including providing much needed housing, the community centre and boatyard, removing the hoarding, bringing this site into use, the creation of a new public open space and improved accessibility, seating and ramp outweighs the low level of less than substantial harm in this case.

#### Conservation Area

10.60. As set out above the character and appearance of the Conservation Area and setting of the Oxford Canal is currently harmed by the hoarding and vacant buildings and use of this site. It is considered that the design and appearance of the development appropriately responds to the Conservation Area. Whilst the boatyard/community centre building would be a large and high on the edge of the Canal the design has been robustly justified, and furthermore taller buildings are found adjacent to the Canal elsewhere in the City. The development would positively enhance the character and appearance of the Conservation Area and as such there would be no harm as a result of the proposed buildings. However it is considered that there would be a low level of less than substantial harm to the character and appearance CA as a result of the demolition of the walls and loss of significance including evidence of the protective nature, loss of legibility of the former coal wharves and industrial area. However, for the reasons given above, the loss would be to some extent mitigated by the walls being recorded, which could be secured by condition. It is also considered that the public benefits of the scheme (as set out above) would outweigh the low level of less than substantial harm in this case.

#### Views

10.61. In terms of longer views into and out of the site, the view to the Tower of the Four Winds in the ROQ which is visible in winter months is not retained along Cardigan Street, the loss of this view was accepted in previous development proposals for this site and given the irregularity and constraints of the site, together with the amount of development required within it, Officers consider that it is acceptable to lose this view in this case. The proposal would not be significantly visible from or to other public views within or from outside the City, including that of Port Meadows and Carfax Tower.

#### Non-designated heritage assets

10.62. The brick entrance walls and piers are of interest and are in a robust, industrial style as befits the former uses of the canal side. The existing brick structures of late 19th and early 20th century date belonging to the canal wharf and the boatyard would also be lost as a result. These are considered to be non-designated heritage assets and their demolition would therefore result in substantial harm. Their re-use within the proposed development would

satisfactorily mitigate harm and they should be recorded according to a Written Scheme of Investigation to a brief approved of by the Local Planning Authority and secured by condition.

10.63. Officers have given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. The proposal would cause substantial harm to the curtilage boundary walls of the Grade I listed Church and non-designated wharf buildings as a result of their demolition, and less-than-substantial harm to the setting of the Church and Canal. However, it is considered that this is justified by the scheme and outweighed and by the substantial public benefits of creating a public square, community centre and boatyard, residential housing to meet the high level of housing need in the City, improving the character and appearance of the Conservation Area and bringing this derelict site to life.

10.64. In summary therefore, the development would be of high quality design and appearance. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in the case by material considerations of the development and public benefits of the development including housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **d. Impact on neighbouring amenity**

10.65. Policy RE7 and H14 of the OLP seeks to ensure that development does not have an adverse impact on, amongst other things, neighbouring amenity including light, overbearing impact and loss of privacy.

#### Light

10.66. An updated Sunlight & Daylight Assessment was submitted with the application following amendments to the design. It assessed impact of a development on light to rooms and amenity space of adjoining properties in accordance with Building Research Establishment (BRE) guidelines which are a recognised industry standard. It concludes that the development would on the whole not adversely impact on the daylight and sunlight to rooms and amenity space of properties in accordance with BRE guidance and a 10% flexibility where development is in an urban location such as this. The Assessment does not take account reflect surfaces/ materials such as glass or painted render, and can be considered as a worst case scenario. The Assessment indicates that overall the impact on neighbouring properties is in line with the criteria set out in the BRE guidance and therefore acceptable. However there would be an impact on certain neighbouring properties which is considered further below.

10.67. No.12A St Barnabas Street sits right on the common boundary and is a previously converted warehouse building. One first floor bedroom window would experience a moderate reduction in daylight as a result of the development.

BRE guidelines state that bedrooms are regarded as less important than other rooms for good access to daylight. All windows, including the affected first floor bedroom window, and garden would receive satisfactory sunlight. Again it should be noted that the relationship and impact is similar to that previously approved. Whilst there would be a reduction in daylight to this bedroom window, the bedroom window would still have adequate sunlight and weighed in balance with the wider benefits of the development as a whole together and the fact that the main habitable rooms on the ground floor would still have a good level of daylight, it is considered that the benefits of the proposal outweigh the adverse impact in this case.

10.68. No.10 Canal St would receive satisfactory sun and daylight to windows in accordance with the BRE guidance including the 10% flexibility for the urban location. In relation to the garden the Assessment assesses whether half the garden would have at least 2hrs sunlight on 21<sup>st</sup> March (Equinox, when day and night of equal length). As proposed, there would be a notable reduction in sunlight hours experienced. Approximately quarter of the garden would receive an hour or less sunlight at this time. This the same as for the previously approved scheme. During summer months the garden would have sunlight as it is west facing. Again on balance it is considered that the wider benefits of the development as a whole outweigh the adverse impact in this case.

10.69. Nos. 3, 7 and 9 Coombe Road would all experience a small reduction in sunlight to their gardens. However they would still receive satisfactory light to rooms and sunlight to their gardens.

10.70. No.59 Great Clarendon Street lies adjacent to the site at the southern end. It has a small courtyard garden and a utility window and secondary sitting room window in the side (west) elevation facing the development. Both windows would experience a reduction in light and sunlight. However as the utility room is a non-habitable room and the sitting room window is secondary with the main light received from large patio glazed doors, the impact is considered not significant. In relation to the outdoor space, the garden would experience a 15% reduction in sunlight on March Equinox. This is considered to be relatively small and overall it is considered that the benefits of the scheme would out-weigh the impact in this case.

10.71. In summary, this is an urban location and the site is constrained. The previously approved scheme had a similar impact on neighbouring properties at that time. Whilst the permission has expired this is a material consideration and the approach to amenity and impact of development on it has not changed including through the new Local plan. Whilst some properties would experience a reduction in sunlight or daylight it is considered that on balance the public benefits of the scheme and developing this vacant site out-weigh the adverse impact on sunlight and daylight in this case.

#### Overbearing

10.72. Whilst the previous permission is now lapsed the location of the proposed buildings is very similar to that previously approved. Local plan policies, whilst new, have not changed significantly from the previous local plan under which the

development was considered. This has been taken into account in considering the overall impact of the development.

10.73. Vicarage: The development would sit to the north and west of the Vicarage on St Barnabas St as the proposed residential terrace abuts the Vicarage and then wraps around the piazza and then runs parallel to the Canal (and other properties on St Barnabas St). The Vicarage is enclosed by a high boundary wall and there is a mature tree within the site to the northern immediately adjacent to the wall. The proposed houses would be separated from the Vicarage boundary wall by a common alleyway which serves the properties for bins and access to rear gardens. This alleyway would be approximately 1m wide. The rear gardens to properties to the north would be approximately 4m in depth and therefore 5m away from the joint boundary. To the north the eaves level would be approx. 6.48m high and 9.2m to ridge. At the corner of the Piazza and Canal the building rises to 10m to eaves and 12m to ridge, then drops down to 8m high to eaves and 10m high to ridge. At its closest point the building would be approx. 4m away (same as the previously approved scheme). It is considered that the development would create an enclosed feeling to the vicarage. The amended plans sought to mitigate this impact to the west where the building would be closest by reducing the eaves height down to 6m. The shape and size of the site together with the requirements to provide a public piazza and appropriate setting to the grade I listed Church have been given considerable weigh in this case. To mitigate further by moving the building northwards would comprise the pizza and setting of the Church and is not feasible to do so westwards closer to the Canal. The scheme as proposed is unviable and to reduce number of units or number of beds (and therefore sales values) would likely unacceptably compromise the viability further. The Vicarage and its garden would still have adequate daylight and sunlight from the south and this would mitigate the overbearing impact and sense of enclosure to a degree. There would be no overshadowing effect. Weighing these material considerations in the balance, together with the public benefits of the development site and enhanced setting of the Church it is considered on balance that the harm would be outweighed in this case.

10.74. St Barnabas St properties: the back to back distance would range from approx. 14m to 20m distance which is considered not unreasonable in this constrained urban location. No.12a would, as mentioned above, experience the development more keenly and the building has been pushed back at this point to mitigate the impact. The distance would be approximately 8m between buildings, which is similar relationship to that previously approved. Whilst this has not removed the adverse impact it has mitigated it and bearing in mind the suburban and close-knit nature of the area and the wider benefits of the development as a whole, it is considered on balance that this is acceptable.

10.75. No.59 Great Clarendon St: The flats and maisonette that sit above the undercroft parking area would lie to the west of No.59. No.59 is bounded by a low (approx. 1m high) stone wall. The approx. 2.7m high wall of the undercroft parking would be separated by an access alley approx. 1m to 1.7m wide alongside No.59. Above the parking, the external amenity terraces to the new properties would set in further from this outside wall and therefore measure approximately 3m to 3.6m from the joint boundary. These upper terraces would

be bounded by a 1.5m high hit and miss timber fencing to prevent overlooking. The proposed rear façade of the building would be approximately 6m from the joint boundary. The building measures approx. 8m high to eaves and 10m high to ridge and this part of the scheme has gables running in an east-west orientation to break up massing of this part of the development. It should be noted that the building would be approximately 0.44m lower in height than previously approved and a metre closer to the joint boundary.

10.76. The development will be noticeable from the courtyard garden to No.59 which currently has a view to the canal and trees beyond. On the basis that the previous permission considered a building in this location and similar proportions and height acceptable, there has been no significant shift in policy or material considerations since that time, the site is very constrained between houses on Gt Clarendon St and the Canal, and the public benefits of the development, it is considered that on balance the relationship is considered acceptable in this case.

10.77. No.10 Canal Street and Combe Road properties: The Community Centre and Boatyard building would sit parallel to the side boundary of No.10 Canal Street and the rear boundaries of Nos.1-9 (odd) Combe Road. The building would be set back from these boundaries by a rear service access/ yard area. Back to back the whole building would be approx.13m away from the rear facade of Coombe Rd prosperities (at closet point) These boundaries are mostly 2m in height with the exception of No.9 Combe Road which has a lower boundary at approx. 1.5m height.

10.78. In relation to No.10 Canal St the building would have a varying eaves height of between approx. 7m and 8m high, and approx.10.2m high to the ridge. The central section of the community centre would be approx.6.5m high to ridge, with a varying eaves height of approx.5.2m down to approx.3.2m at lowest point. At the boatyard end the building would wrap around No.9 Combe Road. At this point it would have an eaves height of approx.2.6m high that steps up toward the Canal (westwards) to approx.6.3m high and approx.9m high with flat roofs. Fronting the Canal the ridge would be approx.9.7m with pitch roof. To the rear part of the boatyard behind No.9 Combe Rd directly south, the building form has been amended to provide a flat roof element (approx. 7.4m high) to reduce the massing and mitigate any overbearing impact on No.9.

10.79. The new building would result in a feeling of enclosure and overbearing given the distance from properties and boundaries, but No.9 Combe Road and No.10 Canal Street would be most affected. In respect of Combe Road, there are currently existing single storey buildings with pitched roof and open sided structures adjacent used by College Cruisers to the west which already create a degree of enclosure. Adjacent to No.10 Canal Street are the City Council garages which also enclose that property along its side (southern) garden boundary. The development would increase the degree of enclosure and overbearing impact currently experienced by both these properties. This relationship is similar to that of the previously approved scheme. To mitigate further by moving the building southwards would comprise the size of the piazza and setting of the Church to their detriment. Weighing these material considerations in the balance, site constraints, together with the high level of



public benefits of the development and enhanced setting of the Church it is considered on balance that the harm would be outweighed in this case.

### Overlooking

10.80. In general where proposed windows face towards residential properties, they would be obscured glazed or high level and this could be secured by condition. There are two instances where windows would directly overlook into gardens: at first floor level from the community centre into No.10 Canal Street; and from a second floor bedroom window in the 2 bed flat into No.59 Great Clarendon Street. In both instances amended plans to vary the window size and/or height above ground floor level to avoid direct overlooking could be secured by condition.

10.81. In summary therefore it is considered that the material considerations of this site including public benefits and site constraints would out-weigh adverse impacts on adjoining residential amenity in this case, and subject to conditions the development would accord with H14 and RE7 of the OLP.

### **e. Transport**

#### Transport sustainability

10.82. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size.

10.83. Policy M3 sets out the Council's policy for motor vehicle parking. In respect of residential development, sites within a Controlled Parking Zone that are within 400m walk of a 15-minute bus service and 800m to a supermarket should be car free. In all other locations permission will be granted where the relevant maximum car parking standards of one car space per unit (regardless of size) and car club parking provided (0.2 per dwellings), and one disabled space per accessible or adaptable unit are provided. Parking requirements for all non-residential development (whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites or new non-residential on new sites) will be determined on the basis of a Transport Assessment or Travel Plan, demonstrating opportunities to enhance and promote more sustainable travel to and from it and vehicle parking is kept to the minimum necessary to ensure the successful functioning of the development. In the case of redevelopment of an existing or previously cleared site, such as this, there should be no net increase in parking than existing on site and a reduction will be sought where there is good accessibility to a range of facilities.

10.84. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development.

10.85. A detailed Transport Assessment (TA) and two supplementary documents have been submitted with the application. The site lies within a CPZ. It is more than 400m walk to the nearest bus service on the Woodstock Road (Radcliffe Observatory stop 675m) and the Oxford Railway Station (675m). There is currently parking space available for in excess of 18 cars on the former boatyard site. The City Council garage court provides spaces for 12 cars. The Church has 4 existing car parking spaces accessed from St Barnabas St.

#### Traffic and Movements

10.86. The submitted TA sets out that the traffic flows generated by the residential parking would result in a very small number of peak hours car trips, 12 in each peak hour, and therefore a proportionately low traffic impact. The boatyard and community centre also would have a small number of peak hours vehicle trips (max of 17 in the morning and 15 in the evening). The HA has raised no objection to the development in terms of adverse impact on the highway network as a result.

10.87. A Framework Travel Plan (FTP) for the residential has been developed for the proposed development at Jericho with the ultimate aim of increasing the accessibility of the site by non-car modes of transport and in particular active travel modes. Separate measures have been prepared to account for the individual characteristics of each land use associated with the development. A finalised Travel Plan in line with comments from the County Council could be secured by condition to encourage sustainable modes of transport.

10.88. The CRT did raise the possibility of a contribution towards improvement of the towpath in order to mitigate the impact of the increased movements as a result of the bridge and development, but deferred to the County Council in this matter. In the event, the County Council has not confirmed this is required or requested one.

#### Car parking

10.89. Whilst the site lies within a CPZ it is farther than 400m to the nearest bus stops (with regular 15min service) on both the Woodstock Rd and at the Railway Station. The Bus Station on George Street is also in excess of 400m. The nearest Co-op supermarket on Walton Street is within 800m walking distance. Policy M3 is clear that for development to be a car free it must be within 400m of a bus stop (with regular 15min service) *and* 800m of a supermarket. As the development is in excess of 400m to the nearest bus stop it is not required to be car free and it is accepted that car parking for the development would be acceptable. It must meet the minimum parking standard of one space per residential unit and as a brownfield redevelopment show a reduction in existing parking levels.

10.90. The proposed development would provide a total of 19 vehicular parking spaces as follows:

- 15 residential spaces including one disabled;
- 4 spaces for the Church;
- No parking for the community centre or boatyard (except deliveries/servicing)

10.91. Of the total 15 residential spaces, 14 parking spaces would be provided within the undercroft parking area in the building fronting the Canal, accessed off Gt Clarendon St, for the residential properties. Amended plans received removed 3 substandard external spaces and created one additional parking space(s) within the envelope of the building. One individual undercroft parking space would be provided for the detached dwelling adjacent to the Canal. The existing site could accommodate in excess of 30 car parking spaces and therefore the development would result in a 50% net reduction in car parking overall in

10.92. The HA raised concern that the undercroft parking spaces would be, in some cases, smaller than the usual standard (2.5x5m dimensions) and may not be easily accessible. Due to the site constraints, including its size and shape, proximity to the canal and existing housing, and the engineering of the building means that supporting pillars, the space available for parking spaces is restricted in width. The farthest parking space within the undercroft would be accessible with a few car movements, but is possible. The provision of parking spaces also has an effect on sales values and the viability of the scheme as a whole. Given the constraints of the site and viability considerations and the public benefits of the scheme, on balance it is considered that these parking spaces are acceptable. The individual space for the detached house is of standard size and could be accessed easily.

10.93. The surrounding area is a Controlled Parking Zone (CPZ), therefore overspill parking would be controlled. The development would not be incorporated in to the CPZ

10.94. The 4 parking spaces for the Church would be re-provided within the development, two in the same location as existing off St Barnabas St, for disabled and key vehicles (hearses, servicing etc.) and two parallel parking spaces along the northern elevation of the Church. This is the same as previously approved under 14/01441/FUL. The Church itself is not part of the development proposals, however their car parking area off St Barnabas Street is critical to the implementation of the scheme as is from the new access point into the piazza. This would still meet the Church's needs to provide spaces for key vehicles and those with impaired mobility. The new at grade piazza and ramped access into the rear of the Church would maintain accessibility into the Church for visitors. It should also be noted that the existing on-street short stay parking spaces on the southern side of the Church on Cardigan Street are unaffected by the development and would remain available for use by the public, including Church visitors. It is therefore considered that the re-provision and location of the existing car parking spaces for the Church is acceptable and reasonable in this case.

10.95. The Community Centre would not have any dedicated permanent car parking, as is currently the case. Neither would the boatyard. However there would be

the ability for servicing and delivery vehicles to access both entrances off Canal Street down to the Piazza. Vehicles access would be controlled by bollards, details of which have not been submitted at this stage. This is considered further below.

10.96. It is therefore considered that the provision of 10 residential car parking spaces and 4 non-residential parking accords with Policy M3 and could be secured by condition.

10.97. EV Charging Points would be provided for all residential parking spaces thereby enabling all residents to own and/or operate hybrid and electric vehicles and accords with Policy M4. These could be secured by condition.

#### Servicing and deliveries

10.98. Details of the proposed deliveries and servicing for the Boatyard and community centre have not been given at this stage, as the Applicant is not the intended operator of either. Vehicular access from Canal Street would provide for larger deliveries to the Boatyard (machinery/ timber etc.) to the front of the building in the Piazza, similarly for the community centre. There would also be separate rear pedestrian access to the rear of both, which would be suitable for smaller deliveries. The Piazza would not be used for any permanent parking and access to the Piazza could be controlled by bollards, secured by condition. Deliveries to and from the Boatyard and Community centre could be dealt with by condition requiring a Servicing and Delivery Plan, as previously, which would restrict hours of delivery and types of vehicles. A condition could be imposed preventing indiscriminate parking on the piazza.

#### Cycle parking

10.99. Policy M5 and appendix 7.3 set cycle parking standards for residential community centres, pre-schools, residential and other sites which are treated on their own merits. In this case the community centre, pre-school and boatyard are in one combined building and therefore it is considered acceptable to use the standard of 1 space per 5 people. The residential units are required to provide 2 spaces per 1&2 bed houses and flats and 3 spaces per 3+ bed dwellings. The proposed cycle parking provision is set out in Table 1 below:

Use	Requirement	Proposed
Combined Community Centre (196m <sup>2</sup> equivalent to 186 seats ), Pre-School (17 staff) and Boat Yard (10 staff)	1 space per 5 people  (37, 3 and 2 respectively)	Total: 42 publicly accessible 'Sheffield' type cycle Spaces
Residential	2 spaces per dwelling (1&2 bed houses and flats) 3 spaces per dwelling	12 covered and secure spaces in undercroft car park 3 covered and secure

	(3+ beds)	spaces in demise per townhouse and the detached house
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*Table 1 – proposed cycle parking provision*

Amended plans received show 42 cycle parking spaces along the outside of the Community centre/ boatyard building. Cycle parking for the residential units is shown in the rear gardens and within the undercroft parking areas and sufficient space is provided to accommodate the minimum parking provision. Further details of the cycle parking stands and storage could be secured by condition. Noting TVP comments, it is not possible to provide the cycle parking in smaller clusters elsewhere within the development due to the constraints of the site and other material considerations. Lighting and CCTV surveillance would need to be installed and could be secured by condition. As such the development accords with OLP Policy M5.

**f. Blue & Green Infrastructure**

10.100. Green and open spaces and waterways of the Green and Blue Infrastructure Network are protected for their social, environmental and economic functions under Policy G1, which includes the Oxford Canal. Planning permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network, except where it is in accordance with of the other relevant OLP policies G2-

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

Green infrastructure

10.102. This site is mainly hardstanding, however there are some larger medium quality trees including a silver birch and false acacia tree that stand within the area of open space facing Canal Street and an ash tree at the Corner of St Barnabas Street within the Church car park area. There are also trees within the gardens of adjoining properties on Combe Road. Elsewhere within the site are small self-sets tree saplings which are of are low quality and value trees that should not constrain the use of the site.

10.103. The site contains two large mature trees facing Canal Street and one within St Barnabas Church car park on the corner of St Barnabas Street. Elsewhere the site is mainly hard standing with seedlings and self-sets. There are trees within adjacent properties on Coombe Road, Canal St and Worcester College Gardens (south of the site).

10.104. The two good quality trees on Canal Street within the open space for the community centre pre-school would be retained. The ash tree within the Church car park provides a high level of visual amenity and is of reasonable quality. It would be lost in order to create the new access into the square. Information submitted demonstrates that the ash tree could not reasonably be retained without being compromised at its roots. It would also be in too close proximity to the new dwelling that adjoins the Vicarage. In addition there is a high risk the ash tree would be affected by ash die back disease in future. Removal of this tree was also agreed under the previous approval. Whilst this tree provides a high degree of public amenity on balance it is considered that its loss is acceptable in this case and the development provides the opportunity to secure an alternative tree specimen appropriate for this location that would last longer into the future and adequately mitigate the loss. A large standard tree specimen could be secured through the landscape condition.

10.105. Other trees and self-sets will be lost to the development. These are lower value and the impact on amenity in the area would not be significant. Whilst a tree canopy assessment has not been submitted it is clear that due to the nature of the proposed development (provision of residential, boatyard, community centre, public piazza, new basin) within this constrained site on the edge of the Canal, it is not possible to provide the level of new tree planting that would mitigate the loss of tree canopy cover over time as required by G.7. Three new trees are proposed within the public Piazza and a replacement for the ash tree lost. As such there would be a net loss of tree canopy cover overall. The loss of the ash tree canopy cover could be satisfactorily mitigated by a suitable tree specimen, secured by the condition, and therefore the loss of this individual canopy would be mitigated. On balance it is considered that due to the constraints of the site and requirement of the site allocation policy and public benefits of the development overall outweighs the loss of trees and canopy cover in this case, as such the development accords with G7 of the OLP.

10.106. The new piazza trees are located close to the Canal edge and therefore they would need to be contained to prevent future damage to the Canal wall. Details of the tree pits to contain the tree roots could be secured by the landscape condition.

#### Blue infrastructure

10.107. The Oxford Canal is an important part of the blue infrastructure network in the City, as set out above. It has historical significance and provides recreational facilities and visitor moorings. This is the closest location to the City Centre for visitor moorings and therefore they are an importance provision. The boatyard and the basin in front and operation of the boatyard has the subject of much discussion with the Applicant and CRT. As set out in the CRT comments navigational safety for boats in the canal, retention of visitor moorings and those for their existing tenant, and provision of mooring for the new boatyard are key considerations. In addition are considerations relating to construction and impact on the canal and its banks. The canal and Mill stream the other side also provide important habitat and foraging for wildlife, including otters and bats (see section g. below). The tree lined towpath is an important setting of the CA and the canal.

10.108. The amended application to remove the bridge and winding hole removed the CRT's serious concerns about the unacceptable impact of the development on navigational safety and loss of existing visitor moorings and potential damage to boats moored. The mooring plan with restrictive barrier submitted would provide a safe and protected space in front of the boatyard for boats waiting to be worked on or picked up and is considered acceptable. In this way there would be no harm to navigational safety of boats moving along the canal. This basin area would be managed by the boatyard operator and secured with by condition requiring a Boatyard Management Plan. The removal of the bridge from the application has removed the harm that would have resulted on the Canal, towpath and conservation areas as a result of necessary tree removals along the towpath and Mill Stream.

10.109. Subject to conditions, it is therefore considered that the development would accord with G2 of the OLP.

#### **g. Biodiversity**

10.110. G8. Policy G2 seeks to protect biodiversity and geo-diversity and development that would results in a net loss of sites and species of ecological value or cause harm to sites of national or international importance will not be permitted. Compensation and mitigation measures should be provided to off-set any loss and major developments of brownfield sites should demonstrate a 5% net gain in biodiversity. Only brownfield sites that have become vegetated require submission of a biodiversity net gain (BNG) metric calculator, which is not the case here.

10.111. The Oxford Canal and Mill Stream are identified as an ecological and amenity asset for Jericho and the City. They form an important part of the wider character of Oxford, in that it is one of the numerous ribbons of waterway and greenery that bring the countryside into the City and forms a wildlife corridor to the countryside. This stretch of the canal is at the southern end of the Oxford Canal City Wildlife Site (CWS), noted for its water vole and bird interest.

10.112. The Local Planning Authority in exercising any of their functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), which identifies 4 main offences for development affecting European Protected Species (EPS):

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a 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.

- 10.113. An Ecological Assessment, Ecological Impact Assessment, Supplementary Bat Survey Report, three Ecological Technical Notes (Dec 2020, Jan 2022 and Feb 22), Lighting Scheme and Assessment and a Lighting Scheme and Assessment Addenda have been submitted. Bat roost activity surveys have been conducted and of the existing buildings on site three individual pipistrelle roosts were found in one (building B10), another building (9B4) was considered low suitability and the other negligible suitability. These bat surveys are now out of date however. St Barnabas Church also has potential for individual bat roost in the south east and north west elevation where there are slightly lifted tiles.
- 10.114. The Environment Agency (EA) are satisfied that the importance of the Canal as a wildlife corridor has been recognised. They suggest conditions requiring further details of lighting (construction and operation) to ensure that the canal corridor would not be significantly illuminated by the proposal, in order to reduce disturbance on wildlife using the corridor (e.g. bats, otters, water voles) or pollution via a Construction Environmental Management Plan.
- 10.115. Notwithstanding the comments of the EA, given the importance of the Oxford Canal for ecology and in particular as a route for foraging bats, Officers considered that further assessment and information was required prior to determination, including the lighting assessment and strategy.
- 10.116. Officers consider that the Applicant has identified and assessed impacts on European Protected Species, however further updates are needed to establish whether their assessment remains appropriate. The presence of individual pipistrelle bat roosts on site has been established, however the bat surveys are now a long time out of date. Updated surveys are therefore required prior to issue of any decision, in order to meet the duty to have regard to the Conservation of Habitats and Species Regulations 2017. The next bat activity season starts in May this year. On the basis that the existence of Protected Species has been identified and appropriately assessed to date and that the worst case scenario would be roost numbers have increased and therefore greater mitigation measures needed, it is considered that in this case these further surveys could be done and submitted to the Council together with appropriate mitigation measures prior to issuing any decision. Officers therefore recommend that Planning Committee approve the application subject to receiving updated bat surveys and mitigation measures and delegate to Officers to issue the decision with appropriately worded conditions and as such the Local Planning Authority's would have given due regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.117. Officers are satisfied that the Lighting Assessment and Strategy and addenda with appropriately identifies the potential impact of lighting over the Canal and that no significant impacts would arise on bats using the Oxford Canal. A series of mitigation measures are proposed includes, but is not limited to, timeclocks on external lighting, automated blinds on lighting within the community centre, downlights within the residential dwellings. The external lighting will comprise LED lighting of suitable colour/kelvin measurements. With these measures in place the modelling indicates maximum lightspill over the



canal of 1.17 lux at a height of 2m, with lower measurements at lower heights. These levels would be limited to small areas immediately adjacent to the proposed development, with the majority of the canal at levels of 0.3lux or lower. Lux levels over the Canal should be at 0.6lux or lower and therefore this would be acceptable and the measures could be secured by condition.

10.118. As noted above the Church has the potential for bat roosts and therefore bats could fly over the new piazza to the Church. An amended final lighting strategy is required to ensure no impacts would arise on any bats present in the Church and to avoid impacts on any mitigation/compensation installed for roosting bats. During the update bat roost surveys of buildings B10 and B4, additional data should be collected on the extent to which bats utilise that route between the Church and Oxford Canal as a flight path and additional mitigation proposed where required in the finalised lighting strategy.

10.119. The site contains a lot of hardstanding with self-sets and weeds, therefore has very little interest habitat wise. As it has not become 'vegetated' and a BNG metric is not required. Given the nature of the site currently it is considered that biodiversity net gain could be achieved through ecological enhancement measures which could be secured by condition. As such the development would accord with G2 of the OLP.

10.120. A number of ecological conditions would be required to ensure protected species and habitats are protected including a construction environmental management plan for biodiversity, a Landscape and Ecological Management Plan, and submission of a detailed scheme of ecological enhancements, revised lighting strategy, Survey validity (one year), Protected species licence – bats. Subject to receiving the updated bat surveys and conditions listed, the development would accord with G2 of the OLP and due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### **h. Sustainable Design and Construction**

10.121. 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 all new dwellings and non-residential over 1000msq at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures. For the latter it must meet BREEAM excellent standard (or recognised equivalent assessment methodology) in addition to carbon reduction. Proposals for new residential developments are to meet the higher water efficiency standards within the 2013 Building Regulations (or equivalent future legislation) Part G2 water consumption target of 110 litres per person per day. Proposals for non-residential development are to meet the minimum standard of four credits under the BREEAM assessment.

10.122. An Energy and Sustainability Strategy has been submitted that proposes a 'fabric first' approach in accordance with the energy hierarchy to

ensure energy demand and associated CO2 emissions are minimised from the outset. It demonstrates that the development would achieve 40% carbon reduction over a Building Regs baseline. Low carbon heating (either heat pumps or hydrogen boilers) is proposed for all buildings to ensure they benefit from the ongoing decarbonisation of the UK electricity grid and are not 'locked in' to higher carbon fossil fuel supplies and with associated benefits to local air quality. This is estimated to deliver a 66% CO2 saving, which exceeds the policy requirement. Details of the finalised heat pumps or boilers could be secured by condition.

10.123. The Strategy also demonstrates that the whole of the Community Centre and Boatyard building (construction to shell) would achieve a 'very good' BREEAM rating, which falls short of the BREEAM excellent set out in Policy RE1. This is due to the timescale of the application submission, the stage in architectural design (Stage 2) and the fact the building would be to shell only. Given the nature of the phasing and construction of the building, the 'very good' rating is considered acceptable in this case.

10.124. Subject to conditions, the development would accord with RE1 of the OLP.

#### **i. Flood Risk and Drainage**

10.125. The site lies within flood Zone 3a and 3b. 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. Development should not have an adverse impact on groundwater flow.

10.126. A Flood Risk Assessment (FRA) was submitted with the application, together with additional addendum information and amended plans, which demonstrated increased flood compensation within the boatyard, storage analysis and omission of the winding hole and bridge. Following consideration of all the submitted additional information the Environment Agency (EA) do not object to the development subject to conditions requiring implementation in accordance with the FRA and mitigation measures details.

10.127. In relation to drainage, a Drainage Strategy and additional clarification information has been submitted. The County as Lead Local Flood Authority (LLFA) has raised no objection to the proposed drainage strategy which accords with sustainable drainable (SuDS) principles. They require further detailed design of the Drainage Strategy and SuDS, an associated SuDS Management and Maintenance Plan, and evidence of implementation of the SuDS prior to occupation/ first use. This can be secured by conditions.

10.128. The JCBY has raised concern that the design of the boatyard docks to provide flood storage water compensation would lead to regular flooding and detrimental impact on the operation of the boatyard. The flood water compensation has been necessary to mitigate the creation of the new basin in

front of the boatyard and overcome EA's early objection, amongst other things, that there was insufficient flood water compensation provided. The Applicant has responded to comments raised. The principle of the boatyard being located within the flood plain was deemed acceptable under the previously approved scheme and this scheme also utilised the boatyard and volume of the dry docks as part mitigation within the approved FRA. The boatyard in the current application is positioned in the same location as before and hence the same principles have been applied, on the basis that enabling any other development on the site becomes impossible if the volume of the boatyard is not included within the flood plain.

10.129. Under the approved scheme there was a difference in level of 0.46m between the boatyard floor level at 57.43m datum and Community Centre floor level at 57.89m. In this case, the boatyard floor level is placed at 57.5m and the Community Centre at 58.02m. A difference in level of 0.52m. This is to account of updated EA modelling and incorporates further flood risk mitigation generated by climate change. The floor levels have therefore had to rise. The 6cm increase in the level difference between the boatyard and Community Centre is considered relatively negligible in terms of physical difference. Officers concur with this approach and that the relatively small change in levels are required to meet the EA's requirements and climate change.

10.130. The flood mitigation strategy is fundamentally designed to safeguard vulnerable uses (residential) in the 1 in 100 year plus climate change flood level of 57.72m datum. The mechanical likelihood of flood occurrence is mainly due to the potential of Castle Mill Stream overtopping the adjacent towpath with the subsequent impact that the canal is inundated. In the 1 in 20 year flood probability, along the site's canal edge, the flood water level is anticipated to range between 57.39m and 57.58m, effectively not overtopping the towpath and causing the Canal to flood. The FRA result show that in the 1 in 20yr and 1 in 100yr flood events the Mill Stream does not over top the Canal and this only occurs when climate change is factored in. This would only occur in extreme (and infrequent events), although it is not possible to predict with accuracy when this might occur. Records show that out of nine flood events which have been recorded in Oxford since 1947, none have affected the site nor the surrounding residential area.

10.131. On the basis of the information submitted Officers are satisfied that operation of the boatyard would not be unduly compromised by flooding, bearing in mind that the flood mitigation measures are necessary in order for the development to be acceptable, and this has also been previously approved in this case.

10.132. In conclusion, subject to conditions, the development would accord with Policies RE3 and RE4 of the OLP.

#### **j. Archaeology**

10.133. Policy DH4 states 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 set out above.

10.134. 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.

10.135. The submitted Heritage Impact Assessment (JMHS 2014) and Addendum (JMHS 2020) note that archaeological interest of this site is limited and relates to 1) the interest of the 19th -20th century standing structures to be demolished (the entrance gate-peirs, the south-west boundary wall of St Barnabas' Church and the brick structures of late 19th and early 20th century date belonging to the canal wharf and the boatyard), 2) the 19th century Jericho Community Centre building (to be renovated) and 3) the potential for the works for the proposed canal boat winding area to reveal palaeo-environmental evidence related to the evolution of the River Thames. The canal coal wharf and subsequent boat repair yard have been a distinctive feature of the local Jericho community for a significant length of time and the site also features in the popular imagination through the works of local writer Philip Pullman. The current scheme will remove the visual traces of the historic boat yard (whilst retaining the link with canal traditions by introducing a winding area of boats and community repair shop area) and I would therefore request that an information board be required to highlight the industrial and communal history of the site.

10.136. In this case, bearing in mind the scale and character of the proposed development, any consent granted for this application should be subject to conditions to secure archaeological recording, historic building recording and the provision of a public information board detailing the history of the canal wharf and boat yard. Subject to these conditions, the development accords with DH4 of the OLP.

#### **k. Land Quality**

10.137. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect. A Geotechnical Baseline Study report was submitted with the application. It recommends that further ground investigation works are required at the site to update the conceptual site model and investigate areas of the site where the

proposed end-use may have changed since the original investigation works in 2007.

10.138. The EA raised no objection but also identified that further work is required in relation to ground water and contamination and further groundwater sampling to determine the groundwater flow direction (currently assumed) and a phased risk assessment is required to secure the further phases of ground investigation, contamination risk assessment and provide an appropriate remediation strategy for the site. They also require a risk assessment in relation to any finalised drainage systems that propose infiltration into the ground. In addition to the EA comments, it is considered that a Watching Brief throughout the course of the development to identify and deal with any unexpected contamination is necessary and could be secured by condition.

10.139. Subject therefore to conditions the development accords with RE9 of the OLP.

### **I. Air Quality**

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

10.141. An Air Quality Assessment (AQA) was submitted with the application. It demonstrates that stating that local air quality levels of the area are below the current EU/UK limit values for NO<sub>2</sub> and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits. Taking into account the potential for intensification of use, the overall increase in traffic movements has been predicted at fewer than 30 vehicles per 24hr. It is considered that the development would have an insignificant effect on potential emissions from traffic increase. EV Charging Points would be provided for all 18 residential parking spaces allowing a choice of electric or hybrid vehicles. These could be secured by condition. The development proposes use of hydrogen boilers and the details of which to ensure ultra-low NO<sub>x</sub> emissions could be secured by condition. In relation to construction there would be a medium risk of dust impacts. However, with the application of the relevant mitigation measures proposed, it is concluded that the residual effect would be negligible. These could be secured by condition requiring a Construction Environmental Management Plan (CEMP). In conclusion therefore, subject to conditions, there would be no negative air quality impacts over current and future receptors as a result of the new development and as such it accords with RE6 of the OLP.

### **m. Noise**

10.142. Policy RE8 of the OLP states that planning permission will only be granted for development proposals which manage noise to safeguard or improve

amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses. Conditions will be used to secure such mitigation measures and operational commitments.

10.143. A Noise Impact Assessment (NIA) was submitted with the application in relation to the proposed development and activities in the docks and community centre on noise sensitive receptors (residential) for existing and future occupiers. The site is surrounded mainly by residential and noise is experienced from the railway lines to the west and boats on the Canal.

10.144. It is considered that the plant noise levels in the NIA have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. Based on the results of the NIA, noise limits for the new plant have been adequately calculated. These calculations show that with specified mitigation measures, the noise emission levels of the proposal would be acceptable during the operation and should not have an adverse impact on the nearest sensitive receivers.

10.145. It would be the responsibility of boatyard's operator to set out how noisy activities would be managed and to ensure that the management plan is followed by everybody using the facilities. In addition to the physical controls to limit the escape of noise from the yard, it is considered appropriate to limit the time when noisy work can be undertaken to mitigate harm on neighbouring residential amenity. This could be done by conditions requiring a Boatyard Management Plan, including how noise from operational procedures will be mitigated in practice, and restrictive hours for activity and noisy activity.

10.146. Subject to conditions relating to details of air conditioning, mechanical ventilation or associated plant, restriction on noise in relation to neighbouring residential properties, restrictive hours of any audible construction/demolition works outside the site, and details of a management plan for the boatyard, the development would accord with policies RE7 and RE8 of the OLP.

#### **n. Planning Obligations**

10.147. It is considered that the following matters should be secured through a section 106 legal agreement. The draft Heads of terms are set out below:

City:

- a contribution of £655,000 towards a replacement bridge at Mount Place to mitigate lack of onsite provision;
- a contribution of £7000 towards signage boards at Port Meadows to comply with the Habitat Regulations and to mitigate the impact of the development;

- Affordable Housing Review Mechanism to secure a proportion of any future surplus profit of the scheme towards affordable housing in the City.
- Provision and construction of the community centre/ boatyard phase 1 to shell;
- Canal works (bank and basin and boatyard docks) in conjunction with CRT;
- Public Realm maintenance use and management strategy for all public realm including public open space (piazza), areas in front of the boatyard/community centre and residential;
- Triggers for construction/ phasing of the development; occupation of residential units and construction of the public open space, works to canal, boatyard/ community centre Phase 1 to shell has been completed;

10.148. The County Council request the contribution below secured via a unilateral undertaking:

- A contribution of £1,446 towards monitoring of the Framework Travel Plan

## **11. CONCLUSION**

11.1. It is considered that the proposed development makes best and most efficient use of the land, within the constraints of the site, with taking into account all material considerations and the requirements set out the site allocation Policy SP33. A financial contribution towards a replacement bridge would satisfactorily mitigate on site provision. The development would achieve a high quality designed re-development of this neglected site and bring a historically important area of the canalside back to life. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in the case by material considerations of the development and public benefits of the development including housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.2. The viability to provide affordable housing on site or a contribution towards off-site provision has been robustly assessed and a lack of provision justified in this case in accordance with Policy H4. A review mechanism would secure a contribution towards affordable housing in the City should the development generate surplus profit.

11.3. In terms of impact on neighbouring amenities, in general the impact would not be significant with three exceptions; that to No.10 Canal Street, 8 Coombe Road and the Vicarage. In these instances there would be an adverse impact on their existing residential amenities. However, it is considered on balance that the material considerations of this site including public benefits and site constraints would out-weigh adverse impacts on adjoining residential amenity in this case.

- 11.4. An appropriate level of car parking and cycle parking would be provided and there would be no harm to the highway network as a result of traffic generation. Whilst there would be some tree loss and a loss of public amenity in one instance, the constraints of the site and other material considerations means that it would not be possible to provide a net gain in canopy cover. Overall a net gain in biodiversity could be achieved through suitable tree and shrub planting and other enhancement measures secured by condition. There are protected bat species on site and subject to receiving updated bat surveys and details of any appropriate mitigation measures needed. A financial contribution towards mitigation signage at Port Meadows would mitigate additional use of the generated by the development. Officers are of the view that the development would accord with G2 of the OLP and due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Whilst the site is in Flood Zone 3a and 3b the development would provide suitable compensation and mitigation measures, and these together with sustainable drainage details could be secured by condition.
- 11.5. The development would be of sustainable design and construction principles meeting the 40% carbon reduction requirement. There would be no adverse land contamination, air quality or noise impact. Subject to appropriately worded conditions and s106 legal agreement, the development would accord with all policies in the local plan and NPPF.
- 11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed subject conditions and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking and legal agreement under section 106 of the Town and Country Planning Act 1990 and a unilateral undertaking and delegate to Officers to issue the decision notice subject to receiving updated bat surveys and details of any consequential mitigation measures necessary.

## 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.

### 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 2001-2016.

### Materials

3. Prior to the commencement of each phase of the development excluding



demolition and enabling works a schedule of materials together with samples and sample panels of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of work on the site above ground and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance within the Jericho Conservation Area in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

### *Transport*

Construction Environmental Management Plan (CEMP)

4. Notwithstanding the submitted Construction Environmental Management Plan (CEMP), no development shall take place until a revised CEMP 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;
  - Measures to protect the water environment during the course of demolition, site clearance, and building works;
  - noise limits;
  - control of emissions;
  - Dust mitigation measures including the IAQM's specific dust mitigation measures identified for a Medium Risk site as set out in The Document: "Guidance on the assessment of dust from demolition and construction" – Version 1.1 (pages 24-27).
    - waste management and disposal, and material re use;
    - wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
    - contact details of the Project Manager and / or Site Supervisor;
    - layout plan of the site;
    - materials storage including any hazardous material storage and removal.
    - Engagement with local residents and neighbours

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

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with the results of the dust assessment and policies RE1, RE6, RE7, M1 and M2 of the Oxford Local Plan 2016-2036.

5. Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes only and within the public realm parking shall be for sole use by St Barnabas Church unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

6. Within 12 months of the commencement of development a Servicing Deliveries Plan for the Community Centre and Boatyard shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the relevant buildings being first occupied/ uses commenced. Details shall include number and type of vehicles, access arrangements and management strategy. There shall be no servicing or deliveries prior to 07.00hrs on weekends or during network peak and school peak hours of 07:30-09:30 or 16:00-18:00s (7days a week). Amendments to the approved Plan may be agreed in writing from time to time by the local planning authority. The Community Centre and Boatyard shall be occupied and operated in accordance with the approved Plan.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

7. Notwithstanding the submitted Framework Travel Plan for the residential units, an updated finalised Travel Plan shall be submitted to and approved in writing by the local planning authority prior to first occupation of the residential units hereby approved. Each Residential unit shall be provided with a copy of the approved Travel Plan prior to first occupation and subsequent copies, as thereafter approved.

Reason: In order to reduce car travel and promote sustainable modes of transport in accordance with M1 and M5 of the Oxford Local Plan 2036.

Undercroft parking

8. Notwithstanding the provisions of the Town and Country Planning Act 1990, the undercroft parking for the detached dwelling shall be retained as a car parking spaces at all times and shall not be converted into storage space or living accommodation without the prior approval in writing of the Local Planning Authority.

Reason: To avoid doubt and to ensure adequate car parking on plot and reduce on street parking pressure in future and to consider the impact on

flood risk in the area in accordance with policies M5 and RE 3 of the Oxford Local Plan 2036.

#### Parking Public Realm

9. There shall be no parking of vehicles within the public realms including piazza or areas in front of the boatyard or community centre or residential properties as identified on the approved plans except for emergency services vehicles and other circumstances as agreed within the submitted and approved Public Realm Use and Management Strategy under condition 9 or Servicing and Deliveries as approved under condition 6 or for other exceptional circumstance as may be first agreed in writing by the Local Planning Authority.

Reason: To ensure the space is for pedestrians and cyclists only and in the interests of public and residential amenities in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

10. Within 12 months of the commencement of development a Use and Management Strategy for the Public Realm shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the space first being made available for public use. The Strategy shall include details of
  - Management strategy for the maintenance and repair of the public realm including but not limited to hardsurfacing, street furniture and trees, waste management and disposal;
  - Details of the management company or operator and relevant contact details;
  - Details of public events (e.g. markets/ theatre plays or Church events (e.g. christenings/ weddings/ funerals) with likely hours of operation and management strategy for gaining access and temporary parking of vehicles;
  - Management and monitoring of parked of vehicles to ensure there is no incidental unapproved temporary or permanent parking;

Amendments to the approved details may be agreed in writing from time to time by the local planning authority. The development shall be carried out and managed in accordance with the approved Strategy at all times thereafter.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies M1, DH1 and RE 7 of the Oxford Local Plan 2036.

#### Trees, Landscaping and Public Realm:

Landscape Plan – including planting plans and schedule, and tree pits

11. Notwithstanding the submitted landscape plan, an updated landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The plan shall show in detail all proposed tree and shrub planting for biodiversity including planting schedules (both public areas and residential), tree pits, and all hard surfacing including the Public Open Space and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

Landscape Plan – implementation

12. The landscaping proposals approved under condition above shall be carried out and completed for the residential units no later than the first planting season after completion of the residential units and for the public open space no later than first planting season after completion of the public open space 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.

Landscape Proposals: Reinstatement

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

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

Tree (Hard Landscaping – tree roots)

14. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

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

Trees (Underground Services – tree roots)

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

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

Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS)

16. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the Local Planning Authority. The TPP & AMS shall include such details as are appropriate to the circumstances for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority. The TPP & AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved TPP&AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Arboricultural Monitoring Programme (Amp)

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

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

18. Within 12 months of the commencement of development the specification and location of street furniture, railings (or other boundary treatment) to the Canal, waste bins and bollards shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the space first being made available for public use. Amendments to the approved details may be agreed in writing from time to time by the local planning authority. The development shall be carried out in accordance with the approved details and

thereafter retained.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies CP1, CP8, CP9 and CP11 of the adopted Oxford Local Plan 2001 to 2016.

#### Sustainable Design & Construction

##### Energy Statement

19. The development shall be undertaken in accordance with the principles and details within the Energy Statement Revision 2 by Tetra Tech unless otherwise first agreed in writing by the Local Planning Authority.

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

##### Photovoltaics

20. Notwithstanding the approved Energy Statement, prior to commencement of development excluding site clearance and enabling works, further details of the Photovoltaics including size, number, location, design specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved details shall thereafter be retained.

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

#### Air Quality

21. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of EV charging for all 16 residential parking that are expected to be generated by the development. The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter.

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

22. Prior to the occupation of the development, evidence that proves that all emission hydrogen boilers to be installed on-site will be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of each of the residential properties hereby approved.

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

#### Flood Risk & Drainage

23. The development shall be carried out in accordance with the submitted flood

risk assessment (FRA) (Jericho Wharf Restoration Company Ltd, Jericho Canalside, Oxford, Flood Risk Assessment, BWB, Version P02, September 2019 as amended by the following documents:

- Drawing 150905-STL-01.30 rev P47 Boatyard Flood Mitigation;
- Drawing 150905-STL-ALL-ZZ-DR-A-ZZ-WIP\_01.11 rev P45 Ground floor GA showing omission of bridge and winding hole;
- Drawing 150905-BWB-22-XX-DR-YE-0008\_S2-P04 Floodplain Storage Analysis;

and the following mitigation measures these detail:

- Increased floodplain storage volumes are provided in accordance with the level breakdown presented in the table on Drawing 150905-BWB-22-XX-DR-YE0008\_S2-P04, Floodplain Storage Analysis, such that an additional 750m<sup>3</sup> of floodplain storage is provided over the predevelopment condition;
- Flood openings are provided in the boatyard dock building and workshop as detailed on Drawing 150905-STL-01.30 rev P47 Boatyard Flood Mitigation.

These mitigation measures shall be fully implemented before the development comes into use. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with 160 and 163 of the NPPF and in accordance with Policy RE3 of the Oxford Local Plan 2036.

24. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration drainage has the potential to mobilise contaminants into controlled waters.

## Ecology

Construction Environmental Management Plan (for Biodiversity)

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on

- biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
  - h) Use of protective fences, exclusion barriers and warning signs;

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

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

#### Survey Validity

26. Protected species surveys shall be considered valid for no longer than one year. Should work not commence within a year of surveys, updated surveys must be undertaken and the results provided to the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

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

#### Protected Species – Bats

27. No development shall take place (including demolition, ground works and vegetation clearance) until a European Protected Species Mitigation Licence has been granted by Natural England. Details of any required mitigation in respect of bats shall be agreed with the Local Planning Authority and with Natural England. A copy of the licence shall be provided to the Local Planning Authority.

Reason: To protect bats in accordance with the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended).

#### Ecological Enhancements

28. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be



achieved. The scheme will include specifications and locations of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing will include gaps suitable for the safe passage of hedgehogs.

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

Landscape and Ecological Management Plan (LEMP)

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation.

The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed, both on and off-site;
- j) Ecological trends and constraints on site that might influence management;
- k) Details of treatment of site boundaries and/or buffers around water bodies
- l) Aims and objectives of management;
- m) Appropriate management options for achieving aims and objectives;
- n) Prescriptions for management actions;
- o) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- p) Details of the body or organization responsible for implementation of the plan; and
- q) 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. Long-term management shall be for a minimum of 30 years.

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

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

#### Otters

30. No more than six months prior to the commencement of any works, an otter walkover shall be undertaken. Should any new otter activity be recorded within the site, full surveys and a mitigation strategy will be produced and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the mitigation measures within the mitigation strategy as approved. If necessary, a licence shall be obtained from Natural England for works to proceed lawfully.

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

#### Lighting Design Strategy for Biodiversity

31. Prior to occupation, an updated lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- r) 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
  - s) Show how and where internal and external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

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

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

#### Contamination

32. Prior to each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), no development shall take place until a phased risk assessment carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced) that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Phase 1- A preliminary risk assessment which has been submitted identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site;

Phase 2- shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals, including off-site;

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use. The validation plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: Previous activities at this site may have resulted in contamination. Potential sources of contamination have been noted on this site. In particular unbunded above ground fuel tanks have been described. From a controlled water perspective this site is located in a reasonably sensitive location. This site is located on a secondary aquifer, adjacent to the Oxford Canal. A number of surface water features are noted in the vicinity of the site. Groundwater is noted at shallow depth beneath the site.

33. No occupation of each phase of development shall take place until a full validation report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use and does not pose a threat to controlled waters in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

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

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

#### Archaeology

35. No development including site clearance enabling works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work including historic building recording and in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The archaeological investigation should take the form of
- 2) a post-scrub and tree clearance photographic survey of the standing wharf structures (internal and external), the gate piers, the south-west boundary wall of the church and western front of the church (as recommended by the JMHS addendum) and
  - 3) a photographic survey of the Jericho Community Centre, to be formatted to Level II standard (Historic England 2016 Understanding Historic Buildings) and a targeted watching brief during the excavation of the new canal boat winding area (in the area of the former dry dock) with provision in the programme for targeted sampling of any identified significant paleoenvironmental deposits.

All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including paleo-environmental remains and standing 19th and 20th century buildings (Local Plan Policy DH4).

36. Prior to the first occupation of any of the new buildings on site, the applicant, or their agents or successors in title, shall secure the installation of a designed public information board detailing the industrial and community history of the wharf in accordance with a method statement for design and location of the information board which has been submitted by the applicant and approved by

the planning authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including standing 19th and 20th century buildings (Local Plan Policy DH4).

#### Noise

37. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'

Reason: To protect the amenity of adjacent dwellings in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

40. Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

41. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

No waste materials should be burnt on site of the development hereby approved.

All waste materials and rubbish associated with demolition and/or construction should be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

#### Residential

##### Boundary Treatment

42. Notwithstanding the submitted plans, a further details of the proposed boundary treatment for the residential dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Only the approved details shall be implemented prior to occupation of the dwellings and thereafter retained.

Reason: To give further consideration to these details and privacy for occupiers in accordance with Policies DH1, DH14 and RE7 of the Oxford Local Plan 2036.

#### Bin and Cycle store (Houses only)

43. The individual houses shall not be occupied until the bin store and cycle parking have been provided in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the cycle parking areas and bin storage.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to protect the amenity of adjacent dwellings in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

#### Permitted Development

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

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

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the window(s) in the positions described below shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and thereafter retained.

- i) The first floor community centre window in the north side elevation adjacent to No.10 Canal Street.
  - ii) The first floor oriel windows in the east rear elevation of the terrace of 13 houses.
- b. For clarity, in respect of ii) above the small panes of glass facing south in the oriel windows may be clear glass.
- c. Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

#### Lighting and CCTV

46. Prior to commencement of development, details of CCTV and lighting including details of new CCTV and lighting fixtures on the exterior of the buildings and within the public realm including public open space and footpaths, lighting luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only. The luminance shall take account of the impact on biodiversity.

Reason: To ensure a sympathetic appearance for the new work and in the interest of residential amenity, and in the interest of protected species in accordance with policies DH1, RE7 and G2 of the Adopted Oxford Local Plan 2036.

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Letter dated 28<sup>th</sup> January from Canal and River Trust

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

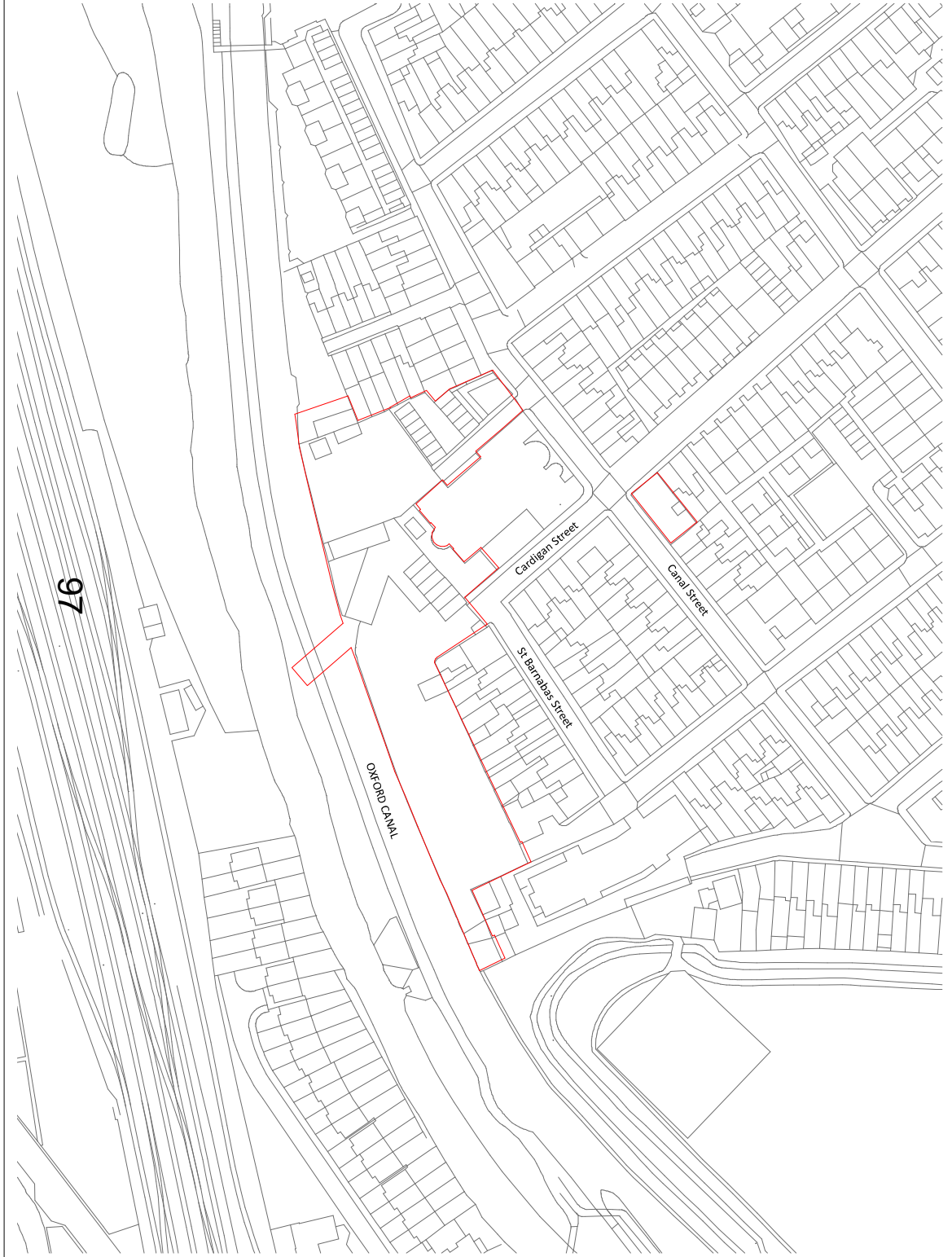
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the

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.

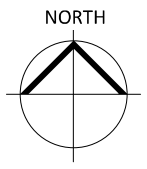
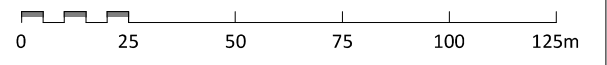
## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.





Responsibility is not accepted for errors made by others in scaling from this drawing.  
All construction information should be taken from figured dimensions only.



97

OXFORD CANAL

Carlign Street

Canal Street

St Barabas Street

Site Location Plan  
1 : 1250

PL	P33	09/03/20	PLANNING APPLICATION
STATUS	REV	DATE	DESCRIPTION

CLIENT	The Jericho Wharf Regeneration Company Ltd & Cornerstone Land Ltd	REVISED BY	RS
		CHECKED BY	JLo
		ORIGINATOR NO	150905

CONSULTANT  
**STRIDE TREGLOWN**  
www.stridetreglow.com © Stride Treglow Limited 2017

PROJECT  
Jericho Canalside, Oxford  
33A Canal St, Oxford OX2 6BQ

DRAWING TITLE  
Site Location Plan

SUITABILITY STATUS	PL : PLANNING	SCALE	1 : 1250 @ A3
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PROJECT   ORIGINATOR   ZONE   LEVEL   TYPE   ROLE   CLASS   NUMBER	REVISION
150905-STL-ALL-ZZ-DR-A-ZZ-00.01	P33

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**Canal &  
River Trust**

Making life better by water

Oxford City Council  
109  
St Aldate's Chambers  
Oxford  
Oxfordshire  
OX1 1DS

Your Ref 20/01276/FUL

Our Ref CRTR-PLAN-2020-30496

28 January 2021

Dear Ms Byrne

**Proposal: Change of use of existing community centre, demolition of existing structures and garages, redevelopment to provide residential, community centre and boat yard uses, including associated works for the provision of new public realm, ramped access to the Church, a public bridge across the Oxford Canal and works to the Canal to include a new winding hole**

**Location: Land at Jericho Canal Side and Community Centre, 33A, Canal Street, Oxford**

**Waterway: Oxford Canal**

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

Following our recent meeting with the applicant, Local Planning Authority and a representative from the Jericho Wharf Trust, we wish to provide an update on our previous letter, dated 15<sup>th</sup> September 2020, which requested further information.

This letter is not intended to be our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)). This will be provided once the applicant has decided whether or not to amend the submitted plans in response to our comments at our recent meeting and below. Our substantive response will address all matters relevant to the Trust as a statutory consultee. In this letter we wish to address issues where the Trust is affected as a landowner for part of the application site. This relates to the proposed development of the footbridge over the Oxford Canal and the creation of a new area of waterspace (to provide a winding hole and entrance to the boatyard) connected to the canal. As well as setting out the Trust's position as landowner, we have explained where we consider there to be a planning justification for our position, where relevant.

The Trust recognises the complexity of the various issues relating to this site and we remain committed to working with the applicant and council to try to agree an acceptable scheme to enable the development of the site.

#### **Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

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However, the Trust feel that the proposal as submitted would be detrimental to both navigational safety and the safety of towpath users, and as such we wish to inform the council and the applicant that the Trust would not be able to agree to the proposals as submitted. We are also minded to object to the proposal, which is not in accordance with Policy G1 of the Oxford Local Plan 2036, as a statutory consultee.

Previously, the Trust requested further information regarding some elements of the proposal, including the boathouse design and massing, the operation of the boatyard, visitor moorings and the proposed new bridge over the Oxford canal. Since our previous response, additional information was provided on 15<sup>th</sup> December in relation to the bridge and moorings. The Trust subsequently met with the applicant, Case Officer and representative from the Jericho Wharf Trust to discuss our concerns relating to the proposal and to advise on the outcome of consultations within the Trust. This letter provides a summary of the information provided at that meeting.

#### The proximity of the proposed winding hole/boatyard entrance and proposed footbridge

Previously the Trust advised that additional information was required to assess the impact of the bridge on navigational safety and impact on other users of the towpath. Details submitted on 15<sup>th</sup> December have confirmed to the Trust that the bridge not only has an adverse impact on navigational safety, due to the build out and its proximity to the winding hole and boatyard entrance, but that it will also be detrimental to the safety of users of the canal towpath who must either pass under or behind it.

The build out into the canal acts as an obstruction to boats attempting to wind and has an impact on visibility for boats moving along the canal but would be necessary to allow towpath users to pass beneath the bridge. However, even with the build out into the canal, the bridge does not allow adequate headroom for all users to safely pass below, nor is there sufficient space to pass behind without significant works to the Eastern bank of the Castle Mill Stream. The bridge does not comply with the Trust's own guidance in relation to bridge design nor does its location comply with guidance relating to new structures.

The supporting text to Policy G1 of the adopted Oxford Local Plan 2036 recognises the importance of the network of waterside paths for cycling, running and walking and requires that they are protected and enhanced. It has not been demonstrated that there is sufficient space on either side of the proposed bridge steps on the towpath side for towpath users to continue to comfortably and safely use this important recreation and sustainable travel route. The Trust will object to the planning application as submitted, on the basis that it does not comply with policy G1 and, in our role of landowner, we will not permit the bridge to be installed.

In relation to the impact on navigation of the canal, the Trust's published guidance, which can be found [here](#) states that, when considering a new bridge, the site should be selected by considering the needs of the proposed scheme and those using the towpath as well as the effect of the bridge on the canal corridor. In this scenario where a new area of waterspace is being created that boaters will be entering and egressing, the Trust believes that it is appropriate to apply its guidance on new marinas entrances, which seeks to ensure that there is sufficient visibility for boaters using and passing these entrances. This suggests that the entrance should not be located within 40 m of another structure such as a bridge.

The combination of the proposed bridge and boatyard entrance/winding hole does not comply with the Trust's guidance. We, therefore, consider that the proposal is likely to result in an unacceptable increased risk of boating collisions, damage to property and accidents on the waterway. The proposal is not acceptable on this basis to the Trust as owner of the Oxford Canal. We suggest that the proposal would also be contrary to policy G1 of the Oxford Local Plan 2036, which states that planning permission would not be granted for development that would result in harm to the Green and Blue infrastructure network.

#### **Canal & River Trust**

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In conjunction with the applicant and council we have considered many different bridge designs, as well as some submitted by others, since 2014. Despite this work, we have been unable to agree a suitable design for a bridge in this location which does not have safety implications for the users of the waterway and towpath, and this is in part due to the limited land available on the towpath side at this location.

#### The navigational safety impacts of the boatyard/winding hole

The drawing submitted on 15<sup>th</sup> December shows the position of the boatyard entrance, winding hole, bridge and existing moorings for visitors and for College Cruisers. These things in combination result in reduced visibility and a reduction in the space available for both passing boats and boats entering or leaving the boatyard or using the winding hole. This would be detrimental to navigational safety on this part of the Oxford canal.

The Trust is concerned with the interaction between the visitor moorings and passing and manoeuvring boats, particularly if the boatyard entrance is also used as a public winding hole. There may be issues relating to navigational safety, particularly if the visitor moorings on the towpath side remain.

This is made worse by the position of the proposed bridge and its necessary build out, as well as the boats moored adjacent to College Cruisers (which have an agreement with the Trust) and the proposed boatyard. Even if the bridge was removed from proposals, the issue would still need to be resolved to our satisfaction if the boatyard/winding hole is to be acceptable to us, as, in order for boaters to wind safely it is likely that 4-5 visitor moorings will need to be closed.

Following further research, the Trust has established that it is not possible to provide a suitable replacement location for the visitor moorings on the towpath side. In order to offset the loss of this important visitor facility the applicant has been asked to consider whether replacement moorings could be created on the offside, in front of the proposed new houses.

The costs associated with the provision of replacement moorings should be met by the applicant as mitigation for those lost as a result of the development. As the land is outside of the application site it is expected that this matter should be covered by a S106 planning obligation.

#### Moorings

The application does not adequately address concerns raised previously by the Trust regarding the delivery and operation of the boatyard, the winding hole and lack of associated moorings to serve the boatyard.

The Trust is concerned that without its own moorings, users of the boatyard will increase pressure on the limited supply of visitor moorings within the area.

In order to minimise the impact the boatyard would have on this section of canal, the applicant has been advised that, in its role of landowner, the Canal & River Trust will not allow the boatyard to connect to the canal unless a suitable arrangement is agreed for the provision of dedicated mooring spaces for the boatyard.

#### Next steps

It is suggested that a further meeting is held with all interested parties to seek solutions which will allow the Trust to remove its objection to some elements of the proposal. Please contact me to arrange a suitable time to discuss these matters further.

We request that any revised proposals are discussed with the Trust prior to formal submission to the local planning authority.

#### **Canal & River Trust**

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The details for the winding hole/ boatyard entrance need to be agreed by the Trust and, as previously suggested, the applicant should enter into detailed design discussions through our Business Boating and Third Party works process.

You should also be aware that the Trust has repeatedly raised concerns about the proposed design and massing of the boathouse and its impact of the character and appearance on the Oxford Canal and Conservation Area. In our substantive response, we will set out our concerns with respect to Policy DH3 of the Oxford Local Plan 2036.

Kind regards

**Jane Hennell MRTPI**  
Area Planner



<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

## Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN  
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## OXFORD CITY PLANNING COMMITTEE

23<sup>rd</sup> March 2022

**Application number:** 20/01277/LBC

**Decision due by** 24th August 2020

**Extension of time** None

**Proposal** Construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to south-west (Amended site plan).

**Site address** Land At Jericho, Canal Side, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Carfax And Jericho Ward

**Case officer** Katharine Owen

**Agent:** Mr Andrew Ross **Applicant:** c/o Agent

**Reason at Committee** The application is part of the Jericho Boatyard proposals, known as 'Land At Jericho, Canal Side, And Community Centre 33A Canal Street, Oxford', being a major development: 20/01276/FUL - Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to St Barnabas Church and works to the Canal. (Amended description, information and plans).

---

## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons considered fully in this report and subject to the conditions set out in section 11 of this report; and

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

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

1.1.3 The reasons for recommending approval are as follows:

- 1 It is considered that the proposals, subject to the conditions imposed, would accord with the special character, setting and features of special architectural or historic interest of the listed Church of St Barnabas and its setting. The proposals have taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 2 The City Council has given considerable weight and importance to the desirability of preserving or enhancing the designated heritage assets and their settings, including the listed building and conservation area. The proposal would cause significant harm to the curtilage boundary walls of the Grade I listed Church, however, it is considered that this is outweighed and justified by the substantial public benefits of creating a public square as part of the proposals under the planning application 20/01276/FUL. This includes the building of an accessible ramp and of steps partly made from materials reclaimed from the walls. Any harm would be to an extent mitigated by recording and some salvage of the wall materials.
- 3 The proposal would provide a substantial public benefit by opening up views of the listed Church within the conservation area which would be an improvement; the walls were built after the Church was finished as a tall barrier between it and the coal wharf at the canal.
- 4 The proposal would preserve the character and appearance of the Jericho conservation area. The proposals are considered to accord with the requirements of relevant policies in the Oxford Local Plan and the National Planning Policy Framework.

## **2. EXECUTIVE SUMMARY**

### 2.1. This report considers the following:

The principle of the proposed development being total demolition of listed curtilage wall in the wider context of the parallel planning application is considered to be acceptable; the report explains why that is the case. The justification for the proposed alterations to the designated heritage assets is set out as is required under the National Planning Policy Framework. The primary considerations are Impacts on the setting of the grade I listed Church of St Barnabas and on the character of that part of the conservation area of Jericho.

The significance of designated heritage assets that would be affected are described as are the levels of harm that would be caused by the proposed works. Significance needs to be explained so that the harm can be explained.

There would be mitigation of any resultant harm to the significance of designated heritage assets by recording, good design and by the views of the Church being opened up. The impact on archaeology is considered.

The requirements under the NFFP are set out and are met, including whether any harm would be caused to the special architectural or historic interest of the



listed walls, the setting of any designated heritage assets and whether the character or appearance of the Conservation Area would be preserved or enhanced.

### **3. LEGAL AGREEMENT**

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

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

4.1. CIL is not relevant for this listed building consent application.

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

5.1. The site is situated within the historic suburb of Jericho, which contains two storey Victorian red brick houses, the grade I listed St. Barnabas Church and the Jericho Boatyard to the south west, the latter containing mostly modern and Victorian structures relating to the boatyard. That area was formerly a coal yard and workshop site; a substantial wall in two sections was built between that area and the church in the Victorian era to form a barrier between the noisy industrial site and the church. That wall or walls are the subject of this application.

5.2. The former boatyard is a brownfield site and has been vacant and derelict since 2006, with many of the few remaining buildings and structures having fallen into disrepair. The Church of St. Barnabas sits against the eastern boundary to the brownfield site, in the midst of the surrounding development and forms an important backdrop to this part of the site; the rear Church elevation and grounds (including high stone wall) also fall within the site.

5.3. The church of St Barnabas at Cardigan Street is the parish church of Jericho. The church was built from 1868-9, the campanile in 1872 (re-roofed with a lower pitched roof 1893) and the Morning chapel (now Lady Chapel) and north aisle erected in 1888-9. The architect was Sir Arthur Blomfield (1829-1899), who was awarded the RIBA Royal gold medal in 1891. Blomfield was one of the most active and successful church architects of the Gothic Revival. His early work is characterised by a strong muscular quality and the use of structural polychrome, often with continental influences.

5.4. Blomfield was articled to P.C. Hardwick and began independent practice in 1856 in London. In 1882 Blomfield designed the Royal College of Music in London. In 1890-97 he rebuilt the nave of Southwark Cathedral. He was highly regarded as a church restorer. One of Blomfield's early pupils was Thomas Hardy. The church is an important monument to the influence of the Oxford Movement in the city where it began.

5.5. Blomfield responded to the challenge and initially proposed to build the whole church of concrete (then a very new and experimental material which was being tried out in a number of places) but elected for rubble walls faced with cement. This was an innovative method of construction.

5.6. The style is Italianate Romanesque, in complete contrast to the prevalent Gothic style of church-building in the 1860s. The other fundamental characteristic of the

exterior is the use of cement rendering for the facing. This is decorated with narrow brick banding and polychrome red and brick arches to the openings. The nave has tall, round-headed clerestory windows and brick string-courses. To the aisles there are low lean-to roofs and small two-light square-headed windows, each with a central column with moulded capital and base. At the south west corner of the building the south porch wraps it and is a continuation of the south aisle. The south doorway has corbelled detailing to the jambs and an outer door with good strap hinges. Above the lintel, the wall is pierced with three openings for an over light.

5.7. The choice of style at St Barnabas is most unusual and is evidently to do with the patron's desire to break the mould of church-building and provide something that is economical yet dignified. Non-Gothic Anglican churches would remain extremely rare for the rest of the 19<sup>th</sup> century. The objective was to provide a place of worship that could be embellished over time, as intended by the founder, and the final intentions have never been fully realised.

5.8. The high level boundary walls that are the subject of this application are constructed of rubble stone and brick and are part of the curtilage of the listed church. Parts of the walls are visible in a historic photograph of 1875 taken by Henry Taunt, the important photographer who was based in Oxford. These walls have historic significance as evidence of the church ownership and historic pattern of walls to the canal side; they were constructed after the church was completed, to form a tall barrier between the coal wharf at the boat yard and the church. The walls have suffered from decay caused by cement-rich pointing that has trapped moisture; had lime-rich pointing been used, that would have allowed moisture to evaporate. A modern timber fence would be removed but this does not form part of the special architectural or historic interest of the church.

5.9. There are three sections of wall, as follows:

- A low level red brick wall with bullnose engineered brick coping on the north side of the church: this has been partly knocked down recently with material lying on the ground to the church side. There is a straight joint between the church corner and the wall;
- A high level rubble stone random coursed boundary wall (with some ashlar) to the north. This has suffered from some localised decay and is bulging in places; and
- A high level rubble stone random coursed boundary wall (with some brick and some ashlar) to the west. Two brick piers stand either side of the entrance to the former wharf with the north side attached to the tall wall.

5.10. The wall does have a strong presence and has a defensive character deriving from its function as a barrier from the coal wharf to the south. The wall has limited aesthetic character, however, that is to be expected from a structure where the industrial archaeology (including standing structures and their history) have the greater significance.

5.11. Location: see block plan below.



## 6. BACKGROUND AND PROPOSAL

6.1. Listed building consent was previously consented in December 2016, under 14/01442/LBD - Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church. (Amended plans). Planning permission was previously granted under 14/01441/FUL for a mixed use development including combined boatyard and community centre, 3 docks, basin and winding hole, public open space (piazza), new bridge over the Canal demolition of the Church wall and steps up to the rear of Church, restaurant/café use and 28 residential units: 14 houses (13 x 3 bed and 1 x 4 bed) and 16 flats ( 5 x 1 bed and 4 x 2 bed flats and 7no. affordable flats (3x1-bed and 4x2-bed)) These permissions have lapsed, however they are material considerations in this case.

- 6.2. The application proposes a shallow gradient ramped access and steps giving access to the west side of St Barnabas' Church and also the demolition of the stone and brick wall further to the south west of the Church that lies between a grassed open space by the Church and the Jericho boatyard. The new elements are proposed to be constructed in part of reclaimed stone and brick from the demolished wall so as to respect their setting. The access area would butt against the Church walls yet not be fixed to them. The area would provide a plinth or stage for people to stand on, should performances be held in the proposed piazza. The plan form would be a segmental arch with straight sides extending to the ends of the Church walls, thus following the full width of the elevation.
- 6.3. For the previously consented scheme a ramp with landing and railings were proposed to the south entrance of the church. This entrance is currently used as the main entrance and has two stone steps leading up to the threshold. The handrail and posts would be simple in design as befits the unadorned appearance of the church.
- 6.4. The current planning application proposes a similar development, however the ramp and steps are substantially larger than previously proposed and are now to the south west elevation not to the south entrance to the Church, facing the street which remains as it is. No railings are proposed now because the ramp has a shallow gradient that does not require railings as required by Building Control regulation.

## 7. RELEVANT PLANNING HISTORY

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

93/00419/NF - Land fronting Oxford Canal adjacent to St Barnabas Church St Barnabas Street - Demolition. Construction of 8x2 bed houses, 2x3 bed houses, 2x2 bed flats, chandlery/office & café in 4 blocks on 2 floors, with 16 car spaces, public square & footbridge over canal. Enlargement of existing dry dock to form winding point. (Amended Plans). PER 10th February 1994.

93/00420/NO - Demolition of existing buildings. Erection of 11 houses, 23 flats, cafe, chandlery & offices for British Waterways Board, with 39 parking spaces, public square & footbridge over cana. WDN 6th June 1994.

03/01266/FUL - Demolition of existing buildings on site. Construction of restaurant and 46 residential units, (11x3 bed, 27x2 bed, 8x1 bed including 14 social housing units), in 2 blocks on 2, 3 and 4 floors. Two storey chandlery building, public square, new winding hole, footbridge to canal towpath. Provision of 37 car parking spaces, (30 for flats, 3 for restaurant, and 4 for chandlery) (Amended plans). REF 12th May 2004.

07/01234/FUL - Demolition of existing buildings. Erection of 54 flats (9x1bed, 45 x 2 bed) including affordable units in 2 blocks on 3 and 4 floors. Provision of 16 car parking spaces, cycle parking, bin stores and ancillary facilities. Construction

of canal "winding hole", public square and lifting bridge, plus boat repair berth (Amended plans). REF 9th January 2008.

12/02463/CAT - Fell 18 trees (species not specified) in the Jericho Conservation Area.. RNO 7th November 2012.

14/01441/FUL - Demolition of various structures on an application site including former garages and workshops. Erection of 23 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans). PER 19th April 2016.

14/01442/LBD - Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church. (Amended plans). PER 29th December 2016.

20/01276/FUL - Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to St Barnabas Church and works to the Canal. (Amended description, information and plans).. Pending considération.

20/01277/LBC - Construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to south-west (Amended site plan).. Pending consideration.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 - High quality design and place making		
Conservation/ Heritage	184-202	DH3 - Designated heritage assets DH4 - Archaeological remains		

Housing				
Commercial				
Natural environment				
Social and community				
Transport				
Environmental				
Miscellaneous				

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th August 2020 and an advertisement was published in The Oxford Times newspaper on 6<sup>th</sup> August 2020. A second and third round of public consultation was undertaken and site notices were displayed around the application site on 18<sup>th</sup> March 2021 and 9<sup>th</sup> September 2021 and an advertisement was published in The Oxford Times newspaper on 18<sup>th</sup> March and 09<sup>th</sup> September 2021 respectively. For the amendment (to the description, omitting reference to the community centre which is not relevant to the listed building consent application), an advertisement was published in The Oxford Times newspaper on 9th December 2021 and site notices were put up on 3 December 2021.

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

#### 9.2. Historic England

9.3. Historic England did not wish to offer any comments on the listed building consent application and is content for the application to be determined by the local planning authority following their own specialist advice.

#### 9.4. The Victorian Society

9.1. The Victorian Society did not wish to offer any comments on the listed building consent application.

### **Public representations**

9.2. There were no public responses to this listed building application.

9.3. However, for the planning application, 20/01276/FUL, local residents did object to the reduced size of the proposed piazza which was in part a result of the size of the footprint of the proposed steps and ramp extending into that piazza. They objected to the increased size compared with the previous planning application.

#### **Officer response**

9.4. There is no officer response because there were no comments made on the listed building consent application.

### **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a. Principle of development.
- b. Significance of heritage assets.
- c. Degree of harm that would be caused to significance of heritage assets by the proposed works.
- d. Justification for the proposed alterations to the heritage assets.
- e. Mitigation of any resultant harm to the significance of heritage assets.
- f. Impacts on setting of the grade I listed Church of St Barnabas.
- g. Impacts on the Jericho conservation area.
- h. Archaeology.
- i. Bats.

#### **Policy context**

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

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

10.4. The National Planning Policy Framework (NPPF) revised in 2021 makes clear that the purpose of the planning system is to contribute to the achievement of

sustainable development, through meeting the three overarching objectives categorised as economic, social and environmental objectives. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.

10.5. This presumption in favour of sustainable development is reflected in policy S1 of the Local Plan, which states “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.” The policy goes on to state that “It will work proactively with applicants to find a solution 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.”

10.6. The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 189).

10.7. In determining applications, paragraph 197 of the NPPF requires local planning authorities to take account of:

- a) “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

10.8. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF requires great weight to be given to the asset’s conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. 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, with substantial harm or loss of a grade I listed building being wholly exceptional (paragraph 200b) and thus by extension, any object or structure in the curtilage of the grade I listed Church, which the walls are.

10.9. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply in paragraph 202:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and



(c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

(d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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

**a. Principle of development**

10.11. The principle of development is accepted because the demolition of the wall would allow the Church to be part of the proposed piazza and to integrate with the proposed development. The Church would be much more visible to the south once the walls are demolished, however only as part of the proposed planning development of 20/01276/FUL that proposes a mixed used redevelopment of the Jericho boatyard.

**b. Significance of heritage assets**

10.12. The church of St Barnabas has been described above, in 'Site and Surroundings'.

10.13. The significance of the Church is very high as shown by its listing at grade I. Its significance can be summarised as follows. It has architectural interest as a building of outstanding importance in the history of church building in the 19<sup>th</sup> century and whose use of Italianate Romanesque is unparalleled at the time in Anglican church-building. Its architect, Reginald Blomfield, was a leading church architect of the 19<sup>th</sup> century. Unusually, it has technological interest: for its innovative methods of construction, including the use of cement and concrete. Its internal decorative work is of outstanding significance, enhanced by its little-altered condition. Historically, it is an important monument to the influence of the Oxford Movement in the city where that movement began.

10.14. The tall stone and brick walls were built later than the Church, because the coal wharf area had to be separated from the Church for security and noise reduction reasons. In the context of the significance of the Church, the walls inevitably have lower significance even though their importance as evidence of industrial archaeology is acknowledged therefore different value judgements need to be applied in coming to that conclusion.

10.15. Officers consider that the walls have medium significance. These walls have significance as evidence of the church ownership of land and of the historic pattern of defensive walls as part of the coal wharf; they were constructed after the church was completed, to form a tall barrier between the coal wharf at the boat yard and the church. Historically the walls have historic and social significance as part of the industrialisation of the canal, bringing goods in and out of the city. Aesthetically, the walls are of medium attractiveness and do not contain any decorative (for example moulded stone) elements; this is as expected in a wall that was built primarily for function as often found in historic industrial sites in Oxford

and elsewhere. Its significance primarily derives from its function and historical evidence. For a description of the walls, please see 'Site and Surroundings' above.

**c. Harm that would be caused to significance of heritage assets**

10.16. Harm would be caused to the walls by their complete demolition, their original fabric and historic evidence. The level of harm to the walls would be substantial, therefore.

**d. Justification for the proposed alterations to the heritage assets.**

10.17. The NPPF at paragraph 200 requires that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.” Substantial harm to or loss of grade I listed buildings should be wholly exceptional.

10.18. Paragraph 201 states: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

10.19. Therefore the balance of harm versus any substantial public benefits that would arise directly as a result of the proposed demolition of the walls and associated ramp and steps to the Church must be demonstrated.

10.20. The loss of the boundary walls is considered to be an integral part of the wider proposed Jericho boatyard development (planning application 20/01276/FUL) which is considered at the same planning committee as this listed building consent application. Specifically, the substantial harm would be justified by the substantial public benefits brought about by integrating the church with the development proposals and by opening up space for a new public square or piazza. Another substantial public benefit would be the opening up of views of the Church so that it can be appreciated better. Another substantial public benefit would be the creation of a fully accessible ramp and steps leading into the Church where people may stand or sit and view the surroundings.

10.21. Officers consider that the justifications offered by the applicant in support of this and the concurrent planning application are both clear and convincing and that therefore they meet the objectives of the policy set out in paragraphs 200 and 201 of the NPPF; it has been demonstrated by the applicant that the substantial harm

or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

**e. Mitigation of any resultant harm to the significance of heritage assets through design**

10.22. The applicant is proposing to construct a substantial stone and brick steps and ramp to abut the Church that would face the proposed piazza. A convincing argument has been put forward by the applicant for this piazza, based on piazzas found in historic settings in Italy that would sit appropriately in the context of an Italian Romanesque Church design.

10.23. The harm to the walls would be mitigated to an extent by recording and by salvage of historic material for re-use in the proposed ramp and, if possible, in the wider canal site redevelopment. Recording of the walls and the archaeology to a specified level, would be secured by condition. Another mitigation is design which is considered below.

10.24. The design of the proposed ramp and steps are considered to be in keeping with the Church as re-used brick and stone material would be used from the demolished walls. The steps and ramp would have a simple design as befitting the unadorned design of the Italianate Church. Due to the low gradient of the ramp, railings are not required under Building Control regulations thus the proposal would have an open character. The walking areas would be covered in natural stone with the slabs set out according to the plan form. A condition has been made regarding a sample panel to be inspected on site.

**f. Impacts on setting of the grade I listed Church of St Barnabas**

10.25. The setting to the south would alter from the demolition of the walls by opening up the view from the south and south west and therefore would be an improvement as the Church would be much more visible. However this greater visibility would be more apparent when the boat yard area is publicly accessible, which the proposed planning application sets out to achieve.

10.26. The proposed location for a ramp is appropriate would not unbalance the symmetry of the Church to the south west as it follows the full width of the Church elevation. It would not be appropriate to insert a new door into the church walls and the existing door would be retained; there would be a low degree of harm caused by the proposed plinth height coming up to the threshold of the door, thus losing two historic stone steps and slightly altering the proportion of the doorway. There would therefore be a low degree of harm caused to the proportion of that elevation by the insertion of the plinth however that would be low level harm given that the height of the Church is substantial. In addition wheelchair users would share the main entrance and not a side entrance which is in the spirit of the Equality Act 2010.

**g. Impacts on the Jericho conservation area**

10.27. For the same reasons as given above, the Church would be more visible from some parts of the conservation area, should the walls be demolished. Due to their

proximity, the walls are more visible closer to the Church, however they are visible also from Cardigan Street, Canal Street and Barnabas Street. The views, should the walls, gates and piers be demolished, would be opened up to the boat yard area and should the proposals under the planning application be completed, views of the development would be created and since the development would be publicly accessible, would allow opening up of the Church to wider views than currently possible.

10.28. The loss of the walls would not preserve the character or appearance of that localised part of the conservation area because of the total loss of the walls and loss of significance including evidence of the protective nature, loss of legibility of the former coal wharves and industrial area. However, for the reasons given above, the loss would be mitigated by the design and by the walls being recorded by a suitably qualified professional archaeologist who has experience of recording standing structures.

#### **h. Archaeology**

10.29. A condition has been imposed requiring a written scheme of investigation to be agreed prior to the start of the development and for a record of the walls to be undertaken. This is a mitigation for the total loss of the walls.

#### **i. Bats**

10.30. The ecologist has surveyed the walls and has confirmed that there are no potential roosts in the crevices of the walls because the walls have been repointed thus filling in gaps between the stones and between the bricks.

### **CONCLUSION**

11.1 The proposals, subject to the satisfactory discharge of conditions would cause less than substantial harm to the special architectural and historic interest of the church and would preserve and enhance the character or appearance of the conservation area; are justified by giving public benefits; would accord with local and national policies and the NPPF, would improve access to the church and would be reversible.

11.2 Considerable importance and weight have been given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise (of weighing harm against other planning considerations).

11.3 It is recommended that the Committee resolve to grant listed building consent for the development proposed, subject to the following conditions.

### **12 CONDITIONS**

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

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

- 2 Listed building consent - approved plans.  
Unless specifically excluded by subsequent conditions, the works permitted shall be carried out strictly in accordance with the terms of, and subject to, the conditions attached to this consent and in compliance with the details specified in the application and the submitted/amended plans listed in this decision notice.

Reason: As Listed Building Consent has been granted only in respect of the application as approved, to ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036

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

Reason: For the avoidance of doubt and to protect the special interest of the historic building and area in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 4 Sample panel with details.  
Sample panels on site of stonework/brickwork demonstrating the colour, texture, face bond and finish of the pointing mortar shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 5 Archaeology - Implementation of programme.  
No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that includes a standing structures record to level 2 of Historic England's 'Understanding Historic Buildings, a Guide to Good Recording Practice' revised edition, which has been submitted previously by the applicant and approved in writing by the local planning authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including the perimeter wall of the former 19th century coal wharf/curtilage wall of St Barnabas' Church, in accordance with policy DH4 of the Adopted Oxford Local Plan 2036.

- 6 Stone and/or brick to be re-used.  
The stone and/or brick from the dismantled walls shall be carefully cleaned off and set aside under cover on the site or elsewhere so long as it is clearly labelled what it is, for re-use in the proposed steps and ramp to the church and as much of the material shall be re-used as possible.

Reason: To ensure the preservation and protection of original materials and features(s) of historic interest and their reinstatement, and to preserve the special architectural or historic listed building and conservation area, and to provide mitigation for loss, in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 7 Unknown features retained in situ.  
Any as yet unknown features of historic interest discovered during the progress of the works shall be retained in situ and preserved to the satisfaction of the Local Planning Authority who shall be alerted to such features on their discovery by contacting the heritage officer.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be lost during the proposed works in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 8 Method statement protection fabric.  
The works shall not commence until a detailed method statement shall be submitted and approved in writing by the Local Planning Authority showing how protection will be made to the historic building and structures that are vulnerable to damage by the construction works, which are subject to this approval.  
The method statement shall not simply state that historic fabric will be protected, rather it shall set out exactly how that is proposed to be done and using what materials during all stages of the construction period. Only the approved method statement shall be used.

Reason: To protect historic buildings and structures from damage and in the interest of the special character of the area and/or building, in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 9 Any damage made good.  
After works that are subject of this listed building consent application are completed any damage caused by such works shall be made good to a standard agreed in writing by the Local Planning Authority and before the contract of works is completed.

Reason: To preserve the special character of the building and area in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

- 10 Seven days' notice of start.  
Seven days' written notice in writing of the commencement of works on site shall be given to the local planning authority.

Reason: To provide an opportunity to discuss any matters and for an inspection of the works by the Local Planning Authority, in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

- 11 Written notice of completion date.  
Seven days' written notice of the intended completion on site of the works hereby granted Listed Building consent shall be given to the local planning authority.

Reason: To allow a final inspection of the completed works by the Local Planning Authority in accordance with policies DH1, DH3 and DH4 of the Adopted Oxford Local Plan 2036.

### **13 APPENDIX**

- **Appendix 1 – Site location plan**

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

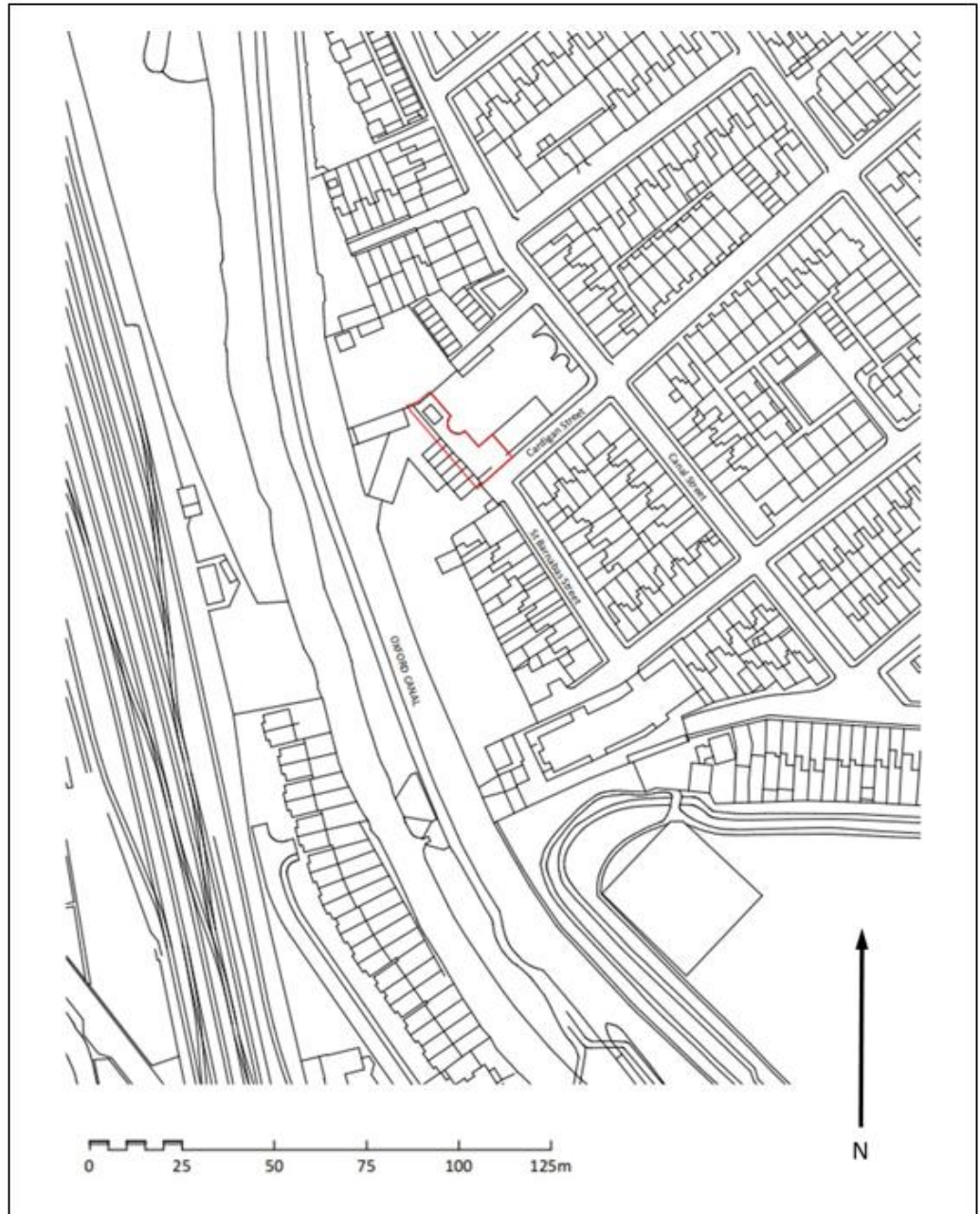
14.2 Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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

**Appendix 1 – Site Location Plan**

**20/01277/LBC – Land at Jericho**





<b>Application number:</b>	21/02580/FUL		
<b>Decision due by</b>	22 <sup>nd</sup> December 2021		
<b>Extension of time</b>	25 <sup>th</sup> March 2022		
<b>Proposal</b>	Full planning permission for residential (Class C3), access arrangements and public open space, landscaping, associated infrastructure and works including pedestrian and cycle routes.		
<b>Site address</b>	Marston Paddock, Butts Lane, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Marston Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Paul Comerford	<b>Applicant:</b>	Aubrey-Fletcher
<b>Reason at Committee</b>	The proposals are major development		

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## 1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

1.1.1. Delegate authority to the Head of Planning Services to **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report and subject to approval of the final drainage strategy from the Local Lead Flood Authority; in addition to the satisfactory completion of a legal agreement under Section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- Agree any subsequent minor revisions to the site wide drainage strategy in consultation with relevant consultees including the Local Lead Flood Authority;
- Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in

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

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

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers a proposed development comprising 40 dwellings, provision of access and associated parking and the provision of public open space. The application site is located on the north eastern periphery of Old Marston and is allocated within the Oxford Local Plan under Site Policy SP23 to provide a minimum of 39 homes.
- 2.2. The application site lies just to the north east of the Old Marston Conservation Area, the boundary of which ends just to the south of the site. The site is also in the setting of two listed buildings; the Grade I listed St Nicholas Church and the Grade II listed Church Farm. The development would consist of a relatively high density arrangement of two compact terraces of two to two and a half storey houses and a three storey block of flats. The houses would be constructed from stone, with sections of timber boarding.
- 2.3. The application site is allocated for development within the Councils Local Plan under Site Policy SP23, which includes a requirement to deliver a minimum of 39 dwellings. The proposals would deliver a total of 40 dwellings, which would exceed the minimum number of units required under the site policy. Policy H1 of the Local Plan outlines that the majority of the Councils housing need will be met through delivery of housing on allocated sites, which includes the site at Marston Paddock. The delivery of 40 dwellings, including 20 affordable homes would represent a substantial public benefit, which should be afforded significant weight.
- 2.4. The proposed development is considered to be of a high design standard, which respects the context of the site and the character of the Old Marston Conservation Area consistent with the requirements of Policy DH1 of the Oxford Local Plan. It is considered that the design and siting of the development would preserve the amenity of existing occupiers, whilst making appropriate provision for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan.
- 2.5. Officers assess that the development would result in a low level of less than substantial harm to the setting of the Old Marston Conservation Area and the Grade I Nicholas Church, by reason of the presence of the development in key views into the Conservation Area from the north. When assessing the public benefits of the development on balance, in accordance with Paragraph 202 of the NPPF it is considered that the identified low level of less than substantial harm would be demonstrably outweighed by the public benefits of the development, particularly the provision of 40 homes, 20 of which would be

affordable homes which given the sites allocated status in the Local Plan would be vital in meeting local housing need. This is in addition to secondary benefits including financial contributions secured through the accompanying Section 106 agreement towards public transport and biodiversity enhancement measures.

2.6. Access to the site via Butts Lane has constraints given the existing road width, however the Road Safety Audit conducted in support of this application confirms that the existing access, whilst constrained would not be unsafe to accommodate the scale of development proposed and the relatively low level of traffic generation associated with it. The site is within a Controlled Parking Zone and in close proximity to the existing bus stops located on Elsfield Road, however the existing 14A bus service would not be classed as a frequent service. Furthermore accounting for the sites distance to existing services and facilities, it is accepted that parking could be provided on site and the level of parking provided would not exceed the Councils maximum parking standards. The proposals would therefore comply with Policy M3 of the Oxford Local Plan. To improve access to public transport and to encourage a modal shift away from private car use in accordance with Policy M1 of the Oxford Local Plan, a financial contribution is sought towards increasing the frequency of the 14A service. Cycle parking is proposed on site to a policy compliant level, whilst provision is made for new cycle connections to the adjacent A40 cycle path.

2.7. The development makes provision for a combination of on-site and off-site biodiversity enhancement measures, the latter of which would be secured through an appropriate off-setting provider to secure a 5% net gain in biodiversity in accordance with Policy G2 of the Oxford Local Plan.

2.8. Officers consider that the revised drainage strategy submitted by the applicants outlines a viable strategy for managing site wide surface water drainage, subject to a final drainage strategy being agreed by way of planning condition. It is considered that site wide surface water drainage can be appropriately managed in accordance with Policies RE3 and RE4 of the Oxford Local Plan. Noting that the County Council have maintained an objection to the previously submitted and now superseded drainage strategy, officers recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy, or an updated document should further minor revisions be required.

2.9. For the reasons outlined within this report, officers recommend approval of the application subject to securing the measures listed in the section below through a Section 106 agreement.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover the following matters:

- Provision of affordable housing, consisting of 20 of the dwellings on site (50%). 16 of the 20 affordable homes would be socially rented and 4 would be shared ownership tenure.
- Provision of public open space.

- Public transport contribution of £48,075.20 towards improving frequency of local bus services on the current 14A route.
- Contribution of £3255 towards implementation of a temporary traffic regulation order to restrict parking on the surrounding road network.
- Securing a requirement for the applicant to enter into a Section 278 agreement with the County Council prior to implementation in order to secure improvements to pedestrian infrastructure in Church Lane.
- Submission of a biodiversity scheme to secure minimum biodiversity net gain of at least 5% through a combination of on-site and off-site measures.
- A financial contribution of £20,060.00 to be secured towards compensatory measures involving works to improve recreation and biodiversity at Cutteslowe and Sunnymead Parks respectively to account for the sites release from the Oxford Green Belt.

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

4.1. The proposal is liable for a CIL contribution of £645,394.88

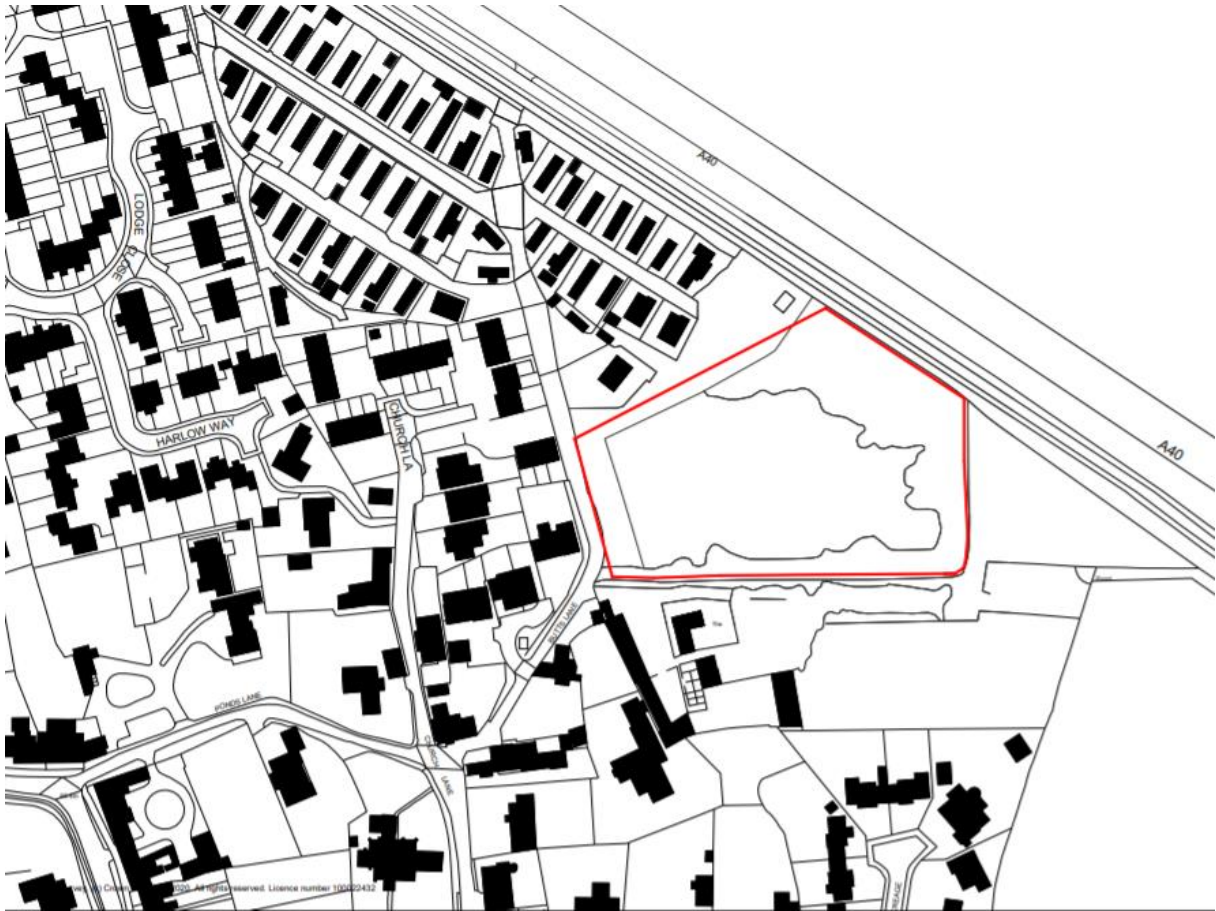
#### **5. SITE AND SURROUNDINGS**

5.1. The application site is a 0.78 hectare green field site located to the north east of Old Marston. The site comprises a single pasture field surrounded by trees and hedgerows along the north eastern, eastern and southern boundaries. There is a small area of woodland located in the north east corner of the site. Along the southern boundary of the site is a deep drainage ditch separating the site from an adjoining property to the south. The site formerly fell within the Oxford Green Belt, but was released following adoption of the Oxford Local Plan in June 2020 and the sites allocation for housing development under Site Policy SP23.

5.2. The site is accessed from Butts Lane to the south west and is adjacent to the Old Marston Conservation Area, which extends up to Butts Farm, there is a detached bungalow to the south of the site referenced as 'The Butts'. An area of land associated with Butts Farm lies to the south of the site, this is used as an area of open air storage associated with this property.

5.3. Existing housing in the Conservation Area is characterised by detached vernacular cottages and traditional dwellings constructed from a mix of natural stone, red brick and render. Planning approval was granted in 2011 for a new development consisting of 5 dwellings to the south west of the site, these houses are constructed from a mix of red brick and stone. The houses are constructed on the car park of the former Bricklayers Arms pub, which has been converted into a dwellings, these homes are also accessed via Butts Lane. Church Way to the west of the site consists of early 1990's semi-detached and terraced houses constructed principally from red brick, which are located on the site of a former industrial estate.

- 5.4. The site to the north east, also accessed from Butts Lane is used as a static park homes site (St Nicholas Park). Beyond this to the north and north east of the site is a dual carriageway section of the A40 northern bypass. A cycle track adjoins this section of the A40 to the north east of the site.
- 5.5. There is a small paddock to the south east of the site, separating the site from Little Acreage a residential cul-de-sac of modern dwellings, beyond this is a larger paddock, which lies to the north of Elsfeld Road and the approach to Old Marston from the East.
- 5.6. The site location plan is included below:



**6. PROPOSAL**

- 6.1. A development of 40 dwellings is proposed. 20 of the homes provided would be provided as affordable units (50%), 16 of the affordable dwellings would be socially rented and 4 homes would be available as shared ownership housing.
- 6.2. The site layout comprises, two terraces of houses and a single block of flats. An area of public open space would be provided in the centre of the site with a further area of public open space in the north east corner of the site. The proposed terraces would vary between two and two and a half storeys, with

accommodation in the roof of the housing. The block of flats would be the largest building on the site in terms of scale, this would also be three storeys.

- 6.3. Building heights for the houses would vary between 5.6 metres measured to the eaves and 9.1 metres measured to the roof ridge in the case of the mid terraced houses; to 5.7 metres measured to the eaves and 10.2 metres measured to the roof ridge in the case of the end terrace houses. The three storey block of flats would measure 7 metres to the eaves and 12 metres measured to the roof ridge. The buildings would be constructed from a mix of natural stone and dark stained timber boarding.
- 6.4. Access to the site would be provided from Butts Lane to the west, a block paved access road is proposed through the centre of the site serving residential parking consisting of 40 spaces in total. A new access and cycle route would be provided to the north east of the site providing a link through the development to the adjoining A40 cycle path.
- 6.5. Minor revisions were made to the submitted plans to incorporating revisions to the garden layouts of Plots 25 and 26; changes to the elevation design one of the proposed terraces of housing; to include the proposed acoustic fencing on the site plan; and to include windows to the side of Plot 10 to improve surveillance over the adjoining parking area to account for concerns raised by Thames Valley Police.

## **7. RELEVANT PLANNING HISTORY**

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

51/00362/M\_H - Caravan site for 120 caravans.. Temporary Permission 9th October 1951.

51/00472/M\_H - Change of use from agricultural land to caravan site.. Refused 12th January 1951.

54/00383/M\_H - Retention of caravan site. Temporary permission 23rd August 1954.

54/00384/M\_H - Retention of 3 sanitary blocks. Temporary permission 23rd August 1954.

56/00246/M\_H - The stationing of 47 caravans.. Approved 5th April 1956.

61/00046/M\_H - Extension of existing caravan site. Refused 14th August 1961.

61/00518/M\_H - Extension of permitted use as a caravan site for 48 caravans. Temporary permission 13th June 1961.

63/00007/M\_H - Resiting of 13 caravans and erect 1 sanitary block and provide car park.(Outline application). Refused 29th March 1963.

65/00404/M\_H - Stationing of 48 caravans in perpetuity.. Approved 14th February 1965.

72/00713/M\_H - Permanent use of land for the stationing of residential caravans.. Refused 12th September 1972.

72/01273/M\_H - Erection of residential development with access.(Outline application). Refused 12th February 1973.

75/00752/SON\_H - Permanent use as a residential caravan site. Refused 15th March 1976.

75/00753/SON\_H - Continued use of land for permanent stationing of residential caravans. Refused 15th March 1976.

77/00326/SON\_H - Retrospective permission for use of land as a tip together with making safe of the tip at the north-east corner.. Temporary permission 15th August 1977.

80/00106/SON - Permanent use of land for stationing of transit touring caravans and tents between March and September.. Refused 14th May 1980.

82/00091/SON - Permanent planning consent for use of land for the stationing of 2 mobile home units. Refused 23rd June 1982.

91/00349/NF - Change of use from vacant land (former tip) to use as a residential mobile home park (South Oxfordshire District Council Reference P/91/NO/199). Refused 1st July 1991.

91/00929/NF - Change of use from vacant land (former tip) to use as a residential mobile home park. Refused 8th November 1991.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking
Conservation/Heritage	184-202	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains

<b>Housing</b>	59-76	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards SP23 - Marston Paddock
<b>Natural environment</b>	91-101	G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking
<b>Environmental</b>	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality
<b>Miscellaneous</b>	7-12	V8 - Utilities

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30<sup>th</sup> September 2021 and an advertisement was published in the Oxford Times newspaper on 30<sup>th</sup> September 2021.

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

#### Oxfordshire County Council

#### Highways

9.2. Initial consultation response dated 13<sup>th</sup> October 2021 raised an objection for the following reasons:

- The application has not been supported by a Road Safety Audit (RSA1) to appraise the safety and suitability of the access arrangements with respect to additional movements as was discussed at pre-app. Without a RSA1, with a view to consider its findings and recommendations, I find the access failing to meet Paragraph 110 (b) of the NPPF.
- The traffic impact assessment is not robust enough - failing to take into consideration the cumulative impact of committed developments.



- 9.3. Following receipt of an RSA, the County Councils revised response dated 11<sup>th</sup> February 2022 raises no objection to the development.
- 9.4. The County advise that the study report has followed a reasonable methodology in reaching the findings. And on that basis, the study recommends options for improvements of the access roads.
- 9.5. The Transport Assessment (TA) reviews the TA for the site West of Mill Lane (ref: 21/01217/FUL) as a starting point to assess the wider network, particularly the Elsfield Road/ B4150 and Oxford Road/ B4495/ Cherwell Drive junction. Although the traffic assessment did not include trips from the Marston Paddock site, the TA demonstrates that the Elsfield Road/ B4150 and Oxford Road/ B4495/ Cherwell Drive junction would still operate with spare capacity. The LHA agree that the junction would still have sufficient capacity to safely absorb the level of demand likely to be generated and distributed through this junction by the (Marston Paddock) development particularly in both peak periods.
- 9.6. The HA acknowledges that the assessment in the TA supporting the Mill Lane development was based on the previous layout of the Marsh Lane/ B4150/ B4495 mini roundabout arrangement. The mini-roundabouts have since been replaced by a signalised junction arrangement which has since demonstrably seen an improved junction operation. The HA therefore conclude that further junction analysis work on the wider network would not be required.
- 9.7. An obligation to enter into a s278 Agreement will be required to secure mitigation/improvement works, including; Adjusting the existing kerblines and provide new dropped kerbs and tactile paving, in order to assist pedestrians crossing the bellmouth of the junction but also to facilitate enhanced access for pedestrians from the proposed residential development site to the bus stop on the northern side of Elsfield Road; Install dropped kerbs where the existing footway terminates on the western side of Church Lane, in order to facilitate enhanced access to the existing footway network for pedestrians from the proposed residential development site. There would be a requirement to secure that these works are carried out through a Section 278 agreement. The Section 278 agreement should be entered into before implementation of the development, this would be a requirement within the Section 106 agreement.
- 9.8. The LHA advise that a financial contribution will be required totalling £48,075.20 towards improvements to local bus service frequency on the 14A route serving Old Marston, namely to provide a late evening and Sunday service.

#### Drainage

- 9.9. A holding objection was submitted in relation to the now superseded site wide drainage strategy. The key issues identified were:
- Surface water drainage strategy drawing not detailed.
  - Surface water calculations not detailed.
  - Surface water catchment plans not provided.
  - Proposed levels to be provided on the surface water exceedance plans.
  - Ditch ownership and permission to connect to be provided.

- Clarification required on the infiltration testing results.

9.10. Officers are awaiting the submission of further comments from the Local Lead Flood Authority in relation to the most recent revisions to the site wide drainage strategy, which has been amended in light of the LLFA's comments. Officers hope to be in a position to have received updated comments from the LLFA in advance of the application being heard by members of the Planning Committee.

#### Thames Water Utilities Limited

9.11. No objection in respect of disposal of foul water and surface water as proposed within the planning application. No conditions required.

#### Historic England

9.12. Do not wish to comment

#### Old Marston Parish Council

9.13. This is the third of three housing development within the parish and the cumulative effect on traffic on Elsfield and Oxford Roads is considerable. There is urgent need to deal with this as the main road through the village is a rat run and at peak times is already congested. There are safety concerns for pedestrians and cyclists. Access to the site is via a narrow lane and constitutes an additional hazard. The Parish Council have received numerous pleas for the application to be withdrawn and for a proper consultation process to be enacted. Those living on the caravan park are particularly worried by the prospect on extra cars parking on their site and access and egress arrangements.

#### Natural England

9.14. Do not wish to comment

#### Berkshire, Oxfordshire, Buckinghamshire Wildlife Trust

9.15. Objected to the application for the following reasons:

- The development would result in the loss of woodland priority habitat. Development would come close to the edge of the retained woodland.
- Almost all of the scrub habitat and semi-improved grassland would be lost. Development if appropriate at all should be pulled back to the western half, or less of the site.
- Insufficient evidence has been provided that populations of wild bird species would be retained. Concern regarding the loss of woodland and scrub habitat and the impact on birds.
- No evidence is provided that the development would achieve a net gain in biodiversity.

#### Oxford Preservation Trust

9.16. Made the following comments in relation to the proposed development, as summarised below:

- Questioned whether the layout and location of the public open space is in the optimum position to draw people into the site and be used regularly by existing and future occupiers.
- Consider that the design is sympathetic to the surrounding area but suggest that the ridge line could be amended to break up the overall massing of the building, softening the impact on the wider setting.
- It is unclear what measures are being proposed to protect and enhance the surrounding green belt land as required by Policy SP23.
- Questioned whether the proposals meet the requirements of Policy G2 in terms of securing biodiversity net gain and maximising biodiversity on site.
- The scheme does not appear to show forward or imaginative thinking in terms of sustainable travel options. Car parking is provided, alongside electric vehicle charging points and a pedestrian and cycle access to the north, queried if there are any further links/routes that could be utilised or created on the site.

### Thames Valley Police

9.17. Made the following comments in relation to the application as originally submitted raising concerns about a number of matters. The revised response dated 4<sup>th</sup> February 2022 outlined that concerns relating to the entrance of the apartment block had been addressed although the following points were reiterated and it was recommended that a condition be applied to any permission requiring that the applicants obtain secured by design accreditation:

- Concerns regarding suitability of access and ability of road infrastructure to cope with traffic generation.
- The entrance to the flat block is vulnerable, as there is currently a large narrow recessed area which appears to contain insecure cycle parking. Recommend that the recessed entrance is removed and any entrance door to the building should be recessed no deeper than 600mm. Also noted that several house types also have recessed entrances.
- No details are provided in respect of the physical security of the proposed communal dwellings. Measures are recommended to enhance security of internal and external areas.
- Communal Bin and cycle stores are left vulnerable as they are easily accessible whilst being largely hidden from view with poor surveillance covering them.
- Roller shutters/sliding doors are proposed as a securing method for securing external cycle storage. Provided the shutters are certified to a minimum LPS 1175 SR1 or equivalent, then this is acceptable.
- The parking spaces to the side of plot 10 are vulnerable as they are located in an area without sufficient surveillance and too close to a footpath. Ask that this parking area is redesigned in conjunction with the footpath to create a safe and accessible route into the development.
- Welcomed the addition of a window to the side of Plot 10 to increase surveillance over this area. Additionally, defensible space should be provided to separate the footpath from the parking spaces.
- Concern that there are no rear access routes to the terraced gardens, Creates a risk of residents retro-fitting inappropriate access points to the rear of their

gardens which may undermine the security of the boundary, and also creates a risk of resident's fly-tipping garden waste over the rear boundary.

- A lighting plan has not been provided.
- Pleased to see a window in the kitchen has been added to the side of plots 1 and 40 overlooking Butts Lane. Advised that consideration is given to further improving surveillance by adding an additional window into the living room of each plot.

### **Public representations**

9.18. Friends of Old Marston submitted the following summarised comments in objection to the application:

- Traffic in Old Marston is at dangerous levels, a Road Safety Audit has not been carried out and the traffic impact assessment is not robust.
- The access to the site is too narrow, the site would be most suitable as a car free development.
- Disagree with the assertion in the heritage statement that the development would not result in harm to the Conservation Area.
- There are environmental objections to the application as outlined in the response prepared by BBOWT which make the proposals contrary to the NPPF and other regulations.
- The pandemic has prevented proper consultation with residents.

9.19. A petition has been prepared and submitted by Mr Johnston of 4 St Nicholas Park in objection to the application. The petition has over 390 signatures. The reasons listed for objecting area as follows:

- Lack of residential parking spaces.
- Width of access is inadequate.
- There is no provision for a pedestrian footpath on Butts Lane.
- Increased noise disturbance
- Increased pollution
- Adverse impact on local ecology and biodiversity.
- Drainage
- Environmental impact on trees and surrounding habitats.
- Impact on natural beauty.
- There is not the infrastructure in Old Marston to handle additional traffic.

9.20. 29 local people commented on this application. In summary, the main points of objection were as follows:

#### Highways

- Concern with respect to use of Butts Lane as means of access due to narrowness of access.
- Concern regarding visibility on Butts Lane, particularly due to the bend on Butts lane between Bricklayers House and Lane Cottage.
- Development would increase traffic on Elsfield Road and other roads in

Old Marston village.

- Concern regarding the width of access along and impact on accessibility for vehicles during the operational and construction phases of the development.
- Concern regarding lack of car parking provision.
- Bricklayers House and the junction of Church Lane and Butts Lane has been excluded from the site plan.
- A separate cycle and pedestrian path is needed on Butts Lane.
- A fire truck would be unable to access the site due to the restricted access between Lane Cottage, 41 Church Lane and Bricklayers House.
- A slip road onto the A40 from Mill Lane should be provided to serve the three major developments proposed in Old Marston.
- The increase in traffic resulting from the development would present a risk to pedestrians and other road users.
- Concern with what will happen to the bus services following the expiry of the five years' worth of funding secured from the development.
- Residents will be dependent on cars to access local services and facilities.
- Concern about impact on parking overspill in Church Lane.
- Concerning regarding cumulative impact of development in Old Marston including at sites adjacent to Mill Lane.
- Larger vehicles currently experience difficulties in accessing Church Lane.
- Concern that the development will increase the risk of injury and accident to pedestrians and other road users.
- There is already excess pressure on key junctions in the area, the development will further add to this pressure.
- The accuracy of the cycling times to local facilities as outlined in the Transport Statement are disputed.
- There is an under-provision of parking on site.

#### Drainage

- Concern that the development would increase flood risk.
- The approach taken towards SuDS and SuDS design does not follow local and national guidance.
- Justification is not provided for the use of underground geocellular flood storage.
- Consideration should be given to inclusion of a pond or other surface water drainage feature, or justification as to why this would not be possible.

#### Amenity

- The 10 north west facing dwellings would have an adverse impact on the amenity of existing residents of St Nicholas Park.
- Traffic noise would be intolerable for future residents.
- The development would result in a loss of privacy to adjoining occupiers.
- The daylight and sunlight assessment does not include an assessment of the impact on 27 St Nicholas Park.

#### Design/Heritage

- The development would result in noise disturbance to adjoining residents.
- Development of the site would harm the rural character of Old Marston and the Conservation Area.
- The proposals are an overdevelopment of the site.
- The development in conjunction with the adjoining sites at Mill Lane would impact negatively on the character of Old Marston village.
- The increase in traffic generation would harm the setting of the 12<sup>th</sup> Century St Nicholas Church. Traffic generation would also impact negatively on other local historic buildings including Cromwells House (Mill Lane).

#### Other

- Development should be focussed elsewhere in the city on brownfield, rather than greenfield sites.
- The impact of the development on local services must be taken into account.
- The development will add pollution and noise.
- The development needs to be considered in conjunction with other developments in Old Marston, including Land West of Mill Lane and the Swan School.
- An Environmental Impact Assessment should be provided.
- Concern that the application was submitted and consultation was carried out during the Covid pandemic not the chance for residents and local people to be properly consulted.
- Concerns about the position of the public open space in the centre of the site.
- Concern about noise disruption and disturbance during construction phase.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design, heritage and visual impact
- Amenity
- Highways Impact
- Sustainability
- Ecology
- Trees
- Flooding
- Air Quality
- Contamination

### **Principle of development**

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

10.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is allocated for residential development under Site Policy SP23 of the Oxford Local Plan. Policy SP23 requires that the minimum number of homes to be delivered on the site shall be 39 units and a minimum of 10% of the site should also be used for public open space. The policy requires that any development must contribute towards the character of the Conservation Area and compensatory improvements shall be made to the surrounding areas of the remaining Greenbelt Land.

10.5. 40 dwellings are proposed which meets the minimum quantum of development required under Policy SP23 of the Oxford Local Plan. The scope to provide additional units significantly in excess of this figure would be limited given the constraints posed by the trees on the site, access restrictions and heritage sensitivities. Given the sites allocation within the Oxford Local Plan,

policy compliant delivery of housing on the site represents a substantial public benefit as delivery of housing on the site would make a substantial contribution towards meeting local housing need.

### Greenbelt Compensation

- 10.6. The application site was removed from the green belt, following the sites allocation for housing development in the Oxford Local Plan. Paragraph 138 of the NPPF outlines the need to provide compensatory measures where land is removed from the Green Belt. Further guidance on acceptable measures to offset the loss of sites from the Green Belt are listed in the NPPG and includes new or enhanced green infrastructure; landscape and visual enhancements; improvements to biodiversity; new or enhanced walking and cycling routes; and improved access to new, enhanced or existing recreational and playing field provision.
- 10.7. The applicants have confirmed agreement to the funding of measures identified by the Councils Community Service team, which includes refurbishment of play facilities in Cutteslowe Park totalling £16,560 and the planting of a new, extensive native hedgerow in Sunnymead Park, totalling £3500. Together these measures equate to an overall financial contribution of £20,060.00 which would be secured through the accompanying Section 106 agreement. These measures, both of which would be delivered in land falling within the Oxford Green Belt would constitute improvements to biodiversity, green infrastructure and recreation provision which aligns with what would be considered acceptable mitigation in accordance with the NPPG.
- 10.8. The application would additionally deliver improved cycle and pedestrian connections through the provision of the new cycle/pedestrian route through the site between Old Marston and the A40 cycle path.
- 10.9. In summary, particularly accounting for the aforementioned enhancements at Cutteslowe and Sunnymead Park, which would be secured through the Section 106 agreement, officers consider that the proposals align with Policy G3 of the Oxford Local Plan; Paragraph 138 of the NPPF and the relevant paragraphs of the NPPG.

### Affordable Housing

- 10.10. Policy H2 of the Oxford Local Plan states that on self-contained residential developments where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, a minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market. At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings.
- 10.11. The applicants have confirmed their intention to comply with the affordable housing requirements of Policy H2 of the Oxford Local Plan. It is confirmed that 20 of the units provided would be affordable, 16 of which (80%) would be socially rented and a further 4 dwellings (20%) would be available as shared ownership homes.



10.12. The introduction of the Governments First Homes Policy requires from 28 December that on all sites where affordable housing is to be provided, that a minimum of 25% of all affordable homes are made available as First Homes (homes capped at a maximum price of £250,000 outside of London). In terms of the transition period for decision making, the NPPG outlines that this does not apply for applications for full or outline planning permission, where there has been significant pre-application engagement and are determined before 28 March 2022. In the case of the site subject of this planning application there has been considerable pre-application engagement on the proposed tenure mix of affordable housing prior within the last 12 months, therefore it is considered that there is substantial justification in line with the NPPG to depart from the requirement to provide first homes on this site providing that the application is determined prior to the 28 March 2022.

10.13. Planning Committee should note that after 28<sup>th</sup> March 2022 any application providing affordable housing will be required to provide for First Homes. This would alter the required tenures of the affordable housing as proposed in the OLP. A minimum of 25% of all affordable housing units would need to be First Homes either on site or a financial contribution for provision elsewhere. Once a minimum of 25% of the affordable housing has been attributed to First Homes, social rented housing should be secured at the same percentage set out in Policy H2 of the Oxford Local Plan. This means that the 80% social rent would reduce to 75%. Therefore if Committee is minded to approve the application and the application is determined after the 28 March 2022 the tenure and mix will need to be adjusted to meet this requirement and the wording of the S106 agreement to ensure compliance with the terms of First Homes set out by Government (including cap on cost at £250,000, local eligibility criteria and securing in perpetuity).

### Mix of Units

10.14. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that delivers a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities. Table 6.1 in the applicants planning statement (copied below) outlines the target mix of dwellings for the affordable element of the development. The target housing mix is outlined in the table below:

Size	Targeted range in Policy H4	Percentage provided as part of application	Number provided as part of application
1 bedroom homes	20-30%	30%	6 (Flats)
2 bedroom homes	30-40%	40%	8 (Flats)
3 bedroom homes	20-40%	20%	4 (Houses)
4+ bedroom homes	8-15%	10%	2 (Houses)
Total		100%	20

10.15. The table above clarifies that the proposed housing mix would comply fully with the target housing mix as required under Policy H4 of the Oxford Local Plan.

## Design, Visual and Heritage Impact

### Design Approach

- 10.16. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site.
- 10.17. The Old Marston Conservation Area extends up to the edge of the south eastern edge of the site. The Old Marston Conservation Area appraisal defines this part of the Conservation Area as falling within the Butts Lane, Church Lane and Ponds Lane character area. Church Lane includes a number of vernacular buildings, including cottages and larger dwellings, including the Grade II listed Church Farm. These buildings at the historic core of Old Marston are reflective of the 'village' character of Old Marston, though there is no strict uniformity in terms of the overall architectural character of the older buildings within Old Marston. The modern development at Church Lane to the west of the site consists of more generic forms of suburban housing, constructed from a mix of red brick and render.
- 10.18. In terms of the architectural treatment of the housing, the design approach has been developed to reflect elements of the more traditional forms of housing found within the context of the Old Marston Conservation Area, albeit in a contemporary style which does not seek to directly replicate the vernacular architecture of Old Marston. The proposed materials palette incorporates natural stone as the primary material for the walls, with timber boarding used a secondary material. This is reflective of some of the more traditional housing forms in the Conservation Area. The form and proportion of the dwellings has also been informed by a study of traditional housing within Old Marston and feature pitched roofs similar to the more modern and traditional forms of housing in the area. The site layout also incorporates low stone walling which is characteristic of the Conservation Area.
- 10.19. The site layout comprises two tight terraces and a single block of flats arranged around a central street and a central area of public open space. The site layout is constrained by a number of factors including the need to avoid the loss of the existing woodland in the north of the site and along the sites southern boundary, the proximity to existing residential dwellings and height constraints necessitated by the need to limit the visual impact of the development as well as the need to ensure that development is sensitive to the modest scale of surrounding buildings, particularly the more historic forms of development within the Conservation Area. Furthermore there is the requirement under Site Policy SP23 to provide at least 39 units on the site, which necessitates a high density layout.
- 10.20. The terraced houses would be three storeys, albeit that the second floor space would be located in the roof of the building limiting the overall height and scale of housing. It is considered that this would be appropriate within the context of what is predominantly two storey housing to the west on the site.

Officers consider that the scale of the housing would be appropriate and proportionate to that of the surrounding development. The larger three storey flats are further set back into the site and whilst this building is higher than the adjoining terraces officers consider that this would not appear overbearing within the context of the site.

- 10.21. A substation structure is required in order to serve the proposed development, this would be sited to the west of Plot 40, adjacent to Butts Lane. This would be a relatively small and unimposing structure which would be constructed from buff brick to match the colour of the stone used in the adjacent dwellings. It is considered that this structure which is required is appropriately designed.
- 10.22. Policy SP23 of the Oxford Local Plan includes a requirement that 10% of the application site made available for use as public open space, with the requirement that active frontages should be provided onto the public open space. This provision is met and the public open space is provided within a central and usable position within the site. The active frontages of a number of properties face onto this space. A further area of public open space is provided in the north eastern corner of the site in an accessible position adjacent to the new cycle and pedestrian route. This space which would incorporate a number of new and existing trees.
- 10.23. An earlier iteration of the scheme was presented to the Oxford Design Review Panel (ODRP). A copy of the panel's comments is included at Appendix 2 of this report. It is considered that the final proposals presented within this application respond positively in addressing the comments raised by ODRP, where achievable.
- 10.24. In summary officers consider that the design approach responds positively to the site context and is represents a high standard of design in accordance with Policy DH1 of the Oxford Local Plan.

#### Visual Impact

- 10.25. The site is located on the edge of Oxford, albeit that the site is separated from the open countryside to the north by the A40 northern bypass. There is dense boundary screening along the north, east and south boundaries which serves to limit views of the site within the context of surrounding public viewpoints.
- 10.26. As noted in the above section of this report, the application site has been released from the Oxford Green Belt, however given that the site is adjacent to land that remains in the Green Belt it is important that any development on the site preserves the openness of the Green Belt, as required under Paragraph 137 of the NPPF.
- 10.27. The application is accompanied by an LVIA, which provides a detailed analysis of the visual impact of the development from a range of public viewpoints, from which the site would be visible. Views from within the Conservation Area, including from Elsfeld Road are assessed in further detail in the heritage section of this report, including the potential implications in terms of

the impact of the development on the significance of the Conservation Area, though views from within the Conservation Area and south would be limited.

- 10.28. The development would be reasonably prominent in views from the A40 from the north east and the eastern approach to the site, though mainly during winter months, where adjoining tree cover is greatly reduced. Prominence during summer months is likely to be limited. The LVIA concludes that the development would have a minor negative visual impact from this viewpoint. For road users the development would be viewed in the context of what would be a continued range of built form incorporating the park homes sites to the north of Old Marston and development along Mill Lane and other modern development along the northern edge of Old Marston. The addition of housing would not appear out of place within the context of the urban edge of this part of Oxford and would be further mitigated through appropriate additional planting within the site along the north eastern edge, including planting of evergreen species to provide screening during winter months.
- 10.29. The LVIA identifies that the site would be visible in views from the north on the opposite side of the A40. This includes views from footpaths 201/13/10 and 201/15/10 to the north west and north east respectively. Though the footpaths are maintained usage of the paths is low as the paths do not provide a continuous route and are cut off by the A40 to the south and the road to the north between Marston and Woodeaton. The submitted winter views indicate that the development would be visible between existing planting along the northern edge of the site. In the summer visibility is likely to be limited to isolated glimpsed views.
- 10.30. The LVIA includes views from the Elsfield viewcone located to the east of Elsfield village approximately 1.8km to the north east of the site. The site falls outside of the Elsfield viewcone, which is identified under Policy DH2 of the Oxford Local Plan as offering significant views towards the historic core of Oxford. The site however is peripheral in these views and would be visible against a backdrop of existing development in Old Marston, including the adjacent St Nicholas Park, which is notably less screened and is more prominent owing to the park homes being of white materials. Also prominent is the three storey Bradlands care home on Mill Lane, which is also prominent due to the use of white render.
- 10.31. The LVIA includes a 3D render of the development, including colour visuals. This indicates that the upper sections of the development would be visible in winter views between the existing woodland screening to the north of the site. During the summer views would be more restricted and would be at most glimpsed views. Views of the site from the Elsfield viewpoint would be very much peripheral given the location of the site and presence of more visible and substantial development. The proposed use of stone and timber materials limit the prominence of the development in this view, compared with other aforementioned developments in the vicinity of the site. Once established the proposed landscaping and additional tree planting would further reduce the visual impact of the development from Elsfield during winter months.

10.32. The LVIA concludes that that the development would have a minor negative impact from year 1 of the development, though it is considered that the development would have a minor positive landscape impact by year 10, once landscape planting particularly in the woodland area to the north east becomes established. This would strengthen the planting compared to the current baseline levels. The indicative landscape plan includes provision for additional planting within this area of the site, details of planting alongside provision for landscaping on the wider site which would be secured by planning condition. The approach taken to the scale and siting of the proposed built form and provision of additional landscaping will limit the visual impact of the development and would preserve the openness of the Green Belt in accordance with Paragraph 137 of the NPPF.

## Heritage

10.33. The site falls just outside the Old Marston Conservation Area, which extends up to the southern edge of the site and includes Butts Farm to the south as well as the adjoining paddock to the south east and wider area of open space beyond this to the south west.

10.34. The proximity of the development to the Conservation Area means that development has the potential to impact on the setting and the significance of the Conservation Area. In line with Paragraph 193 of the NPPF consideration must be given to the impact of a proposed development on the significance of this designated heritage asset and great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

10.36. Policy DH3 of the Oxford Local Plan (designated heritage assets) reflects the requirements of the NPPF in respect to development which affects Conservation Areas and heritage assets.

10.37. The site is in the wider setting of two listed buildings. These being the Grade II listed Church Farm and Grade I listed St Nicholas Church. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.38. The Grade II listed Church Farm is located approximately 68 metres to the west of the site on Church Lane. Recent development on Church Lane and Butts Lane has eroded any visual connection between the application site and Church Farm. Despite the relative close proximity between the site and Church Farm

officers conclude that the proposed development would not impact on the setting of this listed building and its heritage significance. The development would not be perceived to any significant degree within the immediate context of this building and would also not impact on existing public views of the listed building given the extent of recent and historic development within the context of Church Farm. It is therefore considered that there would be no harm to the setting and significance of the Grade II listed building.

- 10.39. The site is located approximately 100 metres to the north east of the Grade I listed St Nicholas Church. As reflected in the buildings Grade I listed status, this is a building of great heritage significance. The site cannot be seen in views from the Church along Butts Lane owing to the presence of buildings on either side of the road, however the wider setting of the Church must be considered in terms of more distant views from the north.
- 10.40. The Old Marston Conservation Area extends up to Marsh Lane and the boundary with the A40 northern bypass and includes an adjoining larger area of paddock land to the south east, between the site and Elsfield Road. This land is not accessible to the public, though the submitted LVIA includes an assessment of the impact of the development as experienced in views from the south east towards the site, which is important as the surrounding land forms part of the rural approach from the east into Old Marston Village. The presence of thick hedge and tree screening to the north of Elsfield Road, further screening along the eastern boundary of the larger paddock and screening along the boundary of the site, in addition to existing development at Little Acreage means that the development proposed on the site is unlikely to be perceived in these views from the south east. It is therefore considered that the development would not impact on the rural approach into the Conservation Area when viewed from this particular perspective.
- 10.41. The development would be visible from a number of short range views from within the conservation area along Butts Lane, as well as from footpaths, cycle paths and roads outside of the conservation area, looking in towards the Conservation Area. From the majority of surrounding views outside of the Conservation Area the mature trees and planting (existing and proposed) along the sites boundary would provide relatively substantial screening particularly once further planting which would be secured by condition has established.
- 10.42. As referenced in the above section of this report the LVIA shows that the development would not impact on the long distance views and vistas of the historic city centre core within the Elsfield view cone as experienced from the Elsfield hill footpaths. The development would be largely screened by trees within these views, and due to its relatively modest scale and use of appropriate materials it would not appear an incongruous form of development. It would have a minor harmful to negligible impact on the setting of St Nicholas Church with the impact being most apparent within the first year of construction and lessening as the proposed landscaping matures over time.
- 10.43. By reason of its scale, height and uniform design form, officers conclude that the proposed development would cause a low level of less than substantial harm on the setting of the Old Marston Conservation Area, and on the setting of St

Nicholas Church as experienced in these long distance views, detracting from their special interest and significance.

- 10.44. In the context of Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 10.45. The public benefits of the proposed development are primarily the delivery of 40 additional homes on a site allocated for residential development within the Oxford Local Plan. Policy H1 of the Oxford Local Plan outlines the importance of the delivery of housing on allocated sites in terms of its contributions towards meeting the city housing needs, therefore delivery of a policy compliant level of housing on this site must be afforded significant weight when assessing the public benefits of the development. Of the 40 homes proposed, 20 of these units would be affordable homes, which would make a substantial contribution towards addressing the significant need for affordable housing in the city. Secondary public benefits include the provision of a financial contribution towards local bus infrastructure in Old Marston, alongside the provision of new cycle and pedestrian routes through the site, which would enhance local active travel connectivity. In addition a financial contribution would be secured towards recreation and biodiversity enhancement measures at Cutteslowe Park and Sunnymead Park. It is considered that these cumulative measures constitute substantial public benefits which would demonstrably outweigh what is considered to be a low level of less than substantial harm to the Conservation Area and the Grade I listed St Nicholas Church.
- 10.46. In conclusion, great weight has been given to the heritage asset's conservation and it is considered that the development would accord with Policy DH3 of the Oxford Local Plan; NPPF 193 and 202 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Archaeology

- 10.47. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach as set out in policy DH3 of the Oxford Local Plan. 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. Proposals which affect the significance of such assets will be considered against the policy test for designated heritage assets set out in policy DH3 above. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm.
- 10.48. An Archaeological Desk Based Assessment (DBA) has been prepared which notes that the bulk of the site has been subject to ground raising, with the depth of made ground ranging from 2.3 to 4m over much of the site and with an area of perhaps more limited depth (though truncated down onto natural clay) on the western edge (here a 700mm depth was recorded). The DBA advises that the

depth of the made ground means that any archaeological impacts associated with the construction are likely to be limited particularly as no cut and fill is proposed for this site and raft/pile foundations will be used. Officers concur with the assessment of the DBA that the implications of the development on archaeological deposits are likely to be minimal and would not consequently be likely to result in harm. No further mitigation is therefore advised. As such the development accords with Policy DH4.

## **Residential Amenity**

### Existing Occupiers

- 10.49. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes.
- 10.50. There are a number of residential dwellings in close proximity to the site, which could be affected by the proposed development. This includes 'The Butts' a bungalow to the south; No.5 Butts Lane and Nos.30 to 32 Church Lane to the west and the No.27 and No.50 St Nicholas Park in the adjoining static park homes site.
- 10.51. The rear gardens of No.5 Butts Lane and No.28 Church Lane run alongside Butts Lane opposite the application site. The floor plan for proposed Plot 1 shows two side facing windows at first and second floor level, both serving bedrooms which would directly face the gardens of these properties. The side facing windows are one of two sets of windows serving bedrooms, as the bedrooms are also served by south facing windows. To ensure that the private amenity spaces of No.5 Butts Lane and No.28 Church Lane are not unacceptably overlooked it is necessary to require that the side facing windows are fitted with obscure glazing. The submitted elevation drawings indicate that these windows would be fitted with obscure glazing, this would be controlled by planning condition.
- 10.52. There are four windows located along the east facing elevation of No.5 Butts Lane facing the site. There would be a separation distance of 13.6 metres between the side elevation of Plot 40, though there are no side facing windows proposed at first and second floor level facing this property. It is therefore considered that there would be no issues of overlooking in respect of this property.
- 10.53. The Design and Access Statement accompanying the planning application identifies that the position of the proposed dwellings on the site is unlikely to result in any overshadowing of the garden areas associated with the nearest adjoining properties in Church Lane and Butts Lane. Analysis is also included in respect of the impact on light to the four windows serving habitable rooms facing the site in the adjoining property No.5 Butts Lane. In respect of the ground and first floor windows in No.5 Butts Lane, the siting of proposed Plot 40 would not breach the 45 degree and 25 degree rule applied under Policy H14 of the Oxford



Local Plan in order to assess loss of light to existing windows serving habitable rooms.

- 10.54. A separation distance of at least 13 metres is afforded between Plot 40 and No.5 Butts Lane; and 8 metres between Plot 1 and the Garden of No.28 Church Lane, officers consider that the siting of the development would not therefore have an overbearing impact on these adjoining properties in terms the relative distance and scale of the proposed houses.
- 10.55. 'The Butts' is a bungalow located to the south of the site. The house itself is located approximately 7 metres from the southern boundary of the site. There is a large area of curtilage associated with this property, though much of the space appears to be used as outdoor storage. There is boundary screening alongside the southern edge of the site, though this is notably reduced during winter months. There would be a minimum separation distance of 12 metres between the rear elevations of the south terrace of proposed units and the boundary of this property and a separation distance of at least 22 metres is retained between the rear elevations of the south terrace and the rear windows of the bungalow on the adjoining site. This is considered to be sufficient distance to ensure that occupiers of this property would not be unacceptably overlooked.
- 10.56. To the north of the site is St Nicholas Park, which comprises single storey park homes. The nearest properties to the application site are No.27 and No.50 St Nicholas Park. There is an area of amenity space associated with No.27 located to the rear of this property. The rear facing windows in this property also face the application site. Plots 1 to 6 face the curtilage area of this property at a distance of between 10 and 15.5 metres. Separation distance varies between opposite facing windows in this existing property and the proposed dwellings and officers note that this property faces the development site at an oblique angle. There is 17.5 metres distance at the closest point measured from the rear windows of Plot 4, this varies to 24.5 metres in the case of Plot 6. Accounting for the oblique angle at which the proposed windows face this property, officers consider that the development would not result in an unacceptable loss of privacy to this property taking account of the relative separation distances. It is further noted that the presence of existing screening would serve to reduce to some degree the extent of overlooking which would occur.
- 10.57. There would be a separation distance of at least 21.7 metres between the rear elevation of the north terrace of houses and the rear elevation of No.50 St Nicholas Park and a distance of at least 17.6 metres between the rear elevation of the north terrace and the private amenity space associated with No.50. This is in addition to dense tree cover, which would provide some degree of screening. Officers consider therefore consider that an acceptable separation distance would be retained and that the amenity of the occupiers of this property would not be unacceptably compromised.
- 10.58. In summary, officers consider that the development would not unacceptably compromise the amenity of adjoining residential occupiers by reason of overlooking, loss of light or the scale and siting of the development and the development is considered compliant with Policy H14 of the Oxford Local Plan.

## Future Occupiers

- 10.59. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1. Each of the proposed units has been assessed to be compliant with Nationally Described Housing standards and the development and internal spaces are considered to be of an appropriate standard, which would comply with Policy H15 of the Oxford Local Plan.
- 10.60. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.
- 10.61. Each of the proposed houses would be served by external private gardens which would be of a reasonable size, also accounting for orientation and sunlight. The spaces provided for the rear gardens in the south facing terrace is affected by the location of the adjoining ditch and trees, though it is considered that the gardens are of an acceptable standard for future occupiers. The first and second floor flats would each be served by external balconies. The ground floor flats would each be served by ground floor external areas of private amenity space, which are considered to be adequate in size and quality. Officers consider that the proposed dwellings would be afforded with adequate external amenity provision and the proposals therefore comply with Policy H16 of the Oxford Local Plan.
- 10.62. Policy RE8 of the Oxford Local Plan requires that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.63. The application is accompanied by a noise impact assessment. The main source of noise originates from the A40 to the north of the site. The noise survey undertaken identifies the need to incorporate specific measures within the building design, to achieve acceptable acoustic performance to ensure that future occupiers benefit from acceptable standards of amenity. It is therefore conditioned that the design and structure of the development must achieve a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night. The noise impact assessment recommends the installation of acoustic barriers adjacent to Plots

10, 25 and 26. A specification of the barriers will be required by condition alongside a specification of all other boundary treatments to ensure that the barriers achieve required standards and to ensure that the design of the barriers is appropriate.

10.64. To protect existing occupiers from noise disturbance from new plant installation it is conditioned that this equipment is noise attenuated to ensure that noise emitted is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'. In respect of protecting against noise disturbance in addition to ensuring control measures are implemented in respect of dust, vibration, lighting and hours of working it will be conditioned that a construction management plan is submitted prior to the implementation of development. Subject to the submission of details required under the aforementioned conditions, officers consider that the development would comply with Policy RE8 of the Oxford Local Plan.

## Highways

10.65. Butts Lane provides the only means of vehicle access into the site as direct access onto the A40 to the north would compromise highway safety given that this is a 70mph section of dual carriageway and also lies in close proximity to the Marsh Lane slip road access from Marston.

10.66. Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.67. The surrounding area of Old Marston has recently been incorporated into a Controlled Parking Zone (CPZ), this covers the application site, Church Lane and St Nicholas Park. Notwithstanding this, the site is in a somewhat peripheral location on the edge of the city and in relation to existing shops and services. The nearest bus stop is located on Elsfield Road, within 160 metres of the site. This is currently served by the half hourly 14A service to the City Centre and John Radcliffe Hospital. The nearest bus stop benefitting from regular services is located 900 metres away from the site on Marston Ferry Road. The nearest supermarket is 1.2km from the site at Cherwell Drive in Marston. Given the sites relative distance to local services and facilities and the relative irregularity of public transport in Old Marston, it is considered appropriate that parking is provided on site. This would align with the Councils Parking Standards outlined under Policy M3 of the Oxford Local Plan.

10.68. A total of 40 parking spaces are proposed on the site, 27 of the spaces would be allocated and 13 of the spaces would be unallocated. The overall ratio would equate to 1 parking space per unit, this would not exceed the Councils maximum parking standards outlined under Policy M3 of the Oxford Local Plan and is

considered acceptable in principle. The implementation of a CPZ in Old Marston would serve to limit the likelihood of overspill parking in surrounding streets.

- 10.69. In accordance with Policy M4 of the Oxford Local Plan, all of the allocated spaces and 25% of the unallocated spaces should be fitted with electric vehicle charging points. Details of EV charging infrastructure would be required by condition.
- 10.70. The application is supported by a Transport Assessment which includes TRICS analysis. This indicates that trip generation resulting from the development and proposed quantity of parking would result in the equivalent of 17 two way trips during the AM and PM peak hours and 159 two way trips per day. The Transport Assessment also identified a total of 6 two way pedestrian trips and 1 two way cycle trip during the AM and PM peak hours.
- 10.71. Butts Lane is a single track road beyond the junction with Church Lane, this passes between buildings and the curtilage of properties preventing scope for widening or other significant enhancement measures. Site Policy SP23 for the Marston Paddock clarifies that access would need to be provided from Butts Lane as this offers the only viable means of accessing the site. The lane primarily serves St Nicholas Park, a development of 50 park homes, whilst also serving a smaller number of homes adjacent to the junction with Church Lane on the site of the former Bricklayers Arms pub car park.
- 10.72. In terms of the impact on the wider road network, the majority of road users exiting the site would turn left onto Elsfeld Road to access the A40 and Marsh Lane. Beyond Butts Lane the road access on approach to the site is not fundamentally constrained, at least in terms of travelling in an eastern direction. Oxford Road and the routes through Old Marston village are more constrained given the narrowness of the road and issues resulting from on-street parking in this part of the Conservation Area. The County Council as Local Highways Authority (HA) have concluded that the scope of the development on the Marston Paddock site would not place unacceptable pressure on the local highway network, accounting for junction analysis undertaken as part of the planning application for Land West of Mill Lane (21/01217/FUL). It is advised that the B4150 and Oxford Road/ B4495/ Cherwell Drive junction would still operate with spare capacity accounting for the cumulative scale of development in the area including developments at Marston Paddock, Land West of Mill Lane and Hill View Farm. The County Council acknowledges that the assessment in the TA supporting the Mill Lane development was based on the previous layout of the Marsh Lane/ B4150/ B4495 mini roundabout arrangement. The mini-roundabouts have since been replaced by a signalised junction arrangement which has since demonstrably seen an improved junction operation. Accounting for these factors the County Council have advised that further junction analysis on the wider network would not be required.
- 10.73. Acknowledging the constrained nature of the road access into the site via Butts Lane, the HA recommended that a Road Safety Audit (RSA) was needed in order to demonstrate that safe access could be obtained to the development site and that the scope of the development would not pose unacceptable risk to pedestrians, cyclists and other users of the highway. The Road Safety Audit and

accompanying Road Safety Assessment was submitted for consideration on 3<sup>rd</sup> February 2022. The HA have advised that the methodology employed is sound and have confirmed that on the basis of the submitted Transport Assessment and Road Safety Audit that site access is adequate to serve the scope of development proposed.

- 10.74. In assessing the suitability of Butts Lane as a means of access, it is clear that the access is narrow and does not allow for segregated pedestrian and cycle paths to be provided. The narrowness of the road however serves to naturally reduce vehicle speeds to less than 20 miles per hours. The speed survey undertaken at the site included in the Road Safety Assessment identifies an average speed of approximately 10mph, with the highest speed recorded at 16mph. The narrowness of Butts Lane therefore acts as a self-regulating factor in reducing vehicular speeds, thereby reducing overall risk for other road users including pedestrians and cyclists.
- 10.75. Swept path analysis is presented within the applicants Transport Assessment, which includes tracking for refuse and fire tender vehicles demonstrating that access can be achieved for both vehicles. The swept path analysis also includes tracking for construction vehicles, including small mobile cranes and 9.1 metre muck away trucks demonstrating feasibility of access during the construction phase of development. Accounting for access constraints a Construction Traffic Management Plan will also be required by planning condition in accordance with Policy M2 of the Oxford Local Plan.
- 10.76. The County Council have advised on the implementation of measures outlined in the Road Safety Assessment to improve pedestrian access from the site to Elsfield Road which is an important route for pedestrians from the new development as this provides access to the bus stops on Elsfield Road. Suggested measures include adjustments to the existing kerblines and provision of new dropped kerbs and tactile paving to assist pedestrians in crossing the bellmouth junction of Church Road and Elsfield Road. The RSA also suggests provision of dropped kerbs where the existing footway terminates on the western side of Church Lane, in order to facilitate enhanced access to the existing footway network for pedestrians from the proposed residential development site. The measures would be carried out under a Section 278 agreement with the County Council. The County Council have advised that a Section 278 agreement shall be entered into prior to the implementation of planning permission and have requested that this be included as an obligation with the Section 106 agreement accompanying this planning application.
- 10.77. A new pedestrian and cycle link is proposed in the north west corner of the development site providing a direct and accessible link onto the cycle path and footpath adjoining the A40, this is welcomed as it would improve cycle connectivity from the site and Old Marston more generally. The site layout plan makes provision for cycle storage in accordance with the minimum standards required under Policy M5 of the Oxford Local Plan. Specific details of the cycle parking will be required by planning condition.
- 10.78. Whilst the site is in relatively close proximity to the existing bus stops located on Elsfield Road, the 14A service which currently serves Old Marston operates at

a 30 minute frequency (Monday to Saturday) with no late evening or Sunday service. Contributions have been sought by Oxfordshire County Council for improvement of service 14A from other residential developments in Old Marston (20/03034/FUL and 21/01217/FUL). This is to provide a late evening and Sunday service on the 14A route for a period of five years.

10.79. Based on the requested contribution and the number of dwellings proposed per dwelling contribution rate for this site has been calculated at £1,201.88. The County Council have requested a public transport service contribution of £48,075.20 in relation to this application. This will extend the period of time the contract for late evening and Sunday services will be in operation by approximately one year, beyond the five years funded as part of the aforementioned developments in Old Marston and hence provide maximum opportunity for commercial viability. Beyond this it is anticipated that the scale of the proposed residential development in the area, including other developments at Hill View Farm and Land West of Mill Lane would create sufficient demand for this service to remain viable in the absence of additional funding. It is considered that funding for enhancements to the existing service frequency is reasonably justified in accordance with Policy M1 of the Oxford Local Plan to ensure an uptake in the use of public transport and to enhance the overall sustainability of the site in transport accessibility terms, reducing dependence on private car use a mode of travel.

10.80. In summary, the applicants have adequately demonstrated that safe and suitable access can be provided to the site, notwithstanding the constraints associated with accessing the site via Butts Lane. Parking provision would comply with the Councils maximum parking standards outlined under Policy M3 of the Oxford Local Plan and the County Council as Local Highways Authority have advised that the impact of the development would not be severe when assessed cumulatively in relation to other proposed developments in the immediate vicinity of the site. The development makes provision for cycle parking compliant with standards outlined under Policy M5 of the Oxford Local Plan, whilst improvements are also proposed to cycle infrastructure through the creation of the new route linking the site to the A40 cycle path. A financial contribution is sought to improve existing bus service provision in Old Marston which will assist in improving frequency of services and overall sustainability of the site in line with Policy M1 of the Oxford Local Plan.

## **Sustainability**

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

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

- High insulation standards and low air permeability.
- High performance windows and well insulated framing.
- Mechanical ventilation and heat recovery
- 100% low energy lighting.

10.83. The Energy Statement includes the provision of air source heat pumps (ASHPs) for each of the houses and communal ASHPs for the block of flats mounted at ground floor level. Solar PV technology was decided against as a measure given the heritage sensitivities of the site and potential visual impact.

10.84. The development would also meet the water consumption target of 110 litres per day as required under Policy RE1.

10.85. It is confirmed that the combination of sustainability measures would secure a 56% reduction in carbon emissions over the 2013 Building Regulations (or future equivalent legislation) compliant base case and therefore exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.

## **Ecology**

10.86. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.

10.87. A Preliminary Ecological Appraisal (PEA) was carried out on the site and submitted in support of the planning application. Officers requested that further assessment work was carried out, as the PEA was produced prior to the development proposals being formalised. The implication is that mitigation measures suggested at the preliminary stage may be, in many cases, no longer applicable. For example, many of the suggested mitigation measures entailed retaining the woodland, scrub and hedgerow habitats which will be partially or wholly lost under the proposed development.

10.88. Two further addendum reports were prepared by the applicants Ecologists providing further commentary on survey work undertaken, habitat classification, as well as the site biodiversity metric used to calculate net gain/loss on site as a result of the development proposals. Officers consider that the additional addendum reports provide sufficient detail to make adequate assessment of the habitat present on site, the sites potential to support protected species, as well as biodiversity net gain/loss as a result of the development.

10.89. In terms of protected species, the reptile surveys undertaken identified a single grass snake during one of the survey visits though no reptiles were observed during the other visits carried out. No records of great crested newts were found on the site. No badger sets were present on site and no signs of recent activity was found in the survey. There were no bat roosts confirmed on the site though bats have been recorded using the site for foraging and commuting. The trees affected by the development were appraised as having low suitability for roosting bats.

- 10.90. The initial assessment presented in the Ecology and Biodiversity overview identified the potential presence of Hazel Dormice within the application site. Surveys were considered impractical given the size of the woodland and retention proposed. However, the Second Addendum Ecological Assessment provides a more detailed assessment of the habitat and concludes a resident population is unlikely to be present. Officers are satisfied that the assessment undertaken is sufficiently robust.
- 10.91. Breeding bird surveys were undertaken and an assessment presented in the Ecology and Biodiversity overview that the assemblage was important at a local scale. Two species of principal importance were recorded, one as a confirmed breeder (Song Thrush) the other as a possible breeder (Marsh Tit). It recommended retaining the woodland, hedgerows and other suitable nesting vegetation within the site, with compensatory planting and nest boxes provided to compensate for any losses arising. Under the proposed development, half the woodland and the entire hedgerow will be lost, with some compensatory planting in the form of scattered trees. The Final Ecology Statement outlines that some breeding bird species will be displaced due to the development, while others may adapt. More detail is provided regarding the priority species in the Second Addendum Ecological Assessment regarding the priority species, with an assessment presented that song thrush may adapt to the urban surroundings while Marsh Tit is unlikely to. In this instance, it is not feasible to directly mitigate or compensate for impacts on the Marsh Tit, as it is understood that conventional nest boxes are used infrequently by the species.
- 10.92. In the Second Addendum Ecological Assessment it is proposed that a variety of nest boxes will be provided, including targeted at house sparrow and swift, two red listed species. Additional tree planting is also proposed in the Landscape Framework Plan and at the site boundaries, with improved management of the retained woodland. The assessment concludes the overall impact on birds as a whole will be neutral. Officers are therefore satisfied that the proposed compensation as a whole is sufficient. The impacts on individual species are harder to assess and there is a risk the Marsh Tit in particular will be impacted through the loss of a territory. The only way to directly address this would be to avoid any impact through the retention of the woodland and a suitable buffer from development, though this likely cannot be achieved whilst meeting the requirements of the site allocation policy, particularly the target quantum of density required.
- 10.93. Policy G2 of the Oxford Local Plan states that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off- site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation.



- 10.94. When assessed in line with the revised biodiversity metric undertaken by the applicants (second addendum to the Ecological Appraisal), for the proposals to capable of delivering a 5% biodiversity net gain and to achieve compliance with Policy G2, the application will need to provide biodiversity offsetting in the form of 2.75 habitat units and 0.315 hedgerow units.
- 10.95. Officers have assessed the feasibility of delivering offsetting measures within the vicinity of the site, including within the Marston area. As the applicant does not own adjacent land or land within the immediate vicinity of the site, direct offsetting on land under the applicants ownership would not be possible.
- 10.96. The applicant has provisional agreement with the Trust for Oxfordshire's Environment (TOE) as a third party broker to deliver biodiversity net gain. The additional deficit in biodiversity units which cannot be provided on site would be delivered by TOE as offsite provision as part of suitable identified projects in Oxfordshire, with priority given to schemes in close proximity to Oxford. The selection of sites for offsetting, and the specific details of offsetting, including the offsetting provider, as well as future maintenance and management of new habitats created would be detailed within a biodiversity scheme secured under the Section 106 agreement. Should an agreement not be reached with TOE or another local offsetting provider then the applicants could agree offsetting to be delivered through the Environment Bank, a national offsetting provider of biodiversity net gain credits. This approach aligns with the Governments Environment Act 2021 and Policy G2 of the Oxford Local Plan in terms of securing biodiversity net gain through offsetting, giving priority to local biodiversity projects.

## **Trees**

- 10.97. The application is accompanied by an Arboricultural Impact Assessment (AIA), this includes a survey of existing trees on the application site. The AIA indicates that 43 trees are located on the site, the majority of these are category B trees, whilst 10 of the trees are classed as category C and there is 1 category U tree.
- 10.98. In total it is proposed that 14 trees would be removed, consisting of 13 category B and 1 category U tree resulting in a reduction to the total canopy cover of approximately 34% (4,674m<sup>2</sup> to 3,081m<sup>2</sup> (before any replacement planting). The proposed tree removals are from the southern edge of the shelter belt, and subject to appropriate replacement shrub planting within the remaining area of the shelter belt, it is considered that the visual and functional (screening) implications should be negligible. Other indirect and potential arboricultural implications could be satisfactorily controlled through a tree protection condition to secure measures set out in the application's arboricultural submission.
- 10.99. A landscape framework scheme has been prepared for the site which proposes an outline strategy for replacement and provision of new trees. This proposes 47 new trees within the development boundary including native species such as hornbeam, birch, hazel, alder, lime, holly, yew, oak, hawthorn, blackthorn and wild cherry. The existing boundary buffer belt of trees along the northern boundary to the Northern By-Pass is proposed to be enhanced with

additional native tree and shrub planting. A condition could secure full details of planting species, stock types and sizes and tree pit design details.

10.100. The application includes a Tree Canopy Cover Assessment in accordance with Policy G7. The assessment reports an initial loss of canopy cover of circa 50% after ten years, but a 66% net gain in canopy cover over 25 years as a result of the establishment and growth of new tree planting within the site. The proposals would in the long term provide a significant net gain in canopy cover, which in officer's view would mitigate the loss of the existing trees on the site shown for removal. The development would therefore comply with the provisions of Policy G7 of the Oxford Local Plan.

## **Flooding**

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

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

10.102. Policy RE4 of the Oxford Local Plan states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.103. The application site is located in Flood Zone 1 and is therefore considered to be at low risk of flooding. A site wide surface water drainage strategy was prepared in support of the planning application which has been subject of further revisions which include the reinstatement of a drainage ditch to the north east of the application site. The surface water drainage strategy would incorporate permeable paving used for the existing roads, parking spaces and pedestrian accesses, this would be discharged via a flow controlled discharge system into an interception ditch along the north eastern boundary of the site which falls within the wider catchment of the Bayswater Brook.

10.104. Officers consider that the revised drainage strategy submitted by the applicants provides a viable strategy for managing site wide surface water drainage in principle, subject to a final drainage strategy being agreed by way of planning condition. The County Council's objection relates to the previously submitted drainage strategy. Officer's recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy; or within an

updated document should further minor revisions be required, which fall within the scope of the revised drainage strategy.

10.105. A new connection would be required to the Thames Water foul water network. A new pumping station would be located on the site, which will discharge to the Thames Water sewer.

10.106. In summary it is considered that the proposals make adequate provision in principle for the disposal of foul drainage and surface water drainage in accordance with Policies RE3 and RE4 of the Oxford Local Plan, this is subject to the matters raised by the Local Lead Flood Authority being addressed and delegated authority is sought to resolve these outstanding matters if they have not already been resolved in advance of members resolution. Approval will also be subject to a final drainage strategy being agreed by way of planning condition.

### **Air Quality**

10.107. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced. The planning application is accompanied by an Air Quality Assessment (AQA).

10.108. The baseline assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application Site and along the A40, show clear compliance with the annual mean NO<sub>2</sub> AQO. The site is at a 30m distance from the A40. The results indicate that concentrations at proposed receptor locations within the Site boundary are well below relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations.

10.109. The energy statement outlines that energy provision for the building is to be via individual and communal Air source heat pumps (ASHPs). There will therefore be no combustion plant on site and therefore no associated combustion emissions and no potential impact on local air quality.

10.110. According to the Transport Statement and Air Quality Assessment, traffic generation is expected to be below the IAQM EPUK guidance screening criteria for locations within an AQMA at all roads except for the east of Elsfeld Road. Based on current and expected levels of air pollutants in the area, and the provision of Electric Vehicle Charging points for 31 of the 40 spaces proposed, the effect of road traffic associated with the development is considered to be 'not significant' and additional assessment or mitigation is not required.

10.111. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed in the AQA. The risk of dust causing an impact on local amenity and increased exposure to PM<sub>10</sub> concentrations has been used to identify appropriate mitigation measures.

Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant.

- 10.112. It is therefore considered that the air quality impacts associated with the development can be appropriately managed and there would be no conflict with Policy RE6 of the Oxford Local Plan.

### **Contamination**

- 10.113. Historical mapping and the Ground Condition Assessment report indicates that the site has been landfilled in the past which could give rise to significant potential contamination risks. The submitted Ground Investigation Report has identified potential contamination risks at the site which would need appropriate mitigation. There would be a requirement to confirm the intended remedial approach for the site (although the Outline Mitigation Measures in Section 5.4 of the Stantec Ground Investigation Report are considered appropriate), which may include removal of contaminated soils and the importation of clean soil for garden areas and landscaped areas of amenity space.

- 10.114. Planning conditions are to be required to ensure that a formal Remediation Strategy is submitted prior to the commencement of development and remediation works are validated before any dwellings on the site are occupied. Subject to these conditions, it is considered that the risks associated with on-site contamination could be appropriately managed in accordance with Policy RE9 of the Oxford Local Plan.

### **Health Impacts**

- 10.115. Policy RE5 of the Oxford Local Plan states that Oxford City Council will seek to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals will be supported which 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. Measures that will help contribute to healthier communities and reduce health inequalities must be incorporated in a development.

- 10.116. The application is accompanied by a Rapid Health Impact Assessment (HIA). It is considered that the design of the development and corresponding infrastructure based improvements that would be delivered in conjunction with the housing takes account of key social, economic and environmental sustainability based outcomes expected of major developments which is outlined within the Rapid HIA provided. It is considered that the development makes adequate provision to ensure acceptable health outcomes for existing and future residents. The development is therefore considered to comply with Policy RE5 of the Oxford Local Plan.

## **11. CONCLUSION**

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The application site is allocated for development within the Councils Local Plan under Site Policy SP23, which includes a requirement to deliver a minimum of 39 dwellings. The proposals would deliver a total of 40 dwellings, which would exceed the minimum number of units required under the site policy. Policy H1 of the Local Plan outlines that the majority of the Councils housing need will be met through delivery of housing on allocated sites, which includes the site at Marston Paddock. The proposed development is therefore considered essential in terms of delivering the Councils housing needs. The delivery of 40 dwellings, including 20 affordable homes would represent a substantial public benefit, which should be afforded significant weight.
- 11.4. The proposals are considered to be of a high design standard and careful consideration to the context of the site and the character of the Old Marston Conservation Area has been given which is consistent with the requirements of Policy DH1 of the Oxford Local Plan. The development would preserve the amenity of existing occupiers, whilst making appropriate provision for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan.
- 11.5. It is identified that the development would result in a low level of less than substantial harm to the setting of the Old Marston Conservation Area and the Grade I Nicholas Church, by reason of the presence of the development in views into the Conservation Area from the north, particularly from the Elsfield public right of way. When assessing the public benefits of the development in accordance with Paragraph 202 of the NPPF, it is considered on balance that the identified low level of less than substantial harm would be demonstrably outweighed by the public benefits of the development, including much needed housing, particularly affordable homes and the provision of a financial contribution towards enhancing public transport.
- 11.6. Access to the site via Butts Lane is constrained in terms of width, however the applicants Road Safety Audit confirms that the existing access would not be unsafe and could accommodate the scale of development proposed given the relatively low level of traffic generation. It is accepted that parking would be

required on site due to infrequent bus service and distance to facilities and services. The level of parking provided would not exceed the Councils maximum parking standards and comply with Policy M3 of the Oxford Local Plan. To improve access to public transport and to encourage a modal shift away from private car use in accordance with Policy M1 of the Oxford Local Plan, a financial contribution is sought towards increasing the frequency of the 14A bus service. Cycle parking is also proposed on site to a policy compliant level, whilst provision is made for new cycle connections to the adjacent A40 cycle path.

- 11.7. The development makes provision for a combination of on-site and off-site biodiversity enhancements, the latter of which would be secured through an appropriate off-setting provider to secure a 5% net gain in biodiversity in accordance with Policy G2 of the Oxford Local Plan. Satisfactorily new landscaping and tree planting would be provided to mitigate tree loss and provide increased tree canopy cover over time. Whilst the development is close to the A40 appropriate noise mitigation measure could be secured by condition and as such the development accords with RE7 of the Oxford Local Plan.
- 11.8. It is confirmed that the combination of sustainability measures would secure a 56% reduction in carbon emissions over the 2013 Building Regulations (or future equivalent legislation) compliant base case and therefore exceeds the 40% requirement outlined under Policy RE1 of the Oxford Local Plan.
- 11.9. Officers consider that the revised drainage strategy submitted by the applicants provides a viable strategy for managing site wide surface water drainage, subject to a final drainage strategy being agreed by way of planning condition. It is therefore considered that site wide surface water drainage can be appropriately managed in accordance with Policies RE3 and RE4 of the Oxford Local Plan. Noting that the County Council have maintained an objection to the previously submitted drainage strategy, officers recommendation is subject to the County Council's agreement that all outstanding matters of concern have been adequately addressed within the latest revised drainage strategy, or within an updated document should further minor revisions be required.
- 11.10. Subject to appropriate mitigation, it is considered that on risks from site contamination risks can be appropriately managed in accordance with Policy RE9 of the Oxford Local Plan.
- 11.11. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

### Time Limit

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

Reason: In accordance with Section 91(1) of the Town and Country Planning

Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

#### Approved Plans

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

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

#### Materials

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

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

#### Land Quality

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

The Phase 1 (desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment) and Phase 2 (a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals) have been completed and are approved.

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

The development shall be carried out in accordance with the approved measures.

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

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

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

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

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

#### Air Quality

7. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on chapter 6 "Mitigation" (pages 17-18) of the Air Quality Assessment that was submitted with this application are included in the site's Construction Environmental Management Plan (CEMP). The CEMP will need to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved measures implemented.

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

8. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
  - Location of EV charging points;
  - The amount of electric car charging points should cover at least 25% of the amount of all unallocated spaces, and 100% of the allocated ones.
  - Appropriate cable provision to prepare for increased demand in future years.



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

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

#### Trees/Landscaping

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

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

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

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

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

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

12. The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on drawing number 20-MAR-DRW-TTP and Arboricultural Method Statement document reference MP-DOC-INF-AIA-01, 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.

#### Noise

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy RE8 of the Oxford Local Plan.

14. Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays No works to be undertaken on Sundays or bank holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

15. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with Policy RE8 of the Oxford Local Plan.

#### Secured by Design

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

Reason: To ensure that the design minimises the opportunity for crime in accordance with Policy DH1 of the Oxford Local Plan.

#### Transport/Parking

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

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

The development shall be carried out in accordance with the approved CTMP at all times.

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

18. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and Policy M5 of the Oxford Local Plan.

19. The parking spaces and the necessary manoeuvring and turning areas as shown on the approved plans shall be provided prior to first occupation of the development and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and Policy M3 of the Oxford Local Plan.

#### Boundary Treatments

20. Prior to first occupation of the development, details of all boundary treatments, including the proposed acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to first occupation of the dwellings hereby approved.

Reason: To ensure that the design of the development is of a high standard and to protect the visual amenity of the surrounding area in accordance and to ensure the acoustic fencing provides suitable noise attenuation for future occupiers in accordance with Policy DH1 of the Oxford Local Plan and Policy RE8 of the Oxford Local Plan.

#### Energy Statement

21. The development shall be carried out in accordance with the recommendations outlined within the Energy Statement prepared by Stantec dated August 2021 reference 49719/2501 Revision 2. The approved measures shall be implemented prior to the first occupation of the development.

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

#### Permitted Development Rights

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

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

#### Obscured Glazing

23. Prior to the first occupation of the development, the following windows in the development shall be fitted with obscured glazing and shall be retained in that condition thereafter:

- Plot 1 - First and second floor side elevation (south west facing) windows serving bedrooms 1 and 3.
- Plot 25 – First floor bathroom window located on the south facing elevation.

Reason: In the interests of preserving the amenity of existing and future occupiers in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

## Ecology

24. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
- h) Use of protective fences, exclusion barriers and warning signs;

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

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

25. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed, both on and off-site;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Long-term management shall be for a minimum of 30 years.

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

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

26. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall demonstrate how an overall net gain in biodiversity will be achieved. The scheme will include specifications and locations of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing will include gaps suitable for the safe passage of hedgehogs. The development shall be carried out in accordance with the approved scheme of enhancements and all agreed enhancement measures shall be retained thereafter.

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

27. Prior to occupation, a “lighting design strategy for biodiversity” for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. No lighting shall be directed towards existing or new vegetation. 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. No other external lighting shall be installed without prior consent from the Local Planning Authority.

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

28. The protected species surveys undertaken at the site shall be considered valid for no longer than one year past the date of determination. Should work not commence within a year, updated surveys must be undertaken and the results provided to the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority. Should ecological conditions have changed, an updated biodiversity impact assessment metric shall be provided to ensure the approved net gain in biodiversity is achieved.

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

29. No more than 6 months prior to commencement of any works, a badger walkover shall be undertaken. Should any new badger activity be recorded within the site, full surveys and a badger mitigation strategy will be produced and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the mitigation measures within the mitigation strategy as approved. If necessary, a licence shall be obtained from Natural England for works to proceed lawfully.

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

## Drainage

30. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365; (if applicable)

- Detailed design drainage layout drawings of the SuDS proposals including crosssection details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

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

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

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

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

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP letter

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

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

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

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In



reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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## Appendix 1 – Proposed Site Plan – Marston Paddock



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Report of the Oxford Design Review Panel

# Old Marston Paddock

25<sup>th</sup> February 2021

## Introduction

This report reflects the review held on the 11<sup>th</sup> February 2021 following the presentation of the proposed scheme. The scheme relates to the development of residential accommodation in a currently vacant site within the Green Belt.

An opening summary of the discussion is provided on the following page which highlights the main items that were raised during the session. Afterwards, we provide the key recommendations aimed at improving the design quality of the proposal. The details of the review are presented under headings covering the main attributes of the scheme and at the end we provide the details of the meeting (appendix A) and the scheme (appendix B).

## Summary

We commend the clear presentation of this scheme. However, the site strategy is unclear and a holistic vision of who the users are is missing. Without this it is uncertain who the users of the public space will be and what it will be used for.

We believe that site strategy options need to be explored, turning constraints into opportunities. Public spaces and architectural expression should be more inventive. We would like to re-engage with the design team once our recommendations have been taken into consideration and before a formal application is submitted.

## Key recommendations

1. A stronger design narrative should be developed, based on the community that will use the spaces created. This will include future residents of the Old Marston Paddock development and the existing residents of the village and caravan park as well as the passers-by who will use the cycle route.
2. The site layout should be simplified and other alternatives explored, including a layout with three terraces surrounding a central green, with all front doors facing the green.
3. The affordable units should be interspersed with the market units and there should be no distinction between the two.
4. Cross sections showing the relationship with the A40 should inform the design of the units on the eastern side of the plot.
5. A noise survey should be undertaken to determine A40 noise mitigation measures required, taking into account the trees in the wooded area close to the road.
6. Car parking spaces should closely align with individual dwellings but form part of the public space, which should be recognisable as belonging to all residents.
7. In order to have active frontages along the main lane, kitchens and dining rooms should face the street. Living rooms should enjoy privacy at the rear.
8. Consideration should be given to Passivhaus certification and using ground source heat pumps instead of air source.

## Detailed comments and recommendations

1. Design strategy
  - 1.1. The approach to energy efficiency and sustainability is one of the main principles that should guide the design strategy. The proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. Consideration should be given to using ground source heat pumps instead of air source, perhaps using a common borehole, depending on the results of ground contamination surveys.
  - 1.2. The site layout (diagram) should be simplified. We would like to see other alternatives explored; the introduction of many different typologies appears unnecessarily busy and the car park at the rear of the site is not the best option as it raises questions on safety and inclusion. It would also impact on the trees which currently provide a thick canopy and restrict long views.
  - 1.3. We recommend a simpler layout with three terraces surrounding a central green, with all front doors facing the green.
  - 1.4. The approach to car parking should form part of the design strategy and be fully incorporated into the site layout. There are examples of developments that have incorporated car parking as part of their main public spaces and these spaces are vibrant parts of the area. The example of Elliot Square, NW3 is one of the main instances where car parking does not affect the enjoyability of a public space.
  - 1.5. The movement strategy and wider connections are missing from the design. We need to know how the new residents will be getting to local shops, schools and health facilities in the area. The adjoining caravan park should form part of the movement strategy; the proposed public open space is open to everyone and it appears logical to provide direct access from the adjoining sites.
  - 1.6. The cycle route provides great opportunity for making the public space inviting for all. It is one of the few cycle routes linking Marston with the A40 and as such, it is likely to be frequently used. The design strategy should acknowledge that and create a story around the public space that will encourage cyclists to go through this route as part of their cycling experience.
  - 1.7. The design strategy needs to integrate the affordable with the market units. This will secure the sense of equity and will put the future community at the heart of the design. This principle should be reflected in the landscaping and site layout proposals too.



2. Landscape
  - 2.1. It is encouraging that thought is being given to combining Sustainable Urban Drainage Systems (SUDS) and biodiversity. These two factors need to be combined with appropriate new planting and incorporated into the landscaping strategy. Given the location of the site close to a wooded area, and next to a swale/ditch, there are opportunities here for SUDS. As noted on the drawings, there are possibilities within the current design for the central public space to include SUDS but this should avoid them turning into inaccessible wetlands area in winter.
  - 2.2. The principle of equity in the future community should be reflected into the landscape strategy. The public open space should incorporate different spaces for all residents – especially the ones living in the flats – where the community can socialise.
  - 2.3. For example, defined play areas for perhaps the younger children, allotments and small growing areas, or sitting areas surrounded by high quality and well maintained flowering shrubs and perennials could be incorporated into the design. Areas of different habitats that will bring in bees and other insects are some of the ideas that should be included in the landscape plan.
  - 2.4. The biodiversity of the site should be enhanced. It is a serious consideration that the wooded area on the eastern boundary should not be made accessible to the public in order to promote a quiet area for wildlife. New species could be planted to create a green barrier in winter too. For example, species like yew or holly could screen some of the pollution, provide an enhanced noise barrier and filter the views throughout the year.
  - 2.5. The removal of the group of Aspen (group G) is likely to impact the long views and the views along the M40 as these appear to be the tallest trees in the wooded area. Whilst Aspen are not a long lived tree compared with say an Oak, they can however live for 150 years or more. Their removal should not be taken lightly, and they should be retained if at all possible for the benefit of the A40 and longer views. The arboricultural report estimates that the Aspen can contribute at least another 20 years or more, and they have used this 20+ years for the majority of the trees in the report.
  - 2.6. The removal of a few of the hybrid, black poplars is also of concern as these trees are becoming extremely rare and their removal will be unfortunate. We encourage the design team to explore options around either retaining the poplars or replanting the same species either on or off site in an appropriate location, bearing in mind that they can grow to 30m.
  - 2.7. We find the idea of green roofs on the bin and bike stores very promising. However, we have concerns on their maintenance and encourage the applicant to look into

ways of maintaining these without relying on individual residents who might not have the relevant horticultural knowledge.

- 2.8. The tree lined central lane is envisioned to be an inviting space; long term maintenance of this is fundamental in securing its success.
  - 2.9. There should be adequate space in front of each unit to accommodate green areas and soft landscaping, with appropriate construction so that concrete does not prevent plant growth. If the flats are retained in the design then the ground floor units need to be redesigned to allow for defensive space that is private in front of them.
3. Public spaces and movement
    - 3.1. The planning policy requires that 10% of the site is allocated for public open space. Notwithstanding the provision of the correct number of square meters, this space needs to have a meaningful role in the lives of the community members as part of the series of public open spaces of the village.
    - 3.2. The journey from the village down the central lane to reach the public space needs to be inviting and the existing community should have a reason for visiting this space. The provision of play areas, the cycle route, sitting areas or a small pond could be some of the reasons local residents will visit the space.
    - 3.3. Car parking could form part of this; it does not have to be entirely remote and isolated. As mentioned above, there are examples of developments that have incorporated parking in their central spaces, and we recommend that this is explored further.
    - 3.4. The green verge by the entrance cannot be considered as part of a meaningful public space. We appreciate its significance from a heritage and visual amenity point of view, and we welcome its location; we question however its meaningfulness and how inviting it will be to residents.
    - 3.5. Further consideration should be given to the integration of cycle and refuse storage at the front of the dwellings for ease of access for residents. As noted by the design team these could discretely include EV charging points.
  4. Architecture and detailing
    - 4.1. Passivhaus principles have been tested and partially applied in the current design; nevertheless, the applicant will not be moving towards a Passivhaus certification which is disappointing. We encourage the design team to apply the holistic principles of Passivhaus into the design and architecture of the buildings.

- 4.2. The houses are currently trying to combine deference to the traditional village vernacular and an ambition to achieve a contemporary form inspired by, for example, the Cambridge southern fringe (Abode). Greater conviction is needed to achieve a successful outcome, and a simpler approach should be taken.
- 4.3. To improve the form factor of the houses the alleyways should be omitted and the houses pushed together to form terraces. This should be considered in tandem with the refuse and cycle storage strategy.
- 4.4. The roofplan appears complicated and should be simplified. The idea of having a terrace that appears as individual houses needs re-thinking; the pitch of the roofs could be more gentle and additional testing is needed to achieve a high quality design. Thought needs to be given into how to integrate photovoltaic panels into the design with the optimum slope and orientation. We do not think that the proposed buildings should be any taller than they are.
- 4.5. Elevations of the block of flats have not been presented and we would like to re-iterate the importance of tenure-blind design. There is opportunity to integrate the affordable units as maisonettes within the terraces and replace the block of flats with another terrace. This links with the points made on site layout and car parking, as well as landscaping and the noise survey. The architectural expression of any building on the eastern side of the site should reflect all above.
- 4.6. The lifestyle of the future residents is likely to be based on the outdoors and as a result, quite muddy; therefore, we consider that the provision of an entrance lobby to accommodate this would be beneficial. The entrance sequence to the homes should be considered further to provide the homes with a sense of arrival.
- 4.7. Kitchens and dining rooms should create the active frontage towards the main lane and living rooms should be placed at the rear facing the gardens. The preliminary layouts appear to show overly small living rooms, particularly the 4 bed units.
- 4.8. The ground floor of the block of flats is still not fully resolved. The relationship of the ground floor flats with the public spaces should be better defined. Opening doors to private outdoor amenity could work well in relation to the public open space.
- 4.9. The rooflights on the southern slope of the block of flats should be replaced by dormers to match the architectural expression of the houses and to avoid overheating and sleep disturbance from the noise of rain.
- 4.10. The approach to materials and detailing was not discussed in great detail at this review. Paragraph 130 of the National Planning Policy Framework (2018) states: 'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a

result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

- 4.11. In order to be consistent with this national policy, the applicant team and local authority should note Design South East's general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

## Appendix A: Meeting details

Reference number	1531/210211
Date	11 <sup>th</sup> February 2021
Meeting location	Online via Zoom
Panel members attending	Joanne Cave (chair), urban design, planning Paul Appleby, energy and sustainability Catherine Burd, architecture, historic environment Hari Phillips, architecture, housing Penny Wagner, landscape architecture, urban design
Panel manager	Kiki Gkavogianni, Design South East
Presenting team	Paul Comerford, Prior + Partners Thomas Corbin, Prior + Partners Hannah Deacon, TSH Architects Nicholas Hardy, TSH Architects Simon Speller, Stantec – Highways/SuDS Michael Dray, Stantec - Sustainability Mike Habermehl, Adam Habermehl Nick Worlledge, Worlledge Associates Ian Ashcroft, Lucy Developments
Other attendees	Michael Kemp, Oxford City Council Rosa Appleby-Alis, Oxford City Council Maura Cordell, Oxford City Council Clare Golden, Oxford City Council Nichole Avan-Nomayo, Design South East (observing) Joanna van Heyningen, ODRP co-Chair (observing)
Site visit	This review was carried out during the Covid-19 outbreak in 2020/21. Independent site study including desktop research and a digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted. The scheme is work-in-progress, so the review focused on placemaking, site layout, movement, and landscaping.
Panel interests	No interests were declared.

Confidentiality

This report is confidential as the scheme is not yet the subject of a planning application. Full details on our confidentiality policy can be found at the end of this report.

## Appendix B: Scheme details

Name	Old Marston Paddock
Site location	Marston Paddocks, Butts Lane, Old Marston, Oxford OX3 0PU
Site details	<p>The site is a 0.80ha undeveloped area of paddock land located on the north eastern edge of Old Marston Village. The site is accessed via Butts Lane, a narrow access which also serves as a public right of way.</p> <p>The Old Marston Conservation Area extends up to the south western boundary of the site. The historic core of Old Marston lies to the south of the site, which contains a number of vernacular unlisted buildings and the Grade I listed St Nicholas Church.</p> <p>Other development to the west consists of recent development comprising 1990's and 21st century dwellings. Buswell Parks to the north west is a caravan site.</p> <p>To the north of the site is a dual carriageway section of the A40 Northern Bypass. To the west and south west are two further undeveloped areas of paddock land, consisting of a small and much larger paddock which extends up to Elsfield Road.</p> <p>There are no existing buildings on the site. The site contains a number of mature trees concentrated along the southern, eastern and northern boundaries, which are important in visual terms and provide screening.</p>
Proposal	<p>The proposal involves a development of 39 dwellings: 23 houses and 16 flats. The 16 flats and 3 houses will be affordable and 20 will be released for private sale; this leads to a provision of 50% affordable homes.</p> <p>The proposal includes the provision of 10% public open space which is a policy requirement.</p>
Planning stage	The project is still at a pre-application; the applicant has had two meetings to discuss design, planning and heritage considerations.
Local planning authority	Oxford City Council
Planning context	The site is allocated within the Oxford Local Plan for residential development under site allocation Policy SP23. The site policy requires that a minimum of 39 dwellings shall be provided on the site and a minimum of 10% of the site shall be provided as public open space.

Planning history	None.
Planning authority perspective	<p>The initial proposals presented are in officer's view responsive to the site's semi-rural context and its location adjacent to the historic core of Old Marston and the Conservation Area. The approach towards scale, massing, heights and use of materials is generally well-reasoned with the exception of some uncharacteristic flat roofed elements.</p> <p>The site layout has some contextual justification as does the siting of the public space though additional detail on the design of the public realm and landscaping in general would be welcomed. Further detail is also needed on the approach to the space in the north east corner of the site which features several mature trees.</p> <p>The location of the site unfortunately will necessitate parking close to maximum standard. The impact of parking will need to be mitigated in design terms as this dominates the public realm. The impact of additional traffic generation along Butts Lane will need to be carefully considered in highway safety terms in consultation with the local highways authority.</p>
Community engagement	No indication of community engagement at this stage.



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#### Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations provided that the content of the report is treated in the strictest confidence. Neither the content of the report, nor the report itself can be shared with anyone outside the recipients' organisations. Design South East reserves the right to make the content of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

#### Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions. The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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**OXFORD CITY COUNCIL PLANNING  
COMMITTEE**

2022

**Application Number:** Nominations for Oxford Heritage Asset Register

**Decision Due by:** \_\_\_ \_\_\_\_ 2022

**Proposal:** To consider nominations for addition to the Oxford Heritage Asset Register (OHAR)

**Site Address:** Oxford City

**Case Officer** Victoria  
Ashton/Emma  
Winder

**Agent:** N/A **Applicant:** N/A

**Reason at Committee:** To approve or reject proposed nominations.

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## 1. RECOMMENDATION

1.1. Oxford City Council Planning Committee is recommended to:

**APPROVE** the following nominations for addition to the Oxford Heritage Asset Register.

1. Temple Cowley Library, Temple Road, Cowley
2. Headington Shark, 2 New High Street, Headington
3. The Printworks, Crescent Road, Cowley
4. 69 London Road, Headington
5. 105 London Road, Headington
6. Medieval Wall, The Grates, Cowley
7. The Lodge, Binsey Lane
8. The Lodge, Rose Hill Cemetery, Church Cowley Road
9. Weirs House, Weirs Lane
10. The Chapel, Rose Hill Cemetery, Church Cowley Road
11. Bailey Bridge, Port Meadow

12. Crown and Thistle Pub, 132 Old Road, Headington
13. The Westgate Hotel, 1 Botley Road
14. 182-184 Abingdon Road
15. Scout Hall, 238 Marston Road
16. The Old Vicarage, 41 Lake Street, New Hinksey
17. United Reformed (formerly Congregational) Church, Temple Cowley

To **REJECT** the following nominations for addition to the register.

None.

## **2. BACKGROUND**

- 2.1. This report considers the addition of 17 nominations to be added to the Oxford Heritage Asset Register (OHAR), which is the Council's version of a Local List. The OHAR was developed between 2012-15 in partnership with English Heritage (Historic England), Oxford Preservation Trust and local communities. It is a register of buildings, structures, features or places that make a special contribution to the character of Oxford and its neighbourhoods through their locally significant historic, architectural, archaeological or artistic interest.
- 2.2. The National Heritage List, administered by Historic England (formerly English Heritage) lists those buildings, structures and monuments of clearly national significance (such as, listed buildings, scheduled monuments, and registered parks and gardens). The Oxford Heritage Asset Register provides the opportunity to identify those elements of Oxford's historic environment particularly valued by local communities.
- 2.3. Inclusion of a building or place on the Heritage Asset Register places no additional legal requirements or responsibilities on property owners over and above those already required for planning permission or building regulation approval. There is no additional protection from demolition, for example. It can, however, help to guide planning decisions in a way that conserves and enhances local character. Under the National Planning Policy Framework, the conservation and contribution of locally listed heritage assets will be a material consideration in planning decisions that directly affect them or their setting.
- 2.4. To be considered as an addition to the register, nominations must meet the following criteria. They must be capable of meeting the Government's definition of a heritage asset, they must possess heritage interest that can be conserved and enjoyed, they must have a value as heritage for the character and identity of the city, neighbourhood or community, they must have a level of significance that is greater than the general positive identified character of the local area. Each nomination has been consulted upon and then assessed by a panel of conservation officers and the recommendations for each one are set out below.

2.5. The OHAR does not include heritage assets that are located within a conservation area. This is because they would normally be identified and assessed as part of a conservation area appraisal and their status would already be a material consideration within decision making because they are located within a conservation area.

## 2.6. **THE NOMINATIONS**

2.7. There are a total of 17 nominations. These comprise public nominations that have been waiting to be reviewed for some time. Appendix A sets out what those are and details the recommendations and reasons for adding them to the register or rejecting them.

## 3. **CONSULTATION**

3.1. Public consultation took place for six weeks from 19<sup>th</sup> November to 31<sup>st</sup> December 2021. The consultation was then reopened for another three weeks from the 5<sup>th</sup> to the 26<sup>th</sup> January 2022. The purpose of the consultation was to invite comments about the proposed nominations and whether they should be added to the register or not. A questionnaire was available on the Council's website and the consultation was promoted through the use of social media, a press release to local news outlets and site notices. Letters and emails were sent to property owners, key stakeholders and local interest groups.

3.2. A total of 117 responses were received from the online consultation questionnaire. A further 15 comments were received via email. A summary of their comments has been set out in Appendix A.

## 4. **CONCLUSION**

4.1. It is recommended that committee approve the addition of 17 nominations to the Oxford Heritage Asset Register because they meet the criteria for inclusion.

## 5. **APPENDICES**

### **Appendix A – Oxford Heritage Asset Register Recommendations**

## 6. **HUMAN RIGHTS ACT 1998**

6.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to add the nominations to the OHAR. They consider that the interference with the human rights of the owners of the heritage assets 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.

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

7.1. Officers have considered, with due regard, the likely effect of the proposal to add the nominations to the OHAR on the need to reduce crime and disorder in

accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to add the nominations to the OHAR, officers consider that this will not undermine crime prevention or the promotion of community.

## Appendix A - Oxford Heritage Asset Register Recommendations

Heritage Asset Nomination	Summary of Consultation Responses	Officer Commentary	Officer Recommendations
<p><b>Temple Cowley Library, Temple Road, Cowley</b></p> <p>The library was built in the late 1930's and has many historic links with the area. The library was first used to billet soldiers and host workers from the Morris Motor works.</p> <p>Architecturally, it is built in a distinctive modernist 1930's style, unique for the area. The building exhibits strong inter-war design characteristics, retaining original fixtures and fittings.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- Seven comments received supporting the nomination.</li> <li>- Two comments stated that the library should be included within the adjacent Temple Cowley Conservation</li> </ul>	<p>Temple Cowley Library lies just outside the neighbouring Temple Cowley conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>Temple Cowley Library possess historic interest as a purpose built library constructed to support the rapid increase in the local population. It also illustrates the historic process and pattern of development in the local area. Moreover, it has architectural interest as it is built in a distinctive modernist style, unique for the area. The</p>	<p>Adopt.</p>

	<p>Area as well as being on the OHAR. This will be considered when the conservation area is next reviewed.</p> <ul style="list-style-type: none"> <li>- Within the supporting comments, it was stated that the library is important to the identity of the community. It is also of artistic interest as the wood from which the large desks inside the library are constructed was sourced from various Commonwealth countries.</li> <li>- The comment also stated that Temple Cowley Library has a history which is important to the area, built for the rapidly expanding population in Cowley due to workers at the Morris Motors car factory.</li> <li>- Furthermore, it was an impressive new library built in difficult times. It made a striking impact</li> </ul>	<p>building also has artistic interest as the wood which was used to construct the desks in the library was sourced from Commonwealth countries.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	<p>as a thoroughly modern building, with architecture inspired by the art deco movement, in a semi-rural setting, surrounded by cottages, farmhouses and barns.</p> <ul style="list-style-type: none"> <li>- The Library was a much valued focal point in the community. It served in 1942 as an Emergency Information Centre. Groups that used it included the WEA (Workers Education Association), the WVS, School health clinics and dentists.</li> <li>- The library has had a number of eminent visitors including C S Lewis, Rev John Marsh (Tutor in Philosophy, Mansfield) and Prof H H Price (Chair of Logic).</li> </ul>		
<b>Headington Shark, 2 New High Street</b>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented</li> </ul>	Headington Shark is outside the boundary of any nearby conservation areas.	Adopt.

<p>Headington Shark is a painted fibreglass sculpture and was installed on the roof of the property in August 1986.</p> <p>It was commissioned by the owner of the house and created by sculptor John Buckley. The sculpture is particularly unusual for the area and has a debated historical and cultural meaning.</p> <p><b>Public Nomination</b></p>	<p>that this nominated asset makes a positive contribution to the character of the local area.</p> <ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- A total of 54 comments were received on this nomination with a total of 44 in support and 10 against.</li> <li>- One comment received from the owner of the property, 2 New High Street, was against the nomination.</li> <li>- This comment states that by making the Shark a heritage asset, it undermines the artwork and political statement it was seeking to preserve. Through inclusion on</li> </ul>	<p>As a structure, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Shark possess historic interest as it illustrates contemporary concerns over nuclear power and nuclear warfare. Both the artist and sponsor have always been reluctant to ascribe a precise meaning to the work or what it symbolises, but even if it wasn't intended to symbolise this, the fact that it quickly became (and has remained) the most common interpretation of the artwork is in itself revealing about contemporary concerns.</p> <p>The Shark also has significant artistic interest as an example of installation art used to communicate meaning.</p>	
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	<p>the heritage register, it would make the Shark into something it was never intended to be.</p> <ul style="list-style-type: none"><li>- Other comments against the nomination stated that the Shark is not fitting or in-keeping with Headington and does not positively contribute to the local area. It was also mentioned that due to the Shark's political links, it should not be included within OHAR, as this is not the type of thing OHAR was meant for.</li><li>- Comments in support of the nomination stated that the Shark is both a local asset and a tourist attraction. In addition to this, the sculpture is a valued asset to Headington and is a unique feature of local significance.</li></ul>	<p>The structure is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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<p><b>The Printworks, Crescent Road, Cowley</b></p> <p>The Printworks, which currently operates as Parchment Prints of Oxford, is a traditional 3<sup>rd</sup> generation family run printing firm based in Oxford.</p> <p>In 1962, Mr G. W. Parchment secured his new business, now in its third generation.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- OAHS support the nomination and commented on other ways the asset makes a special contribution to the character of the area:</li> <li>- “This building was originally built as a parish gymnasium in 1892, at the instigation of Revd TJ Dyson, Principal of Wycliffe Hall, and Revd George Moore, the vicar of Cowley. Around the turn of the century, the Aslin Blind Company took over the building to make paper blinds “as good as linen ones”. Later it was</li> </ul>	<p>The Printworks is not located within the boundary of a conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Printworks building has significant historical interest as it is an example of the local printing industry. The building itself dates back to the late 19<sup>th</sup> century.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	<p>Adopt.</p>
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	<p>occupied by Beto Ltd, who made teddy bears. The building was badly damaged by fire in the 1920's and again in 1978, but restored on both occasions.</p> <ul style="list-style-type: none"><li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li></ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"><li>- One public comments was received on this nomination.</li><li>- The comment stated that this building is a reminder of the small family businesses and employment sites which used to be dotted around Temple Cowley. Temple Cowley used to have more of a village atmosphere, with a mixture of dwellings, shops, and employment sites, but</li></ul>		
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	<p>recent development is eroding this. As well as being of historic interest Parchment's Printworks in Crescent Road illustrates an aspect of this area's past which makes an important contribution to the character of the area and the identity of the community. It is an example of a rare survival of something which used to be much more common in this area.</p>		
<p><b>69 London Road, Headington</b></p> <p>The building was designed in 1924 by the well-known architect Thomas Rayson.</p> <p>The building is on the east corner of Osler Road. It is currently S. &amp; R. Childs Funeral Services.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this</li> </ul>	<p>The building is not included within any neighbouring conservation areas.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p>	<p>Adopt.</p>

	<p>nomination being on the OHAR.</p> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- No public comments were received on this nomination.</li> </ul>	<p>This asset has significant historic, architectural and artistic interest and is valued locally. Historically, the building was a chemist's shop and remained this way until the late 1970's. The building was designed by the well-known local architect Thomas Rayson who also designed the Oxford War Memorial. Artistically, the building's design is unique to the area and enhances the appearance of the High Street in Headington.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<b>105 London Road, Headington</b>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp;</li> </ul>		Adopt.

<p>The building, which was operated as a Barclays Bank up until mid-2020, is the oldest surviving grand building in the Headington shops area.</p> <p>The building represents the development of the area in the early part of the last century.</p> <p><b>Public Nomination</b></p>	<p>Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</p> <ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- No public comments were received on this nomination.</li> </ul>	<p>The building is not included within any neighbouring conservation areas.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>105 London Road holds both historical and architectural interest, and is considered to make a special contribution to the surrounding Headington area. The building is the oldest surviving grand building at Headington Shops and is an example of the historic development in the area, representing a stage of banking where prestige and presence mattered.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local</p>	
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		area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.	
<p><b>Medieval Wall, The Grates, Cowley</b></p> <p>The wall, situated in Cowley, is thought to date back to early post medieval times and is a visual example of the history of the local area.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- There was one public comment in support of this nomination.</li> <li>- The comment stated that the wall and its history are valued</li> </ul>	<p>The medieval wall in Cowley is not within the boundaries of any of Oxford's conservation areas.</p> <p>As an area of archaeological remains, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Medieval Wall has historic interest, with the wall being thought to date back to early post-medieval, potentially medieval times. The wall is important to the identity of Cowley in terms of its material and design.</p>	Adopt.

	<p>locally. This local asset must be allowed the status it deserves to preserve the wall and prevent its demolition, as has been the case for other historic walls in Cowley.</p>	<p>The wall is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>The Lodge, Binsey Lane, Binsey</b></p> <p>The Lodge is located at the end of the driveway to Medley Manor Farm, one of only three remaining working farms in Oxford.</p> <p>The Lodge is reminiscent of the farming and agricultural industry dating back to the late 1950's.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p>	<p>The Lodge is not within the boundary of the Binsey conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Lodge is historically significant as it is one of only three remaining working farms within the city of Oxford, and the last remaining one in Binsey. The building is also</p>	<p>Adopt.</p>

	<ul style="list-style-type: none"> <li>- One comment was received in support of this nomination.</li> </ul>	<p>architecturally interesting as an example of a local lodge house.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>The Lodge, Rose Hill Cemetery, Church Cowley Road</b></p> <p>Cemetery Lodge is the old gate house for the cemetery which opened in 1889. The property is an example of Victorian architecture.</p> <p>The Lodge also has group value with the Chapel within Rose Hill Cemetery, which is also a nominated OHAR.</p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- OAHS also commented that:</li> <li>- There is a foundation stone at the lodge which states "OXFORD CORPORATION/ 1892/</li> </ul>	<p>The Lodge is not within the boundary of a conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Lodge holds both historical and architectural</p>	<p>Adopt.</p>

<p><b>Public Nomination</b></p>	<p>F. W. ANSELL. MAYOR/ W. H. WHITE. M. INST. CE. / CITY ENGINEER / S. F. HALLIDAY. STAMFORD. BUILDER.”</p> <ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- No public comments were received on this nomination.</li> </ul>	<p>interest. The Lodge is also known as the old gate house for the cemetery which opened in 1889. It is a Victorian property built in a rural cottage style.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>Weirs House, Weirs Lane</b></p> <p>Weirs House provides a connection with the historic riverside activity dating back to the 19<sup>th</sup> century. Some parts of the building are over 300 years old.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- OAHS also commented on the surrounding</li> </ul>	<p>Weirs House is not within the boundary of a conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a</p>	<p>Adopt.</p>

	<p>area and how this impacts the historic significance of the nominated heritage asset.</p> <ul style="list-style-type: none"> <li>- OAHS stated that:</li> <li>- “Just to the south of Weirs Mill, of Weirs Lane, was the University House pub, formerly known as the Weirs. On 17<sup>th</sup> May 1732, Thomas Hearne recorded in his diary ‘<i>On May 13<sup>th</sup> a party of 15 ringers came to Oxford from London on foot [...] Afterwards, they dined at the Weirs beyond Friar Bacon’s Study</i>’. The Weirs or University House closed in around 1920, but the building still exists as a private house. In the 1970’s, Thames Conservancy found numerous Victorian bottles and glazed beer mugs when dredging the adjacent Weirs Pool.”</li> </ul>	<p>building, monument, site place, area or landscape).</p> <p>Weirs House has historical interest as the riverside house provides a connection with the historic riverside activity dating back to the 19<sup>th</sup> century. In addition to this, the building is associated with the history of the area, as Weirs Lane originally led to the Weirs Paper Mill, established in 1797.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	<ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- One comment was received in support of this nomination.</li> </ul>		
<p><b>The Chapel, Rose Hill Cemetery, Church Cowley Road</b></p> <p>Rose Hill Chapel is a Victorian chapel built in the late 19<sup>th</sup> century. Due to its location in the cemetery, it also has significant group value with Cemetery Lodge which stands at the entrance.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p>	<p>The Chapel is not within the boundaries of any nearby conservation areas.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Chapel is of historic interest, built in the late 19<sup>th</sup> century after the new Oxford Corporation bought land for three new cemeteries. It is</p>	<p>Adopt.</p>

	<ul style="list-style-type: none"> <li>- No public comments were received on this nomination.</li> </ul>	<p>also of architectural interest as it is a Victorian Chapel with retaining features.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>Bailey Bridge, Port Meadow</b></p> <p>The bridge was built in 1947 and is representative of WWII architecture with its modular steel lattice style and strong structure, inspired by wartime engineering techniques.</p> <p>It was built in less than two hours by 50 Royal Engineers.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul>	<p>Bailey Bridge is not within the boundary of a conservation area.</p> <p>As a structure, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>Bailey Bridge has significant historic due its association</p>	<p>Adopt.</p>

	<p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- There were twelve comments made in response to this nomination, with eleven in support and one against.</li> <li>- One comment in support stated that the bridge is a WWII engineering marvel and a visual example of a link to the landscape through its presence over time.</li> <li>- Another comment in support stated that the bridge is an important crossing of the Thames for citizens of Oxford getting fresh air and exercise. The crossing is equally important to the people of Binsey and Medley, especially those exercising grazing rights to take their animals onto the common, Port Meadow. The people living in</li> </ul>	<p>and illustration with WWII and royal engineering. Architecturally, it is an example of a bailey bridge, built with modular pieces inspired by WWII engineering techniques.</p> <p>The bridge is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	<p>Binsey and Medley as well as others using the rail network need this access to Oxford on both foot and bicycle.</p> <ul style="list-style-type: none"><li>- One comment stated that the structure is long established, well-used and an important component of Oxford's leisure infrastructure, providing easy access to/from the Thames Path onto Port Meadow at Medley.</li><li>- Comments also stated that:</li><li>- The bridge is a unique example locally to Oxford of a very important wartime innovation and one of relatively few surviving in this country within the public domain</li><li>- The Bridge is a historically significant structure which will have great value in the future as a remaining example of a Bailey Bridge.</li></ul>		
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	<ul style="list-style-type: none"> <li>- One comment against stated that the decision to put Bailey Bridge on the Oxford Heritage Asset Register should not be taken without consulting the people who live within the community.</li> </ul>		
<p><b>Crown and Thistle Pub, 132 Old Road, Headington</b></p> <p>The public house was built just before the 19<sup>th</sup> century however there was an inn called Titup Hall on this site at least 200 years prior.</p> <p>The pub is believed to have strong royal connections as Queen Elizabeth I was greeted there when she visited Oxford, as was King Charles I in 1624.</p> <p>An application has been submitted which affects this building. The application (22/00040/PIP DEL) is for a permission in principle</p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OHAS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- Five public comments were received in support of this nomination.</li> <li>- One stated that the Crown and Thistle is one of the few historic buildings to remain on the old road from</li> </ul>	<p>The Crown and Thistle Pub is not within the boundary of a conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The pub has significant historic interest, thought to date back to the mid-19<sup>th</sup> century, and is one of the only remaining buildings on the old road from London into Oxford. The building is also said to have royal connections,</p>	<p>Adopt.</p>

<p>application for the demolition of the existing former public house and erection of a minimum of 7no. dwelling houses up to a maximum of 9no. dwelling houses.</p> <p><b>Public Nomination</b></p>	<p>London into Oxford. It is in a commanding position, accentuated by Titup Hall Drive. Although it closed as a pub before many of the protections that now apply, retaining the building allows for the possibility of it returning as a community asset as well as a building of note.</p> <ul style="list-style-type: none"> <li>- Another comment stated that the former Crown and Thistle is an important building of historic interest. The building is possibly not as old as stated on the nomination form, and probably dates from the 1840's, but that does not lessen its importance as a historic focal point.</li> <li>- Another comment stated that this important landmark has been allowed to deteriorate. It was a building with</li> </ul>	<p>further adding to the historic interest.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	<p>significance to the local community over the years as a staging post and a valued public house. The Quarry Morris dancers would perform here every year on Boxing Day as part of their Traditional celebrations. It could and should be a pleasing landmark building again and deserves the heritage protection.</p> <ul style="list-style-type: none"><li>- Another comment stated that the Crown and Thistle is a huge part of the history of Headington Quarry and is special to the local community. Despite closing in 2011 people still gather outside on Boxing Day to watch the Headington Quarry Morris Dancers. This is a local tradition that has gone on for years and will stop unless the building is protected.</li></ul>		
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<p><b>The Westgate Hotel, 1 Botley Road</b></p> <p>The Westgate Hotel was built in the mid-1870's as a coaching inn and is one of only a handful of railway-related hotel buildings to survive and is the only one still in use as a hotel.</p> <p>Its continuing presence is an important reminder of the development of both travel and tourism in Oxford.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- One comment was received against the nomination.</li> <li>- The comment stated that the building is not worthy of inclusion on the OHAR due to: <ul style="list-style-type: none"> <li>• Having limited architectural interest</li> <li>• Appearing as a discordant</li> </ul> </li> </ul>	<p>The Westgate Hotel is not within the boundary of a conservation area.</p> <p>As a building, it is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The Westgate Hotel has historic interest as it was built in the mid 1870's as Dodson's Temperance Hotel, one of many hotels built in the same area as the railway stations. The Westgate Hotel is associated with the development of train travel in this part of Oxford. The building is a unique component in a collection of buildings which directly related to the development of Oxford as a national railway hub.</p>	
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	<p>building in the local street scene, adding little to the local character</p> <ul style="list-style-type: none"> <li>• The building not being an important resource for understanding the area's history</li> </ul>	<p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>182-184 Abingdon Road</b></p> <p>The two buildings also known as Tenby Cottage and Swansea Cottage form part of the early Victorian settlement of New Hinksey.</p> <p>The cottages provide tangible evidence of the early effects of the coming of the railway to Oxford, a significant economic change for the area. The first occupier of no. 184 Tenby Cottage was Henry Weatherhead, a paper maker, who worked at one of the nearby mills.</p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OHAS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p>	<p>182-184 Abingdon Road are not within the boundary of a conservation area.</p> <p>As a building, the asset is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The cottages have historic interest because they form part of the early Victorian settlement in 1847 and 1849.</p>	<p>Adopt.</p>

<p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- Seven comments were received in support of this nomination.</li> </ul>	<p>Moreover, the first occupier at no. 184 worked at one of the nearby paper mills, showing how the cottages are connected to the industry which once characterised this part of Oxford. The architecture is distinctive built in a polychromatic chequer pattern using Flemish bond and vitrified bricks. The cottages were built before the building bye-laws in the 1870's which produced much more standardised terraced housing.</p> <p>The buildings are therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>Scout Hall, 238 Marston Road</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp;</li> </ul>		<p>Adopt.</p>

<p>The Scout Hall was built in 1909 after the Boy Scouts movement began in England a year previous, making the building an integral part of the area's history.</p> <p>The building is an important part of the local community and remains for the most part unaltered from its original form.</p> <p><b>Public Nomination</b></p>	<p>Historical Society (OHAS) commented that this nominated asset makes a positive contribution to the character of the local area.</p> <ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- There were five public comments on this nomination, four in support and one also in support but with amendments.</li> <li>- One comment states that Scout Hall is the only community hall in New Marston that is easily accessible and affordable to local groups for hire. Scout Hall is an important part of the community of New Marston.</li> </ul>	<p>Scout Hall is not within the boundary of a conservation area.</p> <p>As a building, the asset is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>Scout Hall has historic interest as it was built in 1909, a year after the Boy Scouts movement began in England, making the building in Marston an early example of a scout hall. Architecturally, it is built in a distinctive style, unique for the area. Scout Hall can also be considered to have artistic interest through the aesthetics of the building which has typical Arts and Crafts features such as an emphasis on natural materials such as clay tiles.</p>	
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	<ul style="list-style-type: none"> <li>- One comment states that the meadows adjacent also need to be considered as a heritage asset.</li> <li>- Although this comment was made through the consultation, this has been acknowledged separately and is to be potentially considered as its own separate nomination in the future.</li> </ul>	<p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
<p><b>The Old Vicarage, 41 Lake Street, New Hinksey</b></p> <p>41 Lake Street was built in the mid to late 1850's in New Hinksey, one of Oxford's earliest Victorian suburbs. It served as a vicarage in the 1870's, before the new vicarage was built ten years later.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OHAS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul>	<p>The Old Vicarage is not within the boundary of a conservation area.</p> <p>As a building, the asset is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The building is of historic interest, built in the mid to late</p>	<p>Adopt.</p>

	<p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- 26 public comments were received on this nomination, 25 in support and one against.</li> <li>- The comment against described the building as ugly and of having little worth to anyone in the area.</li> <li>- The comments in support included mention to the distinctiveness of the building in terms of character and of it being in keeping with the local area.</li> <li>- Moreover, the unusualness of the building was commented on as well as it being a rare surviving example of a historic vicarage.</li> <li>- The comments also added that the building holds a prominent position in the</li> </ul>	<p>1850's in one of Oxford's earliest Victorian suburbs. The building served as a vicarage during the 1870's.</p> <p>Architecturally, the building is a grand detached house unique for the area, making it an appropriate building for the vicar and his family to occupy at the time. The building can also be identified as having artistic interest, through the use of design to enhance its overall appearance. This can be illustrated through the rendered front façade and portico.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	neighbourhood of New Hinksey.		
<p><b>United Reformed (formerly Congregational Church, Oxford Road, Temple Cowley</b></p> <p>A non-conformist Church, built in the 1930's as a result of an influx of migrant workers to the area in the mid to late 1920's.</p> <p><b>Public Nomination</b></p>	<ul style="list-style-type: none"> <li>- The Oxfordshire Architectural &amp; Historical Society (OAHS) commented that this nominated asset makes a positive contribution to the character of the local area.</li> <li>- OAHS also commented that it was the Revd. David Martin and his wife who built a Congregational Church on Temple Road in Temple Cowley in 1878. It is a red-brick building with stone facings, now the property of the Church Army Press. An independent congregation was established in 1886. It built a church hall (now the school room) in 1904 and having outgrowth its first</li> </ul>	<p>United Reformed Church is not within the boundary of a conservation area.</p> <p>As a building, the asset is capable of meeting the government definition of a non-designated heritage asset, as set out in the <i>Planning Practice Guidance</i> (i.e. the asset is a building, monument, site place, area or landscape).</p> <p>The church has significant historic interest, built to house the influx of migrant workers to Cowley in the mid to late 1920's. It helps to illustrate the past events which have helped shape the area of Temple Cowley in particular over the last decade. The church was one of the first buildings of major significance to be constructed in the area after the influx of workers and</p>	Adopt.

	<p>church in Temple Road, it obtained a new site at the junction of Temple Road and Oxford Road, and built its present church in 1929-30. This was designed by G. Smith.”</p> <ul style="list-style-type: none"> <li>- Oxford Preservation Trust (OPT) also commented that they supported this nomination being on the OHAR.</li> </ul> <p><u>Public Comments</u></p> <ul style="list-style-type: none"> <li>- The nomination received two comments in support of being included on the register.</li> <li>- One comment stated that the Temple Cowley United Reform Church, along with St. Luke’s Church forms a prominent and significant landmark “gateway” to the upper part of Temple Road and Temple Cowley.</li> </ul>	<p>is a visual example of Cowley’s identity.</p> <p>The building is therefore considered to possess a level of significance that is greater than the general positive identified character of the local area, and meets all criteria against which OHAR nominations are to be assessed. It is therefore recommended for adoption onto the register.</p>	
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	<p>The church building is of aesthetic, communal, historic, and architectural importance.</p> <ul style="list-style-type: none"><li>- The comment also stated that this building should be included to be within the Temple Cowley Conservation Area, however this would mean the asset could not be included on the OHAR.</li></ul>		
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