

# Agenda

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## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 15 August 2023**

Time: **6.00 pm**

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

**For further information** please contact:

Emma Lund, Committee and Members' Services Officer

📞 01865 252367

✉ DemocraticServices@oxford.gov.uk

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

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

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

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

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

## Committee Membership

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

Councillor Mary Clarkson (Chair)	Marston;
Councillor Alex Hollingsworth (Vice-Chair)	Carfax & Jericho;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Emily Kerr	St Mary's;
Councillor Sajjad Malik	Temple Cowley;
Councillor Edward Mundy	Holywell;
Councillor Anna Railton	Hinksey Park;
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.

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# Agenda

Pages

## Planning applications - background papers and additional information

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

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

### 1 Apologies for absence and substitutions

Apologies for absence have been received from Councillors Kerr, Chapman and Rehman.

Councillor Morris will replace Councillor Kerr and Councillor Pressel will replace Councillor Chapman for this meeting only.

### 2 Declarations of interest

### 3 23/00405/OUTFUL: Land at Blackbird Leys Road and Knight's Road, Oxford

15 - 136

**Site Address:** Land At Blackbird Leys Road and Knights Road, Oxford

**Proposal:** Hybrid application for the redevelopment of Blackbird Leys District Centre and land off Knights Road, Oxford. Full planning permission is sought for the erection of up to 210 apartments and up to 1,300sqm of retail and commercial space (Use Classes E and Sui Generis) across four buildings on Blackbird Leys Road and the erection of up to 84 dwellinghouses at Knights Road, all with associated demolition of

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existing buildings and the provision of vehicular accesses, highway improvements, public open space and associated necessary infrastructure. Outline planning permission is sought for the provision of a community centre and public open space surrounding the community centre (Use Classes F2 and E) and block A (community square and green) in the District Centre with all matters reserved except for the principle means of access. (Amended Description) (Amended Plans)

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

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
  - the satisfactory completion of a legal agreement under 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

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and issue the planning permission.

**4 23/00142/FUL: Linton Lodge Hotel, 11-13 Linton Road, Oxford OX2 6UJ**

137 - 186

**Site Address:** Linton Lodge Hotel, 11-13 Linton Road, Oxford

**Proposal:** Demolition of the rear accommodation block, conference block and pavilion building; erection of a replacement rear accommodation block, detached villa accommodation and courtyard garden accommodation; extension, alterations and reconfiguration of the hotel(including a remodelled front porch and building front) to provide 36 bedrooms, function space and operational improvements; extensive landscape enhancements, access and parking reconfiguration and associated works (amended plans, description and additional information).

**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 and subject to:
  - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
  - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining,

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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.

**5 23/01046/FUL: 75 Langley Close, Oxford, OX3 7DB**

187 - 204

**Site Address:** 75 Langley Close, Oxford, OX3 7DB

**Proposal:** Demolition of existing garage. Erection of a part single, part two storey side extension and front porch. Change of use from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (Sui Generis). Erection of bike storage. (Part retrospective). (Amended description and plans).

**Reason at Committee:** The applicant is an elected councillor

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; and
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**6 23/00990/FUL: Parkway Court, John Smith Drive, Oxford OX4 2JY**

205 - 218

**Site Address:** Parkway Court, John Smith Drive, Oxford

**Proposal:** Erection of security fencing to perimeter of the site

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

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**Committee:**

**Recommendation:**

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.
2. **agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**7 Minutes**

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**Recommendation:** to approve the minutes of the meeting held on 18 July 2023 as a true and accurate record.

**8 Forthcoming applications**

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

22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02446/CT3: Donnington Recreation Ground, Freelands Road, Oxford OX4 4BT	Called-in
22/02667/VAR: Street Record, Chiltern Railway from Oxford to Bicester, Oxford	Major
22/02880/RES: Plot 2000, John Smith Drive, Oxford	Major
22/03078/FUL: Land Bounded by Meadow Lane and	Major

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Church Way, Oxford	
22/03076/FUL: 135-137 Botley Road, Oxford	Major
22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	Major
22/03049/FUL: Land North of Bayswater Brook, Oxford	Major
23/00707/RES: Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford, Oxfordshire OX2 8JR	Major
23/00708/RES: Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford, Oxfordshire OX2 8JR	Major
23/00810/VAR: 19 Between Towns Road, Oxford, Oxfordshire, OX4 3LX	Major
23/00693/FUL: Site of 6-25 Pusey Lane and 19-21 St John Street and rear of 7-11 John Street, Oxford	Major
23/00694/LBC: site of 6-25 Pusey Lane and 19-21 St John Street and rear of 7-11 John Street, Oxford	Major
23/01023/VAR: Radcliffe Observatory Quarter, Radcliffe Humanities, Woodstock Road, Oxford OX2 6GG	Major
23/00988/FUL: Bertie Place Recreation Ground and Land South West of Wytham Street, Oxford	Major
23/01198/FUL: Unit 1, Ozone Leisure Park, Grenoble Road, Oxford	Major
23/01003/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/01509/RES: Land Bounded by A34 And A44 And A40, Parcel 1, Woodstock Road, Oxford OX2 8JP	Major
23/01412/RES: Oxford North Northern Gateway Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout	Major

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23/01482/FUL: 13-15 Oxenford House, Magdalen Street, Oxford OX1 3AE	Major
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## 9 Dates of future meetings

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

19 September 2023

17 October 2023

21 November 2023

12 December 2023

23 January 2024

20 February 2024

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

## **Information for those attending**

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

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

The Council asks those recording the meeting:

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

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

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

### **Councillors declaring interests**

#### **General duty**

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

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

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

#### **Declaring an interest**

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

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

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

#### **Members' Code – Other Registrable Interests**

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

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

### **Members' Code – Non Registrable Interests**

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

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

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

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

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

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

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

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

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

## **Procedure for dealing with planning applications at the Oxford City Planning Committee and Planning Review Committee**

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

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

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

### **Public requests to speak**

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

## **Written statements from the public**

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

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

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose 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. Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

## **Recording meetings**

This is covered in the general information above.

## **Meeting Etiquette**

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

**This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in March 2023.**

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Oxford City Planning Committee

15<sup>th</sup> August 2023

**Application number:** 23/00405/OUTFUL

**Decision due by** 13th June 2023

**Extension of time** 31<sup>st</sup> August 2023

**Proposal** Hybrid application for the redevelopment of Blackbird Leys District Centre and land off Knights Road, Oxford. Full planning permission is sought for the erection of up to 210 apartments and up to 1,300sqm of retail and commercial space (Use Classes E and Sui Generis) across four buildings on Blackbird Leys Road and the erection of up to 84 dwellinghouses at Knights Road, all with associated demolition of existing buildings and the provision of vehicular accesses, highway improvements, public open space and associated necessary infrastructure. Outline planning permission is sought for the provision of a community centre and public open space surrounding the community centre (Use Classes F2 and E) and block A (community square and green) in the District Centre with all matters reserved except for the principle means of access. (Amended Description) (Amended Plans)

**Site address** Land At Blackbird Leys Road and Knights Road, Oxford, – see **Appendix 1** for site plan

**Ward** Northfield Brook Ward

**Case officer** Natalie Dobraszczyk

**Agent:** Savills                      **Applicant:** Peabody (formerly Catalyst Housing Ltd)

**Reason at Committee** Major Planning Application

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## 1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

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

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure

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

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

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

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers an application which proposes the comprehensive regeneration of the District Centre and land adjacent to Knights Road.
- 2.2. This is to be delivered through a hybrid application which comprises a full (detailed) application for the residential accommodation, commercial space, public open space, and access arrangements within the District Centre and Knights Road; and an outline application with all matters reserved apart from access for the community centre, community square and green within the District Centre.
- 2.3. All the proposed housing would be affordable accommodation and the quantity of affordable homes and socially rented accommodation would exceed the requirements set out in Policy H2 of the Oxford Local Plan. The proposals would provide the delivery of much needed affordable housing to meet the Council's housing need, which should be viewed as a significant public benefit.
- 2.4. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and site allocation Policies SP4 and SP15. The proposal would provide significant highway and public realm improvements through the alteration of Blackbird Leys Road. A replacement community centre with modernised facilities would be provided (details to be determined at reserved matters stage) as well as replacement retail provision to support the district centre uses.
- 2.5. The proposal would result in a loss of open space in terms of quantity, contrary to Policy G5. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an



enhancement of the public open space, notwithstanding the reduction in size. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently back of house service areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

- 2.6. The proposal would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. In this instance it is considered that the departure from Policy V4 is justified. While the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.
- 2.7. The proposal would result in enhanced pedestrian connectivity, improvements to transport infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation.
- 2.8. The development when taken across the combined sites would result in a net gain in tree canopy cover through new and retained soft landscaping. There would be no harm to any identified protected species and, subject to 3.515 habitat units being delivered offset, the proposal would achieve a Biodiversity Net Gain of 5%.
- 2.9. The development would be of a sustainable design and construction, achieving a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations and is on track to achieve BREEAM excellent.

- 2.10. The car parking provision is considered acceptable in accordance with the objectives of the Oxford Local Plan 2036 and cycle parking in excess of minimum standards would be provided, with further details to be secured by condition.
- 2.11. The scheme would result in a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the grade II listed Church of the Holy Family. However, Officers consider that, having given great weight to the conservation of these designated heritage assets, the public benefits that would derive from the proposed development would outweigh the harm caused.
- 2.12. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.
- 2.13. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal.
- 2.14. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and legal agreements under section 38 and section 278 of the Highways Act 1980 and subject also to the conditions in section 12 of this report.

### **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following planning obligations:
- £126,000 (£42,000 per side road entry treatment) towards Active Travel Improvements along Knights Road at the junctions of Merlin Road, Pegasus Road and Kestrel Crescent.
  - £5,427 towards Travel Plan monitoring.
  - A financial contribution, to be finalised, for improvements to footpaths within Spindleberry Park OCWS comprising resurfacing and improvements to boundary treatments to protect sensitive areas of the park.
  - £23,266 for an additional bus shelter, flag & pole and RTI on Blackbird Leys Road.
  - Biodiversity Net Gain offsetting.
  - Community Employment and Procurement Plan.

- Affordable housing.
- Community centre.
- Public open space.
- Agreement that access remains open and retains the important sight and travel lines from Blackbird Leys Road to Blackbird Leys Adventure Playground.
- Details relating to the section 278 agreement.

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

4.1. The proposal is liable for CIL totalling £3,130,408.18.

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

5.1. The application site relates to two parcels of land situated to the south-east of the city centre within the Blackbird Leys residential suburb that have been allocated for development within the Oxford Local Plan 2036. The first being the Blackbird Leys District Centre and the second an area of informal open space that lies to the rear of Knights Road.

##### District Centre

5.2. The District Centre is situated within the centre of the residential suburb at the junction of Blackbird Leys Road, Cuddesdon Way, and Knights Road. The centre comprises several buildings which include a range of residential units, community uses, along with other commercial uses such as retail units, hot food takeaways, citizens advice bureau, and funeral directors. The range of residential accommodation throughout the area includes the two 15 storey Evenlode and Windrush Tower Blocks.

5.3. The site is not within a conservation area but has the Grade II listed Church of the Holy Family located adjacent to the site boundary. The site is within Flood Zone 1.

5.4. The application site covers approximately 2.20ha of land within the District Centre and includes the site of the community centre on the north-eastern side of Blackbird Leys Road, the parade of shops on the south-western side of Blackbird Leys Road, and a garage block and open space at the Blackbird Leys Road and Pegasus Road junction.

5.5. A copy of the existing District Centre site plan can be found below in **Figure 1**. A combined site plan is attached at **Appendix 1**



Figure 1 – District Centre

### Knights Road

- 5.6. The second site lies approximately 450m to the south-west of the District Centre site and comprises approximately 2.25ha of informal open space that is to the south of the residential properties at the end of Knights Road.
- 5.7. The site is bordered by the residential properties of Knights Road to the north; the Spindleberry Nature Park to the east; the Northfield Brook and Kassam Stadium to the south; and the Northfield School to the west.
- 5.8. The site is predominately located within Flood Zone 1 but includes an area of Flood Zone 2 alongside the Northfield Brook.
- 5.9. A copy of the existing Knights Road site plan can be found below in **Figure 2**. A combined site plan is attached at **Appendix 1**



Figure 2 – Knights Road

## 6. PROPOSAL

- 6.1. The proposal is seeking the comprehensive regeneration of the District Centre and land adjacent to Knights Road.
- 6.2. This is to be delivered through a hybrid application which comprises a full (detailed) application for the residential accommodation, commercial space, public open space, and access arrangements within the District Centre and Knights Road; and an outline application with all matters reserved apart from access for the community centre, community square and green within the District Centre.
- 6.3. A plan showing the full and outline areas for the District Centre is shown in Figure 3 below:



Figure 3 – Hybrid red line boundary for the District Centre (orange shading denotes outline application boundary).

### District Centre

6.4. The proposed regeneration of the District Centre would involve the demolition of the existing community centre buildings on the north-eastern side of Blackbird Leys Road and parade of shops and residential accommodation on the south-western side of the road.

6.5. The redevelopment will include the provision of:

- A total of 210 new affordable homes with a range and mix of tenures provided through 4 apartment blocks that range in height from 5 floors to 12 floors. The accommodation would include a mix of social rented and affordable rent and shared ownership units.
- 1,300m<sup>2</sup> of retail / commercial floorspace (GIA) including Use Class E and Sui Generis uses, which will also allow for the reprovision of the existing uses in the district centre.

- A minimum of 1,200m<sup>2</sup> of community centre floor space (GIA).
- A range of public realm works and highway improvements to alter the existing road layout around the Blackbird Leys Road and Cuddesdon Way junction.
- The creation of a community square and green around the new commercial units and community centre.

6.6. The community centre, square and green is to be secured through an outline application. When submitting an outline application, certain matters relating to access, appearance, landscaping, layout and scale are reserved for consideration at a later date. These are called 'reserved matters'. In this case the access details for the community centre, square, and green have been submitted for approval, whereas the appearance, landscaping, layout and scale are reserved for a later date.

6.7. A detailed proposed site plan for the District Centre is shown below in Figure 4.



Figure 4 – Proposed District Centre

### Knights Road

- 6.8. The area of open land to the south of Knights Road would be developed to provide the following
- A total of 84 new affordable homes in the form of 2 and 3 bedroom shared ownership homes
  - A number of open spaces, public realm works, and access arrangements
- 6.9. The dwellings would be provided through semi-detached and detached dwellings in a form of 2-2.5 storeys which will all have private gardens.
- 6.10. A detailed proposed site plan for Knights Road is shown below in Figure 5.
- 6.11. A separate application has been submitted which seeks to divert the existing public right of way (PROW) that runs through the site connecting the Kassam Stadium complex with Knights Road. The diversion would retain the PROW through the site but would divert it to reflect the proposed street layout.



Figure 5 – Proposed Knights Road

## 7. RELEVANT PLANNING HISTORY

- 7.1. Due to the size and nature of the proposed scheme, Officers consider that there is no planning history of relevance to the development.

### Pre-application Advice

- 7.2. Pre-application discussions took place between April 2020 and June 2022 in addition to public consultation workshops facilitated by the applicant team. A summary of some of the amendments that were made during this engagement is listed below:



- Maximised the space given to the community square and considered how this could be used positively to enhance the setting of the Holy Family Church.
- Considered alternative layouts to Blackbird Leys Road and the highways/ public realm implications of these.
- Amended the layout and design of the site at Knights Road to respond to urban design and ecology comments.
- Reconfigured the footprint of Building D within the District Centre site to address concerns about overshadowing and impacts on views for existing residents.
- Redesigned buildings to ensure compliance with fire safety and building regulations.

7.3. The response from the Oxford Design Review Panel (ODRP) is attached at Appendix 2.

#### Environmental Impact Assessment Screening Opinion

7.4. A request for a Screening Opinion as to whether an Environmental Impact Assessment (EIA) would be required was received on 20th May 2021. The Screening Opinion was based on the submission of a hybrid application for the following development:

*Development of 2.25ha of land at Knights Road to deliver up to 90 new homes across a range of mix and tenures; and*

*Redevelopment, including demolition, of 8.10ha of land at the District Centre Blackbird Leys Road to deliver up to 220 new homes across a range of mix and tenures with retail and community uses.*

7.5. A response from the LPA was issued on 6th October 2021. It was concluded that, having regard to Schedule 3 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the development would not be likely to result in significant effects on the environment.

7.6. As such, in exercise of the powers conferred upon it by Regulation 6 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) the Local Planning Authority concluded that the proposal would not constitute EIA development and that an EIA would not be required to accompany a planning application submitted in accordance with the details supplied in the request for screening.

#### Public Rights of Way

7.7. The works at the Knights Road site would require a diversion to an existing Public Right of Way (PROW). This is being considered under application 21/01462/CONSULT.

## 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	117-123, 124-132	RE2, DH1	
Conservation/ Heritage	184-202	DH2, DH3, DH5	
Housing	59-76	H1, H2, H4, H5, H10, H15, H16	
Commercial	170-183	DH6, DH7	
Natural environment	91-101	G2, G5	
Social and community	102-111	V1, V4, V6, V7, V8	
Transport	117-123	M1, M3, M4, M5	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE6, RE8, RE9,	Energy Statement TAN
Miscellaneous	7-12	S1, S2, SP4, SP15	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 30th March 2023 and an advertisement was published in The Oxford Times newspaper on 23rd March 2023. A further consultation period was undertaken on amendments to the scheme, with site notices displayed on the 25th May 2023 and an advertisement was published in the Oxford Times on the 25th May 2023. A final re-consultation was undertaken with site notices displayed on the 12th July 2023 and an advertisement was published in the Oxford Times on 6th July 2023. The application was advertised as a departure from the development plan with regards to Local Plan policies V4 and G5.

9.2. The consultation responses received in relation to the application are summarised below. Offices would make members aware that copies of all

consultation responses listed below are available to view in full on the Council's public access website.

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

#### Oxfordshire County Council (Highways Authority)

- 9.3. No objection subject to conditions

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

- 9.4. No objection subject to conditions requiring a detailed surface water drainage scheme and SuDS details.

#### Thames Water Utilities Limited

- 9.5. No comments but suggested conditions relating to piling method statements and water network upgrades.

#### Thames Valley Police (TVP)

- 9.6. TVP did not object to the proposed development but raised concerns about a number of detailed elements. Specifically these were, the use of the podium garden at Block A having potential for disturbance from noise, concerns about how the community room and shared toilet within Block A would function, concerns about the route to Blackbird Leys Adventure Playground between Block A and the new community centre, lighting along public areas – specifically that crossing Northfield Brook towards the Kassam Stadium, the unallocated car parking at Knights Road, the need for single leaf doors on cycle and bin stores and secure lobbies, the need for a security and access strategy, defensible planting at Knights Road and utility meters.

#### *Officer Response*

- 9.7. Officers have discussed these points with the applicant and have sought amendments where necessary. A detailed discussion is provided within the relevant section of this report.

#### Historic England (HE)

- 9.8. HE responded to say that they would not be providing advice in relation to this application.

#### Oxford Civic Society

- 9.9. Oxford Civic Society made the following comments: Our consensus view is that it was inappropriate to bundle two entirely different areas into one massive application. The proposed high density of housing in the BL District Centre (294 affordable homes) contrasts with lower utilization of the Knights Road site which could be increased. The proposed SODC development off the Grenoble Road site should also be considered alongside this development. Concerns were voiced relating to an unbalancing of the community in the entire area. Additionally,

there is a real problem concerning the provision of water and the disposal of sewage. Indications are Thames Water has serious concerns about their ability to make appropriate provision for these developments. OCS would like to see the applications separated so that they can be scrutinized, first on their individual merits and then on the relative impact they will have overall.

#### Oxford Preservation Trust (OPT)

- 9.10. OPT commented as follows: Whilst two 15 storey tower blocks already exist in the area, the introduction of a further 4 large scale buildings, including one of up to 12 storeys will inevitably change the landscape of the area. The introduction of this new mass of development, at the heights proposed, will also have the potential to impact upon views out of the city centre towards the southeast of the city.
- 9.11. We note the supporting information assesses a significant number of viewpoints across the city, including views from University Church Tower. We question whether any further views could be assessed from the city centre looking outwards to fully understand the potential impacts and where the development will be visible from – these could include Carfax Tower, St George’s Tower, both of which are publicly accessible viewpoints. OPT also consider the choice of materials to be important – with the potential colour palette being proposed increasing the visibility from a distance. It appears red brick is proposed on the tallest tower – Building A – and urge Officers to consider if this will increase its prominence in longer distance views. It is disappointing that part of the existing Spindleberry Nature Park will be lost as a result of the redevelopment. OPT would also welcome further information on how the proposed redevelopment proposes to improve the provision of public open space within the immediate area in addition to improvements to the permeability and connectivity of the Blackbird Leys District Centre, this should also demonstrate how links can be provided to the wider City and surrounding countryside.

#### Environment Agency (EA)

- 9.12. Initially the EA objected to the application and requested that an updated flood risk assessment be submitted. This was provided and the EA were reconsulted whereupon they removed their objection and requested the inclusion of an informative relating to Flood Risk Activity Permits.

#### Blackbird Leys Parish Council

- 9.13. The Parish Council object to the proposals. In their first response they raised concerns about the nature of the application i.e. the fact that it is a hybrid application; the location and function of the community centre and open space (‘village green’); the re-provision of retail and commercial units; parking provision; biodiversity offsetting; and the bigger picture of change in and around Blackbird Leys over the next 10-15 years.
- 9.14. In their second response they also highlighted concerns about parking enforcement and traffic; access arrangement to Blackbird Leys Adventure Playground (BLAP); access to GP services; parking enforcement and traffic;

ecology – specifically the impact on badgers; trees and biodiversity with regards to Knights Road; and drainage at Knights Road. The Parish Council requested that they take responsibility for owning and managing the future community centre. The Parish Council stated that they were considering making a call in to the Secretary of State under s77 of the Town and Country Planning Act 1990 (as amended).

#### Health and Safety Executive (HSE)

- 9.15. HSE commented that there is presently insufficient fire safety information available in relation to the outline planning application, HSE is unable to comment in full on the outline application.
- 9.16. HSE welcomed the inclusion of the second staircase to Block A and confirmed it would also be assessed at later regulatory stages.
- 9.17. Specific comments were given in relation to external walls as follows: Section 6 of the fire statement states that the fire performance classification of external walls will be 'Class A2-s3,d2'. Similarly, the fire strategy states in section 16 '...all materials utilised within the construction of the external wall systems should achieve a fire resistance rating of A2-S3,d2...'. This is an insufficient fire performance classification for materials used in external walls of a relevant building. Regulations require a minimum fire performance classification termed 'Class A2-s1, d0 or A1'. Any design changes necessary to ensure that only suitable materials are used in external walls may affect land use planning considerations such as the appearance of the building.
- 9.18. HSE also provided supplementary comments regarding means of escape as follows: Block B drawings show flat windows in close proximity and perpendicular to staircase windows. The proximity and angle may allow the spread of fire and smoke from a flat to the staircase via the windows. Design changes necessary to resolve this issue may affect land use planning considerations such as the appearance of the development.
- 9.19. HSE requested that should the LPA be minded to grant permission for the hybrid application, the following was strongly recommend:
- the planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application, and;
  - that HSE (Planning Gateway One) is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application.

#### Oxfordshire Fire and Rescue

- 9.20. Oxfordshire Fire and Rescue commented to say: it is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of Building Regulations.

#### Cyclox

9.21. Cyclox provided comments during the first period of public consultation. They expressed support for the following aspects of the proposal:

- The provision of a segregated cycle route along Blackbird Leys Road.
- The addition of 2 safe crossings on Blackbird Leys Road for cyclists and pedestrians.
- The provision of secure covered cycle storage in each of the proposed new blocks and houses.

9.22. They raised concerns about the following aspects of the proposal:

- The lack of recognition of the need to have legible routes from the west (including the Knights Road development) to the Blackbird Leys centre and onwards to the east (e.g. to schools, parks and the swimming pool/leisure centre).
- The lack of consideration in the Transport Assessment about the inadequate cycle access to the north and west.
- The lack of provision for cyclists on Knights Road.
- The abrupt end of cycle routes joining Cuddesdon Way and Pegasus Way.
- The lack of consistency in the side road entries to Blackbird Leys Road.
- The failure to describe the expected routes for pedestrians and cyclists from the Knights Road site to catchment primary schools (e.g. to Windale Primary).
- The unambitious and inadequate car club provision.
- There is little evidence of co-ordination with the County with respect to continuity of cycle routes, traffic calming, parking compliance and speed restriction.
- The lack of consideration of the potential impacts of a future Cowley Branch Line development.

Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (NHS)

9.23. The NHS were consulted on the application but, at time of writing have not provided a response.

Oxfordshire Badger Group (OBG)

9.24. OBG object to the application on the basis that it would have a devastating impact on the ecology of the reserve and Northfield Brook. The main points of concern are summarised below:

- The site at Knights Road should have its own planning application so the proposals, and process, would be more accessible to the general public;
- Object to the fact that documents containing references to badger setts have been redacted. This is seen as resulting in badgers being “cancelled out of the planning process”.
- OBG consider that the application is contrary to planning law as the development of the Knights Road site would be contrary to the protection of green infrastructure which is required by the NPPF, Policy G2 and the Oxford City Council Green Infrastructure Study.
- OBG consider that building on and adjacent to a species rich nature reserve, resulting in a 26% loss in biodiversity is shameful and when set against the context of the current Nature crisis. They consider that Offsite mitigation is greenwashing and in no way compensates for the irreversible damage that would be caused by this high-density development.
- OBG consider that the site at Knights Road should never have been allocated for housing and the density proposed means that the development will result in the loss of trees, habitats and will also have a long-term effect on the Nature reserve. Additionally, there would be harm to, and loss of, a number of species, damage to aquatic and stream habitats, erosion and damage to woodland habitats and the banks of Northfield Brook and the broadleaved woodland.
- Of particular concern was the loss of badger setts, lack of provision of wildlife corridors and inclusion of a loop path intruding into the wildlife buffer zone.
- OBG recommended that the proposed nature path be removed from the plans; a buffer zone between the development and the Nature Reserve be established; and an independent ecological survey assessing the impact of the development on all species in the Spindleberry Nature reserve and Northfield Brook be provided.

#### *Officer Response*

9.25. Officers note comments from OBG which state that the application would be contrary to planning law because of the potential impacts on biodiversity and green infrastructure. This is not the case. The application sites are both allocated within the Oxford Local Plan and therefore development in principle is acceptable (see principle of development section of this report). A full assessment of the ecological implications of the proposals, and their compliance with national and local policies, are considered in the relevant section below.

#### Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

9.26. BBOWT object to the application as they consider there would be a direct loss of, and impact on, Spindleberry Park and Littlemore and Northfield Brook Oxford City Wildlife Sites contrary to the Oxford Local Plan; potential impacts on the Minchery Farm Oxford City Wildlife Site contrary to the Oxford Local Plan and; a lack of

consideration of the cumulative impacts of the development and development at sites within the Oxford Science Park (i.e. plot 27 ref: 22/02555/FUL). They also requested that, should the application be approved, conditions or otherwise are used to ensure that Biodiversity Net Gain is secured.

#### *Officer Response*

9.27. A full assessment of the ecological and biodiversity impacts are set out in the relevant section of this report, including impacts on relevant Oxford City Wildlife Sites.

#### Sport England

9.28. Sport England initially objected to the application on the basis that the development of the site at Knights Road would result in the complete loss of a playing field with no replacement contrary to paragraph 99 of the NPPF. However, following discussions with the applicant and officers this objection was removed.

9.29. A full assessment of the use of the site and Sport England's comments is provided in the principle of development section below.

#### **Public representations**

9.30. A total of 25 letters of objection were received during both the initial and subsequent consultation periods from addresses in Broadfields, Gention Road, Green Hill, Knights Road, Peregrine Road, Acadia Avenue, Birchfield Close, Pegasus Road, Mistletoe Green, Periwinkle Place, Frys Hill, Spring Lane and the Agnes Smith Advice Centre.

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

#### *Planning Process*

- Considered the type of planning application i.e. a hybrid application, to be inappropriate;
- The application doesn't include enough information.
- Didn't agree with the Statement of Community Involvement and felt that local people aren't being listened to.
- Think that proper consultation wasn't undertaken by Oxford City Council.
- Comment that the application is misleading in respect of the development on Knights Road – this should be labelled as development on Spindleberry Park.

#### *Transport*

- Concerns about the potential closure of roads;



- Knight Road is too narrow to accommodate heavy traffic;
- The parking provision is inadequate and will result in car parking on neighbouring streets.
- Comment that parking is already an issue on match days.
- Infrastructure provision is not good enough.

#### *Layout/ Design/ Height/Uses*

- Population density is too high and the area is already overcrowded;
- Buildings are too high and would be out of keeping with the existing area;
- There are no services for young people and older people.
- Concerns about the impacts of match day crowds on the area and overall safety and crime prevention.
- People don't want or need flats, rather they wanted family houses with gardens.
- Supportive of some regeneration of the area but this is too much.
- The proposals will infringe upon the privacy of residents at Birchfield Close and Pegasus Road including overlooking issues and loss of light.
- Loss of green space at Knights Road will mean children have even fewer places to play.
- The local area will be much poorer for the loss of green open space.

#### *Ecology*

- Concerns about the loss of local trees, ecology and biodiversity.
- Specific concerns about impacts on bats, deer, badgers, foxes, slow worms and kingfishers.
- The proposal will result in the loss of one of the few green spaces in Blackbird Leys.
- Objections to destroying woods to make an entrance to the Nature Park coming off Knights Road when a road entrance already exists from Spindleberry onto the Nature Park.
- Noise and disturbance during construction would negatively impact on the existing wildlife. Once occupied the increased number of people will also have a detrimental impact on species.

#### *Miscellaneous*

- Concerns about increased pollution and impact on capacity of Thames Water sewers.
- The proposal would lead to increased pressure of local schools and healthcare facilities.
- Concerns about anti-social behaviour and crime.
- Concerns about the historic use of the site as a Victorian landfill and the potential for contamination.
- If the prices of the shared ownership dwellings are the same as new builds they will cost more than owning a house outright.
- Comments about Catalyst (now Peabody) and their conduct on other developments with regards to customer service/ communication with residents and the way they maintain their properties.

*Officer response*

9.32. Officers note the objections raised to the process and procedure undertaken for this application. Several comments were received which suggested that the nature of the submission, i.e., a hybrid application, were not acceptable as the resulting scheme would leave details about the community centre and public space to be considered at a later date through a reserved matters application. The applicant is entitled to submit a hybrid application and it is for the Local Planning Authority (LPA) to decide whether to accept a proposal in a hybrid form. In this instance the LPA have interrogated the rationale for the hybrid nature of the submission and are satisfied that there is suitable justification for this approach. Crucially, the proposal to secure the community centre and public space in outline would allow the applicant further time to undertake additional detailed consultation to ensure the final design and layout can meet the needs and requests of the local community while simultaneously allowing the detailed elements of the proposal to be progressed.

9.33. A detailed assessment of the transport, ecology, land quality and urban design aspects of the proposal are set out in more detail in the relevant sections below.

9.34. Comments relating to the conduct of Catalyst (Peabody) on other sites, and the market values of housing in general, are not material planning considerations and therefore are not addressed in this report.

## 10. **PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Design, height, layout and microclimate
- c) Views and impact on heritage assets
- d) Archaeology
- e) Impact on neighbouring amenity

- f) Ecology
- g) Health and wellbeing
- h) Highways and parking
- i) Trees and landscaping
- j) Air Quality
- k) Sustainable design and construction
- l) Noise
- m) Land quality
- n) Flood Risk and Drainage
- o) Utilities

#### **a. Principle of development**

- 10.2. Paragraph 11 of the NPPF 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.
- 10.3. Paragraph 60 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.
- 10.4. The NPPF Core Principles encourage the efficient use of previously developed land. Policies S1 and RE2 of the Oxford Local Plan 2036 are consistent with this approach. Policy RE2 requires that development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader consideration of the needs of Oxford. The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise the appropriate density with a built form and site layout appropriate to the capacity of the site.
- 10.5. The application proposes a significant number of new dwellings as well as retail / commercial floorspace (GIA) including Use Class E and sui generis uses, plus community uses, to be delivered across two sites: Blackbird Leys District Centre and Knights Road. Policy H1 of the Oxford Local Plan outlines that most of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The two sites are allocated within the Local Plan under policies SP4 and SP15 respectively.
- 10.6. Policy SP4 (Blackbird Leys Central Area) states the following:

*Planning permission will be granted for a mixed use development that includes retail, start-up employment units, residential development and community*

*facilities at the Blackbird Leys Central Area site. The minimum number of homes to be delivered is 200. Other uses should be appropriate to a district centre and could include education, live/ work units, sport and commercial leisure. Other complementary uses will be considered on their merits.*

*Planning permission will not be granted for development that prejudices the comprehensive development of the whole site. Regard should be had for any regeneration plan for the Blackbird Leys area.*

10.7. Policy SP15 (Knights Road) states the following:

*Planning permission will be granted for residential-led development and public open space on the Knights Road site. The minimum number of homes to be delivered is 80. Other complementary uses will be considered on their merits.*

*A biodiversity survey will be expected to assess the biodiversity value of the site and it should be demonstrated how harm will be avoided, mitigated or compensated.*

10.8. The proposal would deliver an additional 294 new homes on allocated sites which would make an important contribution towards meeting the City Council's housing requirement. The submission of the District Centre area as a part outline, part full (detailed) application would not prejudice the comprehensive redevelopment of the whole site. The proposed uses and dwelling numbers would comply with the requirements of policies SP4 and SP15 and therefore would be acceptable in principle.

#### Open Space and Sports Provision

10.9. As set out in the site description section above, the application site at Knights Road is currently an area of open land. Officers have been informed by the Applicant that Oxford City Council, with its land owning hat on, holds the land on a statutory trust for the benefit of the public pursuant to section 10 of the Open Spaces Act 1906 or section 164 of the Public Health Act 1875.

10.10. The appropriation of statutory trust land is governed by section 122 of the Local Government Act 1972 which requires that Oxford City Council as a Local Authority must advertise the fact that they wish to appropriate such land for a different purpose for two weeks in a local newspaper and properly consider any objections to that appropriation.

10.11. The recent case law *R(o.a.o day) v Shropshire council* [2023] UKSC 3 confirmed that the statutory right for the public to use statutory trust land for recreational purposes is a material planning consideration. Officers must therefore consider the legal status of the land as statutory trust land as well as paragraph 99 of the NPPF and policy G5 of the Oxford Local Plan. For clarity, paragraph 99 is cited below (policy G5 replicates this wording but also includes reference to indoor and outdoor sports and recreation facilities):

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

10.12. Oxford City Council, as the landowner has confirmed that on 14th June 2023 Cabinet approval was given for the advertisement of the appropriation of the land at Knights Road. An advertisement was placed in the Oxford Mail which ran from 1st July – 14th July 2023 with public comments being accepted until 27th July 2023. The Cabinet paper and copy of the advertisement are included in Appendix 3 of this report.

10.13. No representations were received in response to the advertisement.

10.14. Officers consider that Oxford City Council, as the land owner, has fulfilled its duty under the requirements of the Local Government Act 1972 as referred to above. Notwithstanding this, as the land remains, at the time of writing this report, statutory trust land, a Grampian condition has been included as a recommended planning condition should planning permission be granted, so that the implementation of the permission (or any acts whatsoever in pursuance of it such as the erection of fencing and hoarding) is not permitted until the statutory trust has been removed pursuant to, and in accordance with, the section 1223 requirements.

10.15. Turning then, to the acceptability of the proposals against paragraph 99 and Policy G5, officers have considered both the site at Knights Road and the site at the District Centre. The policy wording considers both indoor and outdoor sports and recreational facilities as well as open space. In terms of indoor facilities, this would only apply to the site at the District Centre. At time of writing, Blackbird Leys Community Centre (BBLCC) which is located within the District Centre site, accommodates two sports groups within the existing sports hall (a self-defence class and 'Foot-Soul') therefore the building is considered to constitute an indoor sports or recreational facility in line with policy G5.

10.16. The proposals for the replacement community centre have been submitted in outline with all matters, except for access, reserved. Officers consider that the current indoor sports facility could be re-provided by the proposed community centre unless, in accordance with criteria (a) of Policy G5, the applicant is able to demonstrate that this provision is surplus to requirements. In any case, this would be fully assessed in a future reserved matters application and a condition has been included to secure the minimum floorspace to be provided for community centre and a Community Use and Management Strategy.

10.17. In terms of outdoor open space an assessment has been made for both the District Centre and Knights Road sites.

10.18. At the Knights Road site, officers consider that the land would constitute open space and that the proposed development, or indeed any development in accordance with the site allocation policy SP15, would result in the loss of the vast majority of the existing public open space. The existing public open space at Knights Road is approximately 22,216m<sup>2</sup> and the proposed public open space would be 5,586m<sup>2</sup> – a reduction of 75%. The area of the site which would be lost currently comprises open grassland with the wooded area along the southern edges of the site being retained as an ecological buffer to Northfield Brook.

10.19. It is noted that Sport England initially objected to the Knights Road proposals on the basis that the development of the site at Knights Road would result in the complete loss of a playing field with no replacement contrary to paragraph 99 and policy G5. Paragraph 1(j)(i) of Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595) defines a playing field as the whole of a site which encompasses at least one playing pitch. Paragraph 1(j)(ii) states that a playing pitch is:

*“a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo”.*

10.20. The application site at Knights Road does not include a playing pitch as defined by paragraph 1(j)(ii), and the site therefore would not constitute a playing field. Additionally, it is important to note that the Oxford Playing Pitch Strategy 2022-2036 is clear that the site at Knights Road is not a formal playing pitch and there have been no registered bookings or requests made to Oxford City Council Parks Team in recent years. The two major clubs in the area, Greater Leys FC and Oxford Blackbirds, use the facilities at Blackbird Leys park, Oxford Academy and Frys Hill so whilst there might have been some ad-hoc informal usage as is typical in green spaces the site is not currently used for formal sports provision, nor has it been for at least the last 10 years. Notwithstanding this, the loss of an area of public open space is a material consideration which must be given due weight.

10.21. There would also be a 13% reduction in public open space at the District Centre site from 5,048m<sup>2</sup> to 4,381m<sup>2</sup>. The largest areas of existing open space in the District Centre are linear strips which front Blackbird Leys Road, the ‘lozenge’ island which sits within Blackbird Leys Road and the area to the south of Evenlode Tower which marks the corner of Blackbird Leys Road and Pegasus Road. All of these existing spaces are considered to be underutilised. The ‘lozenge’ is isolated and has limited use because of its location and functions predominantly as a traffic deterrent, whereas the other strips of land are grassland which are used as cut-throughs or general amenity buffers.

10.22. The local area is relatively well served by recreation land and parks, which are larger in size than the existing park area at Knights Road and the spaces at the District Centre. The following much larger open spaces/parks are located within a 10-minute walk of the site (or 800 metres distance):

- Spindleberry Nature Park

- Blackbird Leys Park
- Gillians Park
- Fry's Hill Park

10.23. In addition, sports pitches for football are located at Fry's Hill Park to the south of the site; Blackbird Leys park in the centre of the suburb; pitches at Oxford Academy; and also within the newly formed artificial grass pitch (AGP) and U18's football pitch pitches at the Orion Academy to the north of the site which are available for community use as a result of a community use agreement.

10.24. The area is not underserved by parks and areas of open space and therefore the loss of the areas of public open space would not result in a deficiency in available open space within the area. Likewise, the football pitch provision in the surrounding area is considered satisfactory by Sport England who have now removed their objection to the proposals. Notwithstanding this, officers do not consider the open spaces to be surplus to requirements as they provide a benefit to the local community in amenity terms and provides value from a visual amenity perspective in terms of its contribution to the public realm.

10.25. Where considering the loss of open space, criteria (b) of Policy G5 of the Oxford Local Plan and Paragraph 99 (b) of the NPPF both require equivalent or better provision in terms of quantity and quality. Officers consider that through the provision of appropriate enhancement measures to the remaining open space, to be secured through the accompanying legal agreement, the proposals can deliver a better quality area of open space, notwithstanding the reduction in size of the space, though the quantity of public realm would be reduced. The development cannot therefore be considered to fully comply with Policy G5 of the Oxford Local Plan and would therefore need to be considered as a departure from the adopted local plan and it has been advertised accordingly on this basis.

10.26. In accordance with Paragraph 12 of the NPPF, the Council must set out why material considerations justify a decision to depart from the provisions of the local plan. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of the Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an enhancement of the public open space, notwithstanding the reduction in size.

10.27. The red line area for the site includes the whole of the District Centre and Knights Road and the proposed redevelopment of these areas offers a significant opportunity to enhance the remaining area of public realm. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently back of house service

areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area, albeit a reduced area of space. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

10.28. In addition, the proposals would deliver substantial public benefits through the provision of 294 new homes, all of which would be affordable housing, which would make a valued contribution towards meeting Oxford's housing need. For these reasons, and, in particular, the need for affordable homes, the proposal is considered to justify departure from the development plan in respect of Policy G5.

### Community Uses

10.29. Local Plan Policy V6 supports proposals which add to the cultural and social scene of the city within city and district centres provided the use is appropriate to the scale and function of the centre. Local Plan Policy V7 states that existing cultural and community facilities will be protected and retained unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

10.30. The proposed development at the District Centre proposes the demolition and relocation of the existing Blackbird Leys Community Centre (BBLCC). The existing community centre is a community facility as defined by policy V7. The City Council's Leisure Team have confirmed that all the groups using the BBLCC were previously decanted to suitable alternative facilities however, due to project delays which resulted in a period of months of the centre being empty a limited number of groups were allowed to use the building again on a short term basis until the project was ready to continue.

10.31. As mentioned above, this aspect of the proposal is in outline with all matters reserved except for access. Notwithstanding this, officers have assessed the principle of the community centre provision against the requirements of policies.

10.32. The proposal would not result in the loss of the existing community facility as a new community centre of at least 1,200m<sup>2</sup> (GIA) would be delivered in a location adjacent to the existing building. While the proposed floorspace would represent a reduction compared to the existing building (of approximately 221m<sup>2</sup>) it is understood that the existing facility has an inefficient floorplan with an overprovision of underused circulation space. The design of the community centre, to be submitted as part of a future reserved matters application, would seek to address this by providing more flexible, multi-functional spaces, the nature of which would be informed by further community consultation and engagement.

10.33. Furthermore, the proposed floorspace has been informed by a Community Needs Assessment which was undertaken in 2019 to ensure that the proposed footprint would be adequate and able to provide the amount of space needed for the area. Therefore, while the proposal would reduce the amount of floor space



from that on the existing site, it would rationalise the space for the community users and make efficient use of the site while facilitating the delivery of affordable housing. Officers consider that any loss of recreation provision in terms of quantum of floorspace would be outweighed by the better quality facilities provided through the development, which would be fully assessed in a future reserved matters application, and the provision of affordable housing. A condition to secure minimum floorspace for community centre would be imposed.

10.34. The applicant has submitted a phasing plan which confirms that Blocks A, D, Knights Road development and the community centre would be delivered in Phase 1 of the scheme. To ensure that there would not be an unacceptable loss of community facilities without adequate re-provision a condition requiring that an application for reserved matters approvals is submitted within 1 year of the date of consent would be imposed.

10.35. Therefore, subject to the aforementioned conditions and obligations officers consider that the proposal would not be contrary to policies V6 and V7 of the Local Plan.

#### Commercial Uses

10.36. Local Plan policy V1 supports the development of town centre uses (retail, leisure, entertainment, office, arts, culture and tourism) within the defined city, district and local centre boundaries.

10.37. On 1st September 2020 Class E (Commercial, Business and Service) of the Use Class Order came into effect and replaced, amongst others, Class A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), parts of D1 (non-residential institutions), D2 (assembly and leisure) and B1 (office), (research and development of products or processes) and (Light Industrial) uses. Similarly, Class F (Local Community and Learning) replaced uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as including newly defined local community uses. Therefore, the proposed commercial and community uses falling within Classes E and F and sui generis uses (which are proposed to ensure that the bespoke existing uses e.g. the Agnes Smith Advice Centre, can be accommodated in the new development) are considered appropriate uses within district centres in accordance with policy V1.

10.38. Policy V4 sets out the ground floor uses which are considered acceptable within district and local centre shopping frontages. The policy states that for Blackbird Leys District Centre the appropriate uses are those within the revoked classes A1-A5. The reference to the use classes A1- A5 within Policy V4 are no longer relevant, only the use itself, e.g., retail, remains relevant but the purpose and application of the policy still applies.

10.39. The proposed development would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. The development

cannot therefore be considered to fully comply with Policy V4 of the Oxford Local Plan and would therefore need to be considered as a departure from the adopted local plan and it has been advertised accordingly on this basis.

10.40. In accordance with Paragraph 12 of the NPPF, the Local Planning Authority must set out why material considerations justify a decision to depart from the provisions of the local plan. In this instance it is considered that the departure from Policy V4 is justified. As above, while the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.

10.41. In terms of the proposed amount of commercial floor space, the total existing floorspace (excluding garage storage space) for retail is 942.6 m<sup>2</sup> of net lettable area. The proposals include up to 1,210 m<sup>2</sup> of retail and commercial floorspace. The indicative net lettable floorspace in the proposed retail space is 943 m<sup>2</sup>, though this may change subject to the needs of tenants.

10.42. Therefore, the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Policies H1, V1, V6, V7, G5 and RE2.

#### Affordable Housing

10.43. 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.

10.44. 100% of the proposed dwellings provided on both the District Centre and Knights Road sites would be affordable homes. The 210 proposed dwellings in the District Centre would comprise 118 social rent/ affordable rent dwellings and 36 shared ownership homes. All 86 dwellings at the Knights Road site would be shared ownership homes.

10.45. The quantity of affordable homes and proposed tenure mix would therefore meet the requirements of Policy H2 of the Oxford Local Plan.

10.46. On residential sites of 50 dwellings (excluding flats on brownfield sites) or more, Policy H7 requires that 5% of the site area developed for residential purposes shall be made available for self-build unless they are to be conditioned to be brought forward as housing that meets the affordable housing definition. As the proposed development would be 100% affordable housing, policy H7 does not apply.

Mix of Units

10.47. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities. Policy H4 provides a target mix for unit sizes which is as follows:

- 1 bedroom homes – 20-30%
- 2 bedroom homes – 30-40%
- 3 bedroom homes – 20-40%
- 4+ bedroom homes – 8-15%

10.48. However, policy H4 also states that sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.

10.49. The proposed mix for the District Centre and Knights Road is as below:

Site	Percentage 1 bed	Percentage 2 bed	Percentage 3 bed	Percentage 4+ bed
District Centre	41%	52%	7%	N/A
Knights Road	N/A	79%	21%	N/A

10.50. While the District Centre site would have a greater proportion of one and two bedroom dwellings than the target mix the increase of one beds is in line with the findings of HENA (the Housing and Economic Needs Assessment 2022 (Cherwell District and Oxford City Councils)) suggesting the need for one beds will be at 35-40% of the overall size mix. As such, the proposed mix is considered to be acceptable.

10.51. The Knights Road site falls outside the district centre Policy H4 exemption; however, it is considered an integral part of the scheme. The size mix of dwellings for this part of the development takes into account the provision of one beds within the District Centre site.

- 10.52. In addition, the applicant has worked closely with the Council's Affordable Housing team who have advised that there is a very little demand for one bed Shared Ownership units as a relatively low cost difference would allow for a larger home, hence the two bed Shared Ownership homes are in higher demand.
- 10.53. Through thorough analysis of the local data including the Local Insight Profiles for the Blackbird Leys and Northfield Brooks Ward (including 'Affordability gap', 'Total Affordability Ratio', local overcrowding levels, owner-occupier ratios and dwelling typologies) the applicant has demonstrated that the larger family homes (4B+) were not feasible.
- 10.54. Finally, in regard to the requirement for 'First Homes' paragraph 65 of the NPPF sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. Criterion d) exempts proposed development from the 10% affordable homes ownership requirement where the development is exclusively for affordable housing. As this would be the case for the proposed development, officers are satisfied that First Homes would not need to be provided in this scheme.
- 10.55. As such, the overall size mix of the development is considered to respond to a local housing demand and maximizes the opportunity to deliver more affordable homes. The proposals are therefore considered to comply with policy H4.

#### **b. Design, views and impact on heritage assets**

##### Overview

- 10.56. The NPPF makes it clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.
- 10.57. Section 11 of the NPPF notes in paragraph 124 that in respect of development density the considerations should include whether a place is well designed and "the desirability of maintaining an area's prevailing character and setting...or of promoting regeneration and change".
- 10.58. Paragraph 130 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic in local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place to create attractive, welcoming and distinctive places and e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.59. Local Plan Policy DH1 requires developments to demonstrate high quality design and placemaking.
- 10.60. 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.
- 10.61. 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. A Health Impact Assessment must be submitted for all major developments, which should include details of implementation and monitoring. This must provide the information outlined in the template provided at Appendix 4 of the OLP36.
- 10.62. 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.
- 10.63. Policy V8 states that planning applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers. Planning permission will not be granted where there is insufficient evidence on utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible.
- 10.64. The NPPF requires proposals to be based upon an informed analysis of the significance of all affected heritage assets and expects applicants to understand the impact of any proposal upon those assets with the objective being to sustain their significance (paragraph 195). In making any such assessment in respect of designated heritage assets, great weight should be given to the asset's conservation which includes the setting of Conservation Areas (paragraph 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (paragraph 202).
- 10.65. Paragraph 194 of the NPPF requires applicants to 'describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more

than is sufficient to understand the potential impact of the proposal on their significance'. Local Plan policy DH3 reiterates this requirement and provides further details of the type of information required.

10.66. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

10.67. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

10.68. Oxford's historic built environment, including its central core and surrounding townscape, is intrinsically linked to its landscape setting. The city's character has been influenced by its physical and topographical environment, which has three fundamental elements:

- River meadows – these flat open areas permeate the city north to south.
- Wooded farmland, estates & hills – these high and nearby hills form a natural green backdrop and 'amphitheatre' to the east and west of the city.
- Alluvial lowland & vale farmland – these areas of lower lying hills are predominant to the north and south of the city and signal the location of the rivers.

10.69. Oxford's historic built environment features an architectural history that spans nearly 1000 years and comprises:

- Medieval historic core, originating from C9th Saxon burgh, built on a raised gravel terrace at the confluence of the rivers which contains a cluster of tall buildings of exceptional architectural significance that form its iconic skyline and are collectively known as the 'dreaming spires'. The historic core is designated as Oxford's Central (City and University) Conservation Area.
- Surrounding outlying villages of medieval origins, designated as individual conservation areas, which have been subsumed by later C19 and C20 development.
- C19 suburban expansion which subsumed the outlying villages and forms, which the poet Matthew Arnold termed "Oxfords base & brickish skirt".
- C20 expansion including the residential development of Blackbird Leys and the industrial development of the Cowley Motor Works to the south of the city.

10.70. The proposed scheme has the potential to impact the setting of the following conservation areas:

- Central (University and City) – specifically the setting of its central core which is intrinsically linked to its landscape setting.
- Oxford Stadium, Sandy Lane
- Littlemore

10.71. Of these, the Central and Oxford Stadium conservation areas would be most impacted by the proposed development. A summary of the significance of the conservation areas is set out below.

10.72. Central Conservation Area: The landscape and built environment elements identified above and their interrelationship with one another and the intrinsic connection of Oxford's historic development to its landscape setting is fundamental to the significance of the city's Central Conservation Area and can be appreciated from a number of views, both from viewpoints outside of the city looking in (i.e. view cones) and from high level viewpoints within the city looking out.

10.73. At the southern edge of the city, the east and west containing hills fall away to a much lower ridge / hill line with the backdrop of the Chiltern Hills beyond, which signals the river route and is where the areas of C20 expansion have taken place below and beyond the lower ridge line. The ability to visually appreciate the location, extent and forms of the hills and ridgelines that surround the city is essential to understanding its historic development and heritage significance.

10.74. Any new tall building development that extends above the ridgeline along the southern edge has the potential to disrupt and detract from the setting of Oxford's historic built environment and its Central Conservation Area, as well as affect the setting of other heritage assets.

10.75. Oxford Stadium Conservation Area: The site has been used by the community for greyhound-racing and Speedway with a history of use since 1939. The Oxford Stadium is now a rare example and is unique in the City and County, in terms of the historic sports it represents and its historic and architectural interest is considered as special in the local and national context.

10.76. The heritage significance of this conservation area is namely found within its boundary and it's siting in relation to the contemporary 20th century suburbs. Its setting is that of an urban residential and industrial area.

10.77. Littlemore Conservation Area: A former medieval settlement situated relatively near to the site. Given the topography, intervening buildings and distance from the site, it would not be affected by the proposed scheme in a harmful way.

10.78. The proposed scheme also has the potential to impact the setting of the following listed buildings:

- The Church of the Holy Family (grade II) is sited directly adjacent to the District Centre development site.
- The College, Littlemore (grade II)
- St Mary's Church, Garsington (grade II\*)

10.79. The Church of the Holy Family: The Church of the Holy Family is a grade II listed building situated in the Blackbird Leys District Centre which occupies a prominent position on the corner of Blackbird Leys Road and Cuddesdon Way.

10.80. The church was added to the statutory list of buildings of special architectural and historic interest in August 2019 due to it being a largely intact example of an innovative 1960s church with an unusual heart-shaped plan; for its carefully considered interior, with high quality, architect-designed fixtures and fittings; for the technical interest of its hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England; and for being illustrative of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the Liturgical Movement.

10.81. The setting of the church which comprises green open spaces directly surrounding the majority of the building, with low rise buildings to the north, contributes positively to its significance as an integral community facility at the heart of the community. The open spaces (green & grey) surrounding the church emphasise its importance and use. The Windrush Tower is sited a distance to the west of the church.

10.82. In 2021 the Oxford Planning Committee resolved to grant approval for the demolition of the church and erection of a new church building, community facilities and 21 residential units (ref: 18/03405/FUL). It was considered that public benefits would outweigh the substantial harm to, and total loss of, the listed church, but the listed building and planning applications are still unresolved as the legal agreement is yet to be completed, with the outcome of the building currently unknown. As such Officers have considered the impact of the development upon the existing building as well as the proposed replacement building, however as the existing listed building is more sensitive in terms of heritage than the proposed replacement this report focuses on the existing arrangement.

10.83. The College, Littlemore: These grade II listed, former farm buildings were converted by John Newman to create his college in 1842. The College, now cottages and a museum, face inward with a secluded and intimate garden to the rear.

10.84. The buildings derive historical significance in their association with Newman and the survival of his room and oratory, where he was received into the Roman Catholic Church in 1845. The setting of the College contributes positively to its significance as a former farm building in providing historic context.

10.85. St Mary's Church, Garsington: A grade II\* listed building, with elements dating from the 13th-15th centuries which was restored in the mid-19th century. The



significance of the church derives from its historic association with the Parish of Garsington and as a fine example of a medieval ecclesiastical architecture.

10.86. Situated on an elevated position to the south-west of the village of Garsington (a conservation area), the setting of the Church makes a great contribution to its significance. Such contribution is derived from the rural characteristics of the surrounding context, including farmland, far reaching rural views, as well as its group value with the Grade II\* listed Garsington Manor, located approximately 150m to the south-east, as well as other historic buildings associated with Manor at Garsington.

10.87. As set out in section 5 of this report, the application spans two distinctive character areas, the District Centre, an urban area which is characterised by a range of community and commercial and residential uses with pockets of soft landscaping but dominated by the existing road layouts; and land at Knights Road a greenfield site fringed by low rise housing and Spindleberry Nature Park. Subsequently, the application proposes markedly different approaches to development on each site. These are assessed in turn below.

#### District Centre

10.88. The District Centre proposals seek to make the most efficient use of land by delivering a mix of housing and commercial uses as well as community uses and public realm improvements. Currently, the District Centre site is characterised by a number of poorly designed, left-over spaces which are not overlooked or active and result in poor quality public realm and opportunities for anti-social behaviour.

10.89. To address these issues the masterplan for this site has been guided by 4 key principles:

1. Redefining the spatial hierarchy – this includes the redirection and consolidation of the two central roads to prioritise people over vehicles;
2. Creating a focal point – this is intended to be the new community centre and adjacent public space which is facilitated by the changes to the road network;
3. Activation of public space – buildings are proposed to step up in height as they approach the new public space and to maximise overlooking of public spaces to improve safety;
4. Integration with the urban grain – the new buildings are designed to repair the disjointed urban grain while responding to the existing context.

10.90. The District Centre proposal includes the following key elements:

- Erection of four new residential (or mixed residential and commercial) buildings. These are Blocks A, B, C and D.
- Erection of a replacement community centre.
- Creation of a new public square and soft landscaped public open spaces.

- Reconfiguration of Blackbird Leys Road including new crossing points, cycle routes and street trees.

10.91. The proposals will bring significant new development to the area, therefore there will inevitably be a very noticeable change of character to the District Centre which is supported by the development plan and considered in more detail below.

10.92. A proposed site plan showing the District Centre is included below at figure 6 for reference and a plan showing with the annotated building names is also above at figure 4.

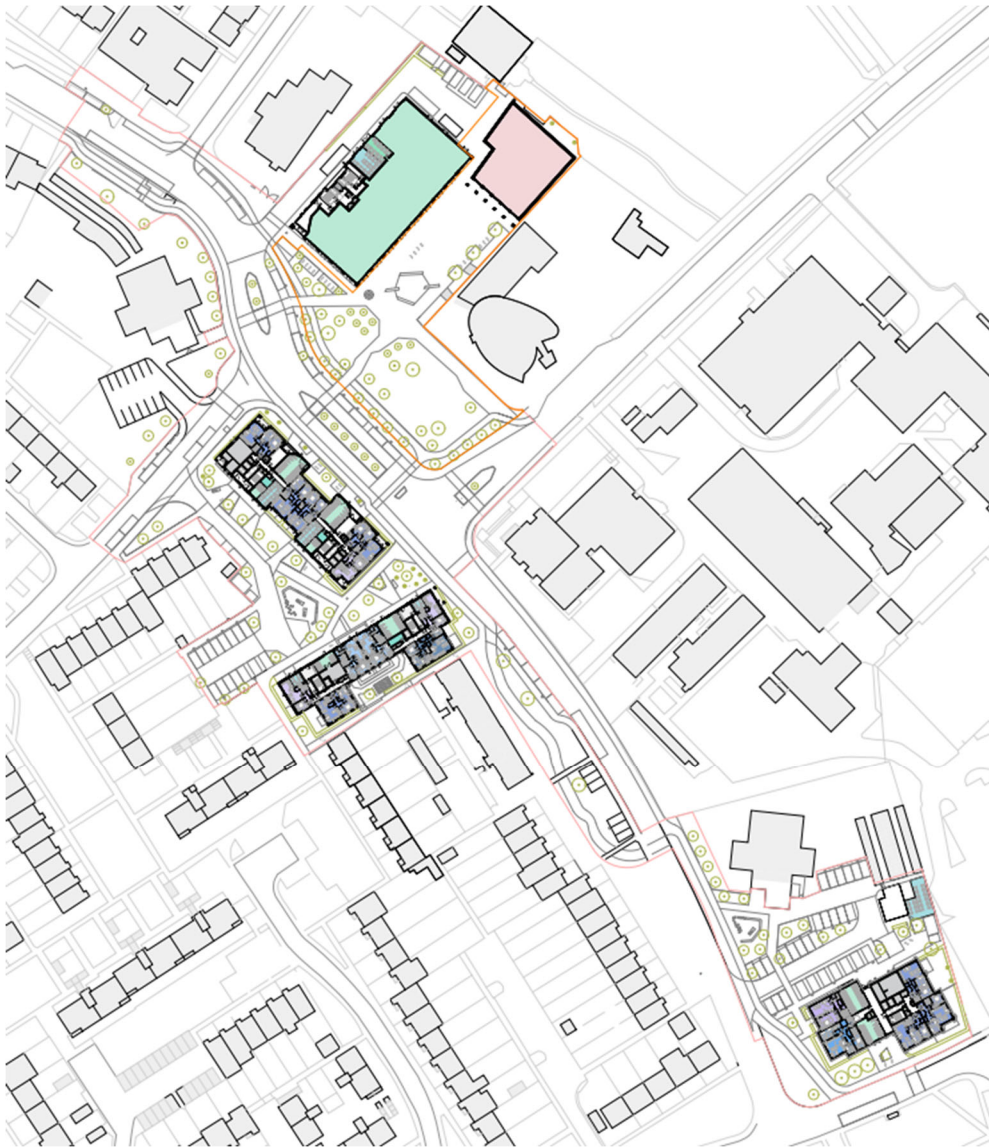


Figure 6 – Proposed District Centre

#### Outline Area - Access

10.93. The community centre and public open space immediately adjacent to it have been submitted as an outline application with all matters reserved except for access for the community centre, community square and green.

- 10.94. The application proposes to site the new community centre towards the edge of the north eastern parcel of the site. It would be immediately adjacent to Block A and would front onto the proposed public space which spans the area between Blackbird Leys Road and the community centre. To the south lies the Church of the Holy Family.
- 10.95. Access to the new community centre would be from the south west along the elevation which would front the public square. Likewise, entrances into the retail units at ground floor level of Block A would also spill out into the public square. This would be effective in creating an active frontage along this important elevation and would encourage activity and movement within the public square.
- 10.96. Servicing for the community centre would take place to the west of the building with vehicle access provided from a service road to run adjacent to Block A (within the detailed area of the application). This is considered acceptable.
- 10.97. Concerns have been raised by Thames Valley Police and Blackbird Leys Parish Council about movement through and between Blocks A and the Community Centre as the submitted layout plans indicate a 'dog-leg' route. The space between the two blocks as shown would be approximately 3 metres which is considered to be adequate to avoid congestion on this route. Notwithstanding this officers are mindful that the detailed appearance, landscaping, layout and scale would be reserved matters and therefore have not been submitted with the current application. Officers consider that it will be possible through any future reserved matters application to ensure that the design and layout of the building is designed in such a way to ensure that these concerns are addressed.
- 10.98. The public square and public open space would be accessed from Blackbird Leys Road via a series of footpaths which connect to Windrush Tower, Knights Road, Block B and Cuddesdon Way. Officers consider that both the public square/ public space and community centre would be well connected for pedestrians and cyclists and effectively contribute towards creating a key focal landmark for the site.
- 10.99. The community centre will require a supplementary travel plan. This plan should be focused on how staff and users will access the community centre by active travel modes. This has been included as a condition.

#### Detailed Area

- 10.100. Siting and Layout: The masterplan for the District Centre has been informed by the key principles which are set out above. As such the layout centres on the new public square and green spaces which would be located broadly in the same location as the existing retail units. The clustering of the civic uses together in this way would frame the civic space and create a community hub for the area.
- 10.101. Surrounding the public spaces would be the community centre and Block A, the largest of the residential towers which includes retail units at ground floor level, as well as the existing church.

- 10.102. To facilitate the community hub, the application proposes to alter the existing highway network. Blackbird Leys Road carriageway situated to the east of the loop is proposed to be stopped up and would be realigned to connect the existing northern and southern end of the road. The junction between Cuddesdon Way and Blackbird Leys Road would be reconfigured to give Blackbird Leys Road priority. The existing road layout comprises a number of severe bends effectively creating a 'doughnut' which leaves an isolated central area of underused green space and tree planting. Officers therefore support the proposals which would divert the highway allowing for the reclaiming and expansion of this green space, significantly increasing its value and usability. The prioritisation of pedestrians and cyclists is welcomed as is the green network of public open spaces throughout the District Centre which is considered to be very positive. Furthermore, a protected cycle route is incorporated within the plans which is in accordance with Policy M1 and is considered in further detail within the transport section of this report.
- 10.103. This new area of public realm outside the church would contribute to an attractive sequence of open spaces across the District Centre. From Windrush Tower to Block A to Toppo Square, the space between Block B and C and on to that between Block D and Evenlode Tower, the public realm would promote use of these spaces as well as wellbeing of residents.
- 10.104. Block A would serve as a landmark building, highlighting both the district centre of Blackbird Leys generally, and the important commercial and community uses. Likewise, when combined with the existing Windrush Tower, it would form a gateway into Blackbird Leys from the north west along Blackbird Leys Road. The residential entrance to Block A is proposed on the western corner of the block. This would provide residents with an appropriate level of privacy and separation from the retail and food & beverage units, as well as a good relationship and passive surveillance from the Windrush Tower. Locating the residential entrance in this location also best accommodates the required additional escape stair.
- 10.105. Officers note concerns raised by Thames Valley Police about the route through to Blackbird Leys Adventure Playground (BLAP). Although the footprint of Block A would be fixed through the granting of this permission, the footprint of the future community centre is to be developed at the reserved matters stage and as such it will be possible to ensure that a line of sight from the square to the BLAP entrance can be provided with the design of the community centre. Likewise, the potential for gated access and restrictions to this route could be explored fully through a reserved matters application.
- 10.106. Block B is proposed to be sited opposite the public space, broadly within the same location as the existing retail units. It would be smaller in terms of its footprint and height and would be entirely residential in terms of its composition. While Block B would be separated from the public space the application proposes tree lined crossing points along key desire lines to ensure there would be good levels of connectivity between these two destinations.
- 10.107. While the main elevation of Block B would front the civic space it has been designed so as to ensure there are active frontages at the rear, including a

proposed play area and soft landscaping. This would represent a significant improvement in comparison to the existing arrangement which is characterised by the rear elevations of retail units and parking courts which are not properly overlooked or well connected.

10.108. Officers consider that Block B positively negotiates the site context and required functions of the building. The ground floor successfully incorporates bike storage, plant, entrances both to the front and back of the building, private entrances to the ground floor flats, defensible space around the building as well as active frontages to south and east elevations. The design of the ground floor has been thoughtfully designed to optimise the public space around the building to ensure this will be a useable, legible and attractive space.

10.109. Block C would be sited to the south of Block B and immediately adjacent to a block containing two rows of existing two storey residential terraces. One row of terraces fronts onto Blackbird Leys Road and the other Birchfield Close; their rear elevations being back to back. Block C has been sited at 90 degrees to these existing properties with its main entrances sited towards Block B and the landscaped area between the two buildings. Forming broadly a 'c' shape, the protruding elements of the footprint would be in line with the adjacent terraces mimicking the existing building line and incorporating an amenity space adjacent to the rear gardens of those existing properties. Officers consider the layout to be logical, effectively extending the Blackbird Leys residential frontage while maintaining a separation with Block B to allow for views through into the landscaped public realm and play area.

10.110. Finally, Block D would be located to the south east of the site on a plot bounded by Blackbird Leys Road and Pegasus Road. The building is located on an underused part of green open space which is dominated by traffic and not well used as an amenity space. The building would bookend with the existing Evenlode Tower and would create a gateway into the site from the south. The building would be separated from Evenlode Tower by a car parking area as well as soft landscaping and a play area. The existing mature trees on the site are proposed to be retained which is supported. A pedestrian footpath is proposed along the western edge of the building which mimics an existing informal path that 'cuts the corner' between Blackbird Leys Road and Pegasus Road. A connection to Blackbird Leys Park to the east is indicated which is welcome. To create activation, entrances are proposed on the north, south and western elevations.

10.111. With the exception of Block A ground floor uses would be residential. Active frontages and passive surveillance would be achieved by these residential blocks through considered fenestration and well positioned entrances. Where blank facades cannot be avoided – such as the incorporation of cycle storage and ground floor plant, these are located to mitigate negative impact.

10.112. In terms of the site landscaping strategy, a number of character areas would be created:

- Community square and green;

- Blackbird Leys Road - ‘the arrival heart’;
- Back of Blocks B and C – pocket green and play area;
- Between Evenlode Tower and Block D – play area;
- Block A – roof garden and shared amenity;
- Side and rear of Block A – community centre and retail service area.

10.113. The community square and green, and the pocket green and play area would be predominantly soft landscaped areas which would be defined as ‘open space’ to be controlled by the s106 legal agreement. The areas on Blackbird Leys Road and to the rear of Block A would be more functional and led by hard landscaping, interspersed by planting. The amenity space and roof garden on Block A would provide a mix of garden spaces with planting and seating, social gathering spaces and a play/ multi-use space. The final design of this area would be conditioned along with materials and planting. A play area strategy would also be required as would specific details of play equipment and finishes.

10.114. The landscaping proposals are considered to be acceptable and, subject to details being secured by conditions, would provide a mix of functional and amenity spaces which would be beneficial to the amenity of future and existing residents in the area. A condition to secure a public art strategy has been included to include the relocation of the existing public art at the Blackbird Leys Community Centre.

10.115. Overall, the ground floor plan and open spaces have been well considered throughout. There is a positive relationship between the internal and external spaces, contributing to high quality public realm.

10.116. Scale and Massing: A varied approach to building heights has been proposed across the scheme to respond to the site’s context and the character of the adjoining areas. The approach has been informed by detailed technical studies including a daylight, sunlight and overshadowing assessment and townscape visual assessment which accompany the planning application. The District Centre site would include four new buildings of up to 12 storeys which would be lower than the fifteen storey high Windrush and Evenlode towers adjacent to the site, as follows:

- Block A – up to 12 floors and up to 45m height (112m AOD);
- Block B – up to 8 floors and up to 29m height (95m AOD);
- Block C – up to 5 floors and up to 17m height (83m AOD);
- Block D – up to 10 floors and up to 37m height (100m AOD).

10.117. Block A: Block A has undergone significant and positive design development during the pre-app stage which is reflected in the current submission. Since the pre-app what was a rather uniform block, bulky in terms

of mass and scale has been refined into a more articulated form with a slender tower located at the front of the plot, a wider plinth and midrise section to the rear.

- 10.118. Officers consider that by positioning the tower element to the front of the plot Block A would demonstrate a positive spatial relationship with the existing Windrush Tower and together, Block A and the Windrush Tower would create a focal point for the District Centre, particularly when arriving from the north. Furthermore, locating the tower element to the front of the plot on Blackbird Leys Road would reduce the impact on the immediate site context including existing residential and Blackbird Leys Adventure Playground to the east.
- 10.119. Likewise, positioning the lower section to the rear of the plot allows this part of the building to mediate the step down to the community centre which would also provide a better backdrop to the listed church when views from the corner of Cuddeson Way and Blackbird Leys Road as demonstrated by the submitted Townscape Visual Impact Assessment (TVIA).
- 10.120. The tower element would be set to the far edge of the plinth and set back from 'Topsy Square' and the church, subsequently providing the church with enough 'breathing space' and preventing Block A from feeling overbearing.
- 10.121. The proposed plinth would allow Block A to incorporate active frontages to Blackbird Leys Road, while the tower would be slightly set back from the site boundary thus avoiding this taller section from being overbearing to the street scene.
- 10.122. In terms of key views, Block A would be visible in the view from St Mary's projecting above the lower ridgeline which is characterised by mature tree cover in the summer months. Its tallest element appears of comparable massing to the existing Evenlode and Windrush towers, siting below the existing Chiltern ridgeline. The additional bulk of the lower element, which would be visible in the view which is unfortunate but for the reasons mentioned above considered to be a logical design choice.
- 10.123. Block A would be visible in the view from Carfax very close to the spire of Christ Church Cathedral (grade I), obscuring a part of its landscape setting and reducing its prominence in the roofscape. The building would also be visible behind the turret of the former Nat West Bank (grade II, now The Ivy), obscuring the sky backdrop to this building and its rooftop articulation.
- 10.124. In the view from St George's tower, the development sits behind the tree canopy and is not visible in the summer months. There are no winter view photos to enable the impact within this part of the year to be assessed.
- 10.125. From the information available, it is considered that a low level of less than substantial harm would be caused to the setting and significance of the Central Conservation Area, by reason of the visibility of Block A within the high level views which would project above the southern ridgeline and obscure areas of landscape and sky backdrop, and detract from the setting of Christ Church Cathedral and the Conservation Area roofscape.

- 10.126. Block A would have a substantial impact on the setting of the Church of the Holy Family. It is considered that this impact would be negative due to the significant mass, bulk, scale and height of the building which would be significantly greater than the church and replace it as the focus to the view.
- 10.127. A high level of less than substantial harm would be caused to the setting of the church and its architectural and historic significance, detracting from its function of being the primary community facility, symbolically and physically located at the heart of the community.
- 10.128. Blocks A-D would be visible in the view from St Mary's Church, Garsington and fill in the landscape backdrops between and either side of the Evenlode & Windrush towers with built form. As the development is viewed in the context of the urban sprawl of Oxford city, their impact is considered to be a low level of less than substantial to the setting of the church.
- 10.129. Notwithstanding the harm to heritage assets which is considered further in the section below, Officers consider that while Block A would be visible from certain viewpoints, its form would not be unduly incongruous within the site context.
- 10.130. Block B: It is proposed that the massing of this large building is broken up into three sections, including a smaller central part. Officers consider this would successfully break up the massing and helps prevent this large and wide building from appearing overly bulky and incongruous within the site context.
- 10.131. With a height 16 metres lower than Block A, Block B would comfortably step down from Block A and the Windrush Tower which would create a transition to the low rise houses and maisonettes beyond the District Centre.
- 10.132. Although not as tall as the towers in the District Centre, Block B is still visible from viewpoints at Cuddesdon Road, St. Mary's Church, Southend Garsington Knights Road, Cuddesdon Way, Blackbird Leys Park and Overmead Green. The position of Block B and relationship to adjacent blocks means there is adequate space around the block and variation in heights to prevent the cumulative impact of the proposed District Centre development from being harmful to these views or townscape.
- 10.133. Block C: Block C is proposed as a four storey building which would step down to two storeys where it adjoins the neighbouring residential terraces. This form would provide a comfortable transition between the new proposed blocks A and B, and the existing maisonettes and two storey houses. It is also considered that where the building is four storeys in height it would help frame the public realm without feeling overbearing.
- 10.134. Block D: Block D marks an end to the District Centre as a character area and provides a transition to the more low rise suburban development beyond. Although Block D results in the loss of green space, it has been sensitively designed and is overall a positive addition to the District Centre. It brings design legibility and helps to mark the edge of the District Centre.



- 10.135. The building is formed of three sections. The height of these is informed by the adjacent Evenlode Block and has been designed to minimize negative impact to the outlook of existing residents.
- 10.136. Block D is a noticeably quieter building than Blocks A and B, smaller in scale, asymmetric with less pronounced elements such as the plinth or central section, which reflects the location of this building being at the edge of the District Centre, rather than centrally located and supports the proposed design hierarchy across the District Centre.
- 10.137. Conclusion: Overall, the proposed scale and massing is considered to be successful. It would demonstrate a logical hierarchy culminating in the tallest building, Block A, which would serve as a landmark for the civic centre of Blackbird Leys. Buildings have been designed so that their scale and mass responds to the existing context, stepping down to relate to the low level residential development that surrounds the site.
- 10.138. As noted above the height of the buildings would have an impact on key views and would result in harm to heritage assets which is assessed fully in the relevant section below.
- 10.139. Microclimate: It is a requirement of Policy RE7 that consideration is given to the impacts of developments on microclimate to ensure a good standard of amenity. Due to both the height and prominence of the proposed development and the cumulative impacts arising from the proximity of existing and proposed residential tower blocks, a Wind and Microclimate (WMA), and a Solar Glare Assessment (SGA) have been submitted in support of the application.
- 10.140. Wind: The submitted WMA assesses the wind conditions within a 250m radius from the proposed site. The results show that the areas at ground level are suitable for the intended use.
- 10.141. In addition to ground level analysis, elevated amenity spaces were also assessed which showed that while the majority of balconies have wind conditions suitable for the intended use, there are some areas on balconies in Blocks B and D, as well as the terraces on Blocks A, B and D, that would be ranked as having minor to moderately adverse impacts. As such, mitigation measures (e.g. high solid parapets and landscape elements) will be needed to reduce high wind speeds at these terraces. A condition requiring details of these mitigation measures has been included to ensure that the external spaces would provide a good level of amenity for future occupiers.
- 10.142. The entrances of all neighbouring buildings would experience wind conditions suitable for their intended use. The entrances of the proposed buildings would also experience favourable wind conditions. Entrances to Block A have wind conditions suitable for the intended use whereas entrances to Blocks B, C and D have wind conditions that are minor to moderate beneficial for pedestrians and therefore risk of wind discomfort is considered negligible.
- 10.143. The majority of amenity spaces surrounding the site have wind conditions suitable for pedestrian sitting which is the intended use for these locations. The

open space surrounding the Evenlode Tower has wind conditions suitable for pedestrian walking with a small spot that is classified as being uncomfortable, however, as there are no designated seating areas here, risk of perceived wind discomfort is considered low and therefore it can be considered suitable for its intended use. This area is also close to the car parking areas and is most likely not an area that is of frequent use. It is also worth noting that it is unlikely the wind conditions here are caused by the proposal alone, but rather by the downwash effect from the Evenlode Tower that already exists due to the close proximity of this region to the existing tower and the nature of the wind patterns surrounding the tower massing.

10.144. The vast majority of balconies belonging to the proposal have wind conditions suitable for the intended use. There are a number of high-level balconies of Block B that are facing the prevailing wind from southwest that experience minor adverse effects for the residents. Mitigation measures such as solid balustrades would need to be implemented to improve the wind conditions here, the details of which would be secured by condition.

10.145. The accessible terraces on blocks A – D have also been assessed to analyse the wind conditions that will be experienced by the residents and the results show that while there are areas within the terraces that are suitable for the intended use of sitting, there are also areas that will experience wind conditions that are minor to moderate adverse. As stated previously, mitigation measures would need to be implemented to improve the wind conditions here, the details of which would be secured by condition.

10.146. All main pedestrian routes and car parks have been demonstrated to be suitable for their intended uses.

10.147. Solar Glare: The submitted SGA assessed the likelihood of solar reflections given off the glazed facades of the proposed development. The assessment was carried out to analyse a 'worst-case' scenario using a glazing reflectance of 90% and the threshold of 500 cd/m<sup>2</sup> as per Hassall. In reality, the threshold depends on the ambient horizontal illumination, such as on a bright summer sky the driver's adaptation state can be between 5000- 6000 cd/m<sup>2</sup> while on a clear winter day between 500- 1500 cd/m<sup>2</sup>. Additionally, this analysis was carried out under the assumption of a perfectly clear sky and no trees or landscape features, in line with good practice methodology, and therefore the conclusion of this report presents the 'worst-case' scenario, and that true values of potential glare may be lower than what is reported.

10.148. The results showed that there were some instances of solar reflections given off and into mainly the southwest, northeast, and northwest bound streets. Overall, the levels of reflection vary by façade's orientation, position of viewpoint, and time of year and subsequently the effect of potential glare generally ranges from negligible to potential notable when the angle of incident is less than 10° and very direct to the driver's line of sight.

10.149. Where such incidence occurred, further investigation into the intensity of solar glare was carried out and it was determined that 9 of 22 viewpoints tested

experienced notable glare. Mitigation measures will therefore be required (e.g. installing lower reflectance glazing) and are requested by condition.

- 10.150. Conclusion: Subject to suitable mitigation measures being secured by condition, officers consider that the proposal would be acceptable in terms of its impact on microclimate in accordance with policy RE7.
- 10.151. Building Layout: Block A: Block A is proposed as a mixed use building with retail space totalling 1068m<sup>2</sup> at ground floor level and a total of 51 flats above. A basement is proposed to provide plant storage and lift stores.
- 10.152. At ground floor the retail space would fill the majority of the footprint with two lifts and stair cores located along the north western side of the building. Access to the residential floors above would be via a dedicated residential entrance to the south western corner of the building. Also located at ground floor level would be the refuse stores for both the retail units and residential dwellings.
- 10.153. At first floor there would be a podium to provide a shared residential terrace area, providing additional amenity space for occupiers of the building. Access to this space would be restricted by fob access. On this floor there would also be a bookable 'meeting room' which is intended as a space for residents to be able to meet, have social gatherings etc. A management plan to cover all communal shared spaces within the District Centre site would be secured by condition to ensure that these spaces would be suitably maintained and to reduce opportunities for anti-social behaviour, noise disturbance and crime.
- 10.154. A total of 5 residential units are proposed on the first floor. These would comprise 3no. 1 bed/ 2 person units and 2no. 2 bed/ 4 person units. Additionally, bicycle storage for 102 cycles is proposed.
- 10.155. On floors 2-5 a total of 7 residential units are proposed comprising 4no. 1 bed/ 2 person units and 3no. 2 bed/ 4 person units. On floors 6-11, 3no. residential units are proposed comprising 2no. 1 bed/ 2 person units and 1no. 2 bed/ 4 person units. The roof level would include the lift overruns and access shafts.
- 10.156. Block B: Block B would be a wholly residential building containing 36 dwellings. The ground floor plan includes 4no. 2 bed 4 person units and 1no. 1 bed 2 person unit. The entrances would be flanked by large cycle stores and additional cycle parking is proposed to the rear totalling 144 spaces. The remaining ground floor space would be occupied by refuse stores, plant, cleaning stores and circulation space. Each of the two 'wings' of the building includes a stair core with two lifts.
- 10.157. The layout of floors 2-5 would include a total of 10 dwellings; 4no. 1 bed 2 person units and 6no. 2 bed 4 person units. Floors 6 and 7 would have slightly reduced number of 8 units per floor. Floor 6 comprising 4no. 1 bed 2 person units and 4no. 2 bed 4 person units. Floor 7 would comprise 2no. 2 bed 3 person units and 4no. 2 bed 4 person units. The roof level would include the lift overruns and access shafts.

- 10.158. Block C: Block C would be a wholly residential building containing 27 dwellings. The main entrances to the building would be positioned at each end of the north western elevation and would be flanked by cycle and bin stores. A total of 66 cycle spaces are proposed. There would be two stair cores at either end of the building each comprising one stair and one lift. At ground floor level there would be 6no. residential units comprising 2no. 1 bed 2 person units, 2no. 2bed 3 person units, 1no. 2 bed 4 person unit and 1no. 3 bed 5 person units.
- 10.159. On the upper floors there would be between 6-8 residential units on each floor which would be a mix of 1 bed 2 person units, 2 bed 4 person units and 3 bed 5 person units. The roof level would include the lift overruns and access shafts.
- 10.160. Block D: Block D would also be a wholly residential building containing 61 dwellings. The ground floor layout would include a main entrance fronting Pegasus Road with front and rear accessed cycle parking for 130 cycles. The main stair core would be centrally located within the plan and would include one stair and 2 lifts. Plant and stores would be clustered around the stair core. 5no. dwellings are proposed at ground floor level with dual aspects to increase activation at street level and improve internal amenity. These would be 1 no. 1 bed 2 person unit, 3no. 2 bed 4 person units and 1no. 3 bed 5 person unit.
- 10.161. Floors 1-5 would have 8 units per floor with a mix of 1 bed 2 person, 2 bed 4 person and 3 bed 5 person units. Upper floors 6-9 would have 4 units per floor and these would be 1 bed 2 person and 2bed 4 person units. The roof level would include the lift overruns and access shafts.
- 10.162. In accordance with policy H10 7no. Category M4(3) wheelchair accessible units would be located at ground - fifth floors of the building.
- 10.163. The Fire Officer and the Health and Safety Executive (HSE) have been consulted due to the proposed height of the residential buildings proposed. They raised no objections to the proposals and highlighted that Building Regulations approval will also be needed should the scheme be consented.
- 10.164. All of the proposed dwellings would comply with Policy H15 and the minimum space standards set out in the Technical Housing Standards - Nationally Described Space Standard (2015). All units would be at least Category M4(2) dwellings with no.9 units being Category M4(3) wheelchair accessible units which would comply with the requirements of Policy H10 and exceed the requirement for Category M4(3) homes.
- 10.165. Consideration has also been given to the amenity of future occupiers in terms of daylight and sunlight. The submitted information demonstrates that the proposals would meet or exceed the minimum standards set out in the BRE guidance.
- 10.166. In accordance with policy H16 external amenity space is provided as balconies for all flats within the District Centre. Additional amenity space would be provided on Blocks A (terrace) and B (pocket green).

- 10.167. Officers have considered the comments submitted by Thames Valley Police regarding the design of a number of aspects of the proposed development. Officers agree with the request for the proposal to achieve Secured by Design 'Gold' accreditation and a condition has been included to secure this.
- 10.168. Materials and Appearance: Block A: The proposed materials for Block A include pale red brick with white brick framing for the tower element. The secondary building would also be constructed from pale red brick. The ground floor uses and first floor terraces for the use of the residents would also emphasised by a two-storey white frame.
- 10.169. Officers consider the proposed design to be acceptable and successful in using the frame to draw attention to the key features of the block i.e. the commercial uses and landmark tower. The use of red brick is considered to be acceptable however officers do not support the use of white brick for the frame element. Instead a buff colour would be considered more appropriate. Notwithstanding this details of all materials would be secured by condition.
- 10.170. Block B: Block B faces onto the main public space within the District Centre. It therefore provides a strong presence onto this large space, with a civic architectural language that incorporates a regular framed facade grid, a two-storey plinth at its base, inset balconies and inset articulated entrances.
- 10.171. Similarly to Block A, Block B is proposed to be constructed from a buff brick with the frame comprising white brick. As above, the white brick would not be supported however, subject to further detail being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.172. Block C: The architecture of this block is deliberately simple and robust, with vertical articulations present along the elevation reminiscent of the terraced street. Richness in detailing at the ground floor and on key corners, are proposed to break up the mass and provide interest.
- 10.173. A combination of light and dark buff brick is proposed with additional brick detailing used around the entrances. Subject to further detail being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.174. Block D: Block D is similar in character to Buildings A and B, whilst fulfilling a slightly different purpose. The architecture of Building D has been designed to provide a strong presence in the public space, however due to its location being further from the mixed-use centre of the development the civic language is less strong and the building articulation adopts a more playful approach. A ground floor 'plinth', distinct from the regular grid, echoes the language of Windrush Tower and helps break down the mass. Finally, as is the case with other buildings, the finer detail emphasises the lower floors, adding depth and an inviting human-scale to the buildings as they are experienced from the street.
- 10.175. Buff brick with a white brick frame is proposed. As above, the white brick would not be supported however, subject to further detail being secured by

condition the proposed appearance and materials are considered to be acceptable.

- 10.176. Waste and Refuse: The proposed refuse strategy has been developed in collaboration with ODS (Oxford Direct Services). Refuse storage would be provided in line with the requirements set out in Oxford Local Plan, along with some over-provision following detailed advice from ODS. It is proposed that each core would be provided with a bin store at the ground floor level. The bin stores would accommodate all the residential residual waste, recyclables and food waste generated within the proposed development. All bin stores are proposed to be internal to the buildings, with the exception of Block D, where it would be located externally to minimise inactive frontage and maximise natural surveillance.
- 10.177. A separate retail refuse store is also proposed within Building A, which would be serviced via the rear access road.
- 10.178. A condition to secure detailed design of bin storage has been included. The proposal for waste storage and collection is considered acceptable and is therefore in accordance with local plan policies.
- 10.179. District Centre Conclusion: The proposed design, layout, appearance, scale and massing would be acceptable in terms of delivering a scheme that would integrate into the surrounding area despite providing higher density towers. The proposals would make efficient use of land while also delivering an improved quality of amenity space for both future and current residents. The building layouts would be appropriate and provide an adequate amount of living and amenity space for future occupiers. The proposals, when viewed in local views would not appear incongruous.
- 10.180. Notwithstanding the points above, due to the scale of the development the proposal would impact a number of other important views, namely those from the Green Belt Way (public right of way) which runs to the south of the Oxford City boundary, through the South Oxfordshire Countryside – there are wide ranging views looking north towards the site from various locations from Shotover to Toot Baldon along the Green Belt Way. There will be a fairly significant impact in terms of visual change / change of character to this rural edge. In some of the views, due to their height and wide form / floorplates, the buildings appear relatively blocky with a horizontal emphasis in some of the views, particularly when viewed in context with the existing Windrush & Evenlode towers, and do not appear as positive or elegant additions to the skyline and roofscape, resulting in a detrimental change to character to the roofscape. However, the impact on these views must be considered within their context as views of the edge of the city's countryside looking inwards towards the city and developed urban form contained within its boundary. The application sites are both within, or in extremely close proximity to, a district centre where there is scope for greater density and making a more efficient use of land so an increase in visible built form in this area is, to some extent, to be expected and, in many ways beneficial, not least because it focuses development within the urban city and reduces pressure for development within the rural fringes.

- 10.181. The scheme would cause a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the Church of the Holy Family. However, it is noted that the latter is subject to a permission in principle to demolish the building due to its deteriorating condition.
- 10.182. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In terms of considering the planning balance of public benefits against harm to designated heritage assets, paragraph 200 states that there should be a clear and convincing justification for the harm. Paragraph 202 states that where a proposal will lead to less than substantial harm, that harm should be weighed against the public benefits including, where appropriate, securing the optimum viable use.
- 10.183. In terms of public benefits, National Planning Practice Guidance states that public benefits that flow from a development could be anything that delivers economic, social, or environmental objectives. They need to flow from the development and should be of benefit to the public at large and not just a private benefit, although benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 10.184. Officers consider that the development would result in the following public benefits:
- 10.185. *Social:* The proposal would result in a total of 294 affordable dwellings (210 at the District Centre site and 84 at the Knights Road site) comprising a mix of tenures and types which would be good quality in terms of their size and amenity standards. The contribution that these dwellings would make towards Oxford's unmet housing need would be significant and as such officers attribute significant weight to this public benefit.
- 10.186. In addition to the delivery of new affordable homes the proposals would result in the regeneration of the District Centre including improved public realm, new retail and commercial floor space and a replacement community centre with a more flexible floorspace than the existing building. The proposals would address a number of issues with road layout and poor urban design which currently contribute towards opportunities for anti-social behaviour and crime. The provision of the new community square and green, pocket parks and overall improvements to the public realm would represent a marked improvement in terms of quality when compared to the existing arrangement and improve usability of these important civic spaces to provide a focal hub for the District Centre. Officers attribute significant weight to this public benefit.
- 10.187. *Economic:* The development would support approximately 95 on site construction jobs and 55 net additional on and off site construction jobs per annum over a 4.7 year construction period.
- 10.188. Once complete, the proposed development is anticipated to generate around 35 Full-Time Equivalent (FTE) net additional jobs in Oxford. This includes

around 20 FTE homeworkers expected to be resident in the scheme. The operational phase jobs are expected to generate around £1.5 million per annum in GVA to the economy.

- 10.189. Around 20 FTE new local retail, food and beverage sector jobs are anticipated to be supported by the additional residential expenditure introduced to the area as a result of the proposed development (£2.9m per annum).
- 10.190. Officers attribute moderate weight to these public benefits.
- 10.191. *Environmental:* The scheme would provide a Biodiversity Net Gain (when accounting for the required contribution towards off site provision) and reduction in carbon emissions, in excess of Local Plan requirements, as detailed below in the relevant sections.
- 10.192. The development would result in a total of 664 cycle parking spaces. Officers attribute moderate weight to these public benefits.
- 10.193. Taking these benefits into account, and whilst giving great weight to the conservation of the setting of the Conservation Area and listed buildings, it is considered that the low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and significance of the Church of the Holy Family would be outweighed by the public benefits that the proposal would bring with it.
- 10.194. In light of the above, and in addition to the assessment made in the relevant previous sections of this report, it is considered that the proposal accords with policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and the NPPF.

#### Knights Road

- 10.195. *Siting and Layout:* The site layout at the Knight Road site has been informed by the following key design principles:
- Maintaining and enhancing the existing public right of way (PROW) access between Knights Road and Kassam Stadium;
  - Retaining the existing green ecological buffer along the southern edges of the site;
  - Knitting the development into the existing street structure and addressing properties in the adjacent roads: Knights Road and Spindleberry Close;
  - Creation of a central green space within the development;
  - Fronting dwellings onto key spaces to help define different character areas;
  - Creating residential courtyards to line the east-west route and connect them to the Kassam Stadium and central green space.



10.196. The site has been designed to include four character areas which would be distinguishable by differing architectural language, spatial arrangements, roofscape and materiality. The character areas are: the route to Kassam; Central Green, Brook Edge and Residential Courtyards:

- The route to Kassam is a formal linear route lined with long terraces to create a clear legible route from Knights Road to the brook and Kassam Stadium. Variations in roofscape are included to provide interest while focal corner buildings would be utilised to highlight the end of the route.
- The Central Green is characterised by soft landscaping and terraces with gable roofs which would overlook the key routes and spaces.
- The Brook Edge would comprise a series of semi-detached and smaller terraces which follow the natural edge of the brook. There would be greater variation of house types to create a more natural and less formal feel. Key corner buildings would be used to mark the edges of the route.
- The Residential Courtyards would be predominantly hard landscaped breakout spaces which would connect the central green and routes to Kassam Stadium and Spindleberry Nature Park. They would line the primary vehicular route through the site and include formal two storey terraces in a repeating rhythm.

10.197. The applicant team have worked hard to minimise the negative impact to the Nature Reserve and the Brook, and the layout has been set out accordingly. Legible and attractive routes through the site to these natural features have been established to ensure existing residents would still have a visual as well as physical connection to these spaces.

10.198. Officers note comments from Thames Valley Policy relating to lighting throughout the public realm and specifically along the route towards the Kassam Stadium. It is important that the lighting scheme is both suitable to ensure the public realm is safe and well lit, yet also sensitive enough to limit the impact on species which also occupy the area. Officers consider that a balance can be achieved and as such have included a condition to secure lighting details.

10.199. Officers consider that public and private routes through the site have been well considered and are clearly legible. The Route to Kassam has a clearly discernible character to routes to the interior of the site. Likewise, cycling and walking has been prioritised within the development, in accordance with policy M1.

10.200. Scale and Massing: The surrounding area is characterised by 1-3 storey semi-detached and terraced properties. The proposed development would replicate the existing arrangement with a mix of 2-3 storey semi-detached or terraced dwellings.

10.201. As such, the proposal would respect the existing context and integrate well with the surrounding residential setting in terms of its scale and massing.

- 10.202. Building Layout: The application proposes three different building typologies: the gable house; the 2 storey house; and the 3 storey house. The 2 storey houses would be simple with robust detailing and include living dining areas with a separate kitchen. The 3 storey houses would include a contemporary dormer and additional bedroom and bathroom located within the loft space. The gable houses are designed to provide additional architectural interest to key areas of the site through their more distinctive gabled roof forms.
- 10.203. The houses would follow broadly traditional house layouts, although some would have kitchens located to the front, facing the street, and some would have kitchens overlooking the residential gardens. This arrangement is considered very positive as it will help bring passive surveillance to the public realm where needed most, such as the route the Kassam stadium and public open space, encouraging a sense of ownership of this space, while also creating variety in terms of building layouts.
- 10.204. All of the proposed houses would either meet or exceed the minimum standards set out in the Technical Standards - Nationally Described Space Standards (2015). All properties would benefit from adequately sized private rear gardens. Consideration has also been given to the amenity of future occupiers in terms of daylight and sunlight. The submitted information demonstrates that the proposals would meet or exceed the minimum standards set out in the BRE guidance. As such the proposals would comply with polices H15 and H16 of the Local Plan.
- 10.205. Materials and Appearance: The materials proposed across the development would include brown roof tiles and varying shades of brown brick which would change across the terraces to provide more interest and character. The gable housing would also include this variation in brick colouring but would have slate coloured tiles to further differentiate this housetype from the others.
- 10.206. Blank facades have been minimised as far as possible on all house types which is welcomed and brick detailing is proposed at ground floor level of all house types to add interest to the facades.
- 10.207. Subject to further detail of material types and finishes being secured by condition the proposed appearance and materials are considered to be acceptable.
- 10.208. Waste and Refuse: It is proposed that each dwelling would be provided with its own covered and discrete waste/bin storage area at the front or side of each home. The bin stores would be located adjacent to the carriageway to facilitate waste collection. Where residential units are not located abutting the carriageway, communal bin stores have been provided. Waste will be transported to the communal stores via residents on collection days. In line with Manual for Streets and OCC guidance residential carry distances would not exceed 30 metres and all refuse collection points would be located within 15m of the refuse vehicle stopping location.
- 10.209. Throughout the development, passing points have been incorporated into the internal road layout to ensure the carriageway width is sufficiently wide

to allow a car to pass a stationary refuse vehicle. A turning head to the east of the one-way residential street has been incorporated into the design to ensure the standards would be met for an adoptable carriageway, The turning head would enable a refuse vehicle to turn in the unlikely event that the one-way section of carriageway becomes blocked.

10.210. A condition to secure the detailed design of bin stores has been included. The proposal for waste storage and collection is considered acceptable and is therefore in accordance with local plan policies.

10.211. *Knights Road Conclusion*: Officers acknowledge that this is a challenging and sensitive greenfield site. The site layout has been sensitively designed to respond to the natural features of the site context as well as mitigating harm to these, and clearly responding to the neighbouring existing built form.

10.212. A strong masterplan has been demonstrated that would provide legibility across the site and a clear hierarchy of spaces and character areas. The route from Knights Road to the Kassam Stadium is clearly read as a primary and public route through the site, which is fitting given this route will be well used by visitors to the stadium. The built form has been appropriately designed to frame this route and the layout of the internal spaces, with kitchens to the front, will help to provide adequate passive surveillance.

10.213. The natural character of the Brook edge has been retained as much as possible, and where possible, the road runs through the site, rather than along the Brook edge.

10.214. Overall the site is considered to respond well to the surrounding context and would provide dwellings of a good standard. As such, it is considered that the proposal accords with policies DH1, DH2 and DH3 of the Oxford Local Plan 2036 and the NPPF.

### **c. Archaeology**

10.215. Local Plan Policy DH4 states that where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define their character, significance and extent of such deposits so far as reasonably practical.

10.216. The development sites at Blackbird Leys District Centre and Knights Road are located within the corridor of the Roman pottery manufacturing landscape orientated on the Dorchester-Alchester Road.

10.217. Given the scale of proposed development, the site constraints and development history of the site, a condition to secure careful demolition of standing structures and archaeological geophysics and trial trenching would be attached to the planning permission.

10.218. With the above mitigation measures in place, it is considered that the proposed development would comply with policy DH4 of the Oxford Local Plan 2036.

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

- 10.219. 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.
- 10.220. A Daylight, Sunlight & Overshadowing Assessment has been submitted with the application which considers the impacts of the development on the adjoining properties.

#### District Centre

- 10.221. The District Centre red line covers a wide area with what amounts to four separate sites (Blocks A to D). As a result there are a number of residential properties surrounding these individual blocks which have the potential to be impacted by the development. The following are considered likely to be the most effected as they lie closest to the individual blocks, but it is not an exhaustive list. Windrush Tower, Evenlode Tower, properties on Moorbank to the north east of Block A, nos. 3, 5, 7, 13 – 19 Knights Road, nos. 122-134 and 150-162 Blackbird Leys Road, nos. 26-36 Birchfield Close, nos. 7-29 Overmead Green, properties on the southern side of Pegasus Road to Block D.
- 10.222. Block A: This block would be the largest of the group within the District Centre, with two elements at 12 and 6 storeys, at a maximum height of approximately 45m. The closest residential properties would be those on the northern side of Moorbank which face onto Block A at approximately 50m distance, and Windrush Tower with is approximately 36m away on the western side of Blackbird Leys Road.
- 10.223. The Daylight and Sunlight Report has confirmed that Block A would not have an adverse impact on the residential accommodation in Windrush Tower in terms of loss of light or overshadowing. The report has not assessed the impact on the properties at Moorbank, but given the distance between the two, it is considered that the proposal would not have an adverse impact in terms of loss of light. Likewise it is also considered that there is sufficient separation distance between both sets of properties that would mean that there would be no overbearing impact from Block A. In terms of overlooking, there would be windows and balconies on both elevations facing these adjoining residential properties, but again it would not create any adverse impact in terms of loss of privacy given the fact that there is significant public realm between the properties.
- 10.224. Block B: This block would replace the existing three storey block that forms the current parade of shops with maisonettes on the upper levels. This would be replaced by a block that is entirely residential, which is predominately 8 storeys with a 6 storey link in between, achieving a maximum height of approximately 29m. The main residential properties that are likely to be affected by the proposal would lie to the rear of the existing parade of shops and create a perimeter block with nos.13 – 33 Knights Road that are on the southern side of the road and whose side elevation of the terrace is approximately 21m away at

their closest point, 1-5 Overmead Gardens who lie approximately 71m away from the block, and have their rear gardens facing the block.

10.225. In terms of daylight and sunlight impact, the assessment identifies that the proposal would not create any adverse impact on the Knights Road properties closest to Block B in terms of loss of sunlight and daylight, with the amount of sunlight received to habitable room windows and rear gardens falling within the recommended limits. It should be noted that these properties have north – south aspects and therefore do not face directly onto Block B. Similarly the rear elevations of the Overmead Gardens properties are 71m away and as such would be sufficient distance to not lose sunlight and daylight.

10.226. In terms of overlooking, there would be habitable rooms and balconies in the rear elevation of Block B that face onto the rear gardens of these adjoining properties. However it should be recognised that there are already habitable room windows in the rear elevation of the existing block, including amenity areas for the maisonettes on the upper levels and as such the rear of these adjoining properties are already overlooked. In addition to this the flatted block that lies at the end of Birchfield Close has habitable room windows and balconies that overlook the rear gardens of this perimeter block. As such, although the proposal would introduce more windows over a greater number of floors in this location, it is considered that this would not result in an adverse level of overlooking over and above what currently exists. It is also noted that the rear gardens of these properties in this Knights Road, Overmead Road, Birchfield Close block have varying degrees of openness as they back onto the parking court and service yard. The proposal would remove this service yard area into more usable public realm which in turn would improve the general amenity of this area for the residents of these properties as well as the new residents for Block B.

10.227. Block C: This block is of a smaller scale to Blocks A and B, with it having a maximum height of 4 storeys at approximately 17m height, with 2 and 3 storey elements to the rear allowing a transition in height to the adjoining residential properties which are formed from the three storey flatted block on Blackbird Leys Road and the smaller scale dwellings on the eastern side of Birchfield Close.

10.228. The main 4 storey block would be approximately 10m from the rear gardens of these properties that lie due south of the block. Having regards to the orientation of these adjoining properties which run east-west compared to the north-south arrangement of the proposed block, it is considered that the proposed block would not have an adverse impact on sunlight and daylight to these properties.

10.229. In terms of overlooking, although the 4 storey element would introduce habitable room windows and balconies, they would be 10m from the rear gardens of these adjoining properties and there is already a high level of mutual overlooking between these adjoining properties given the flats on Blackbird Leys Road are three storeys and have habitable room windows and balconies that overlook the rear gardens of the Birchfield Close properties.

10.230. The main concern with respect to this block and its relationship to adjoining properties would relate to the two storey and three storey outriggers.

These parts of the proposed block would be sited in close proximity to the adjoining properties (approximately 3.5m) and would have habitable room windows at the first and second floor levels that would directly overlook the rear gardens at such a close distance. These are not the sole sources of light to the rooms within the flats and therefore a condition should be imposed which requires them to be either high level windows or obscure glazed windows to avoid any adverse impact on the adjoining properties.

10.231. Block D: The block would be 10 and 6 storeys to a maximum height of 37m. It would be sited approximately 35m from Evenlode Tower at its closest point; 30m from the properties on the western side of Blackbird Leys Road; and 40m from the closest properties on the southern side of Pegasus Road.

10.232. Although this would be the second largest block within the District Centre, it would be smaller than Evenlode Tower, which has established a relationship of a large flatted block alongside the smaller scale residential properties in Pegasus Road and Blackbird Leys Road.

10.233. The Daylight and Sunlight Assessment has identified that the having regards to the separation distance between the properties and the orientation of buildings the proposal will not create an adverse impact on these properties in terms of loss of sunlight and daylight and overbearing impact. Similarly given the distance between properties the new block will not create any undue overlooking issues between these properties.

#### Knights Road

10.234. The residential development at Knights Road would have properties that are more suburban in scale by comparison to the adjoining properties in Knights Road and Spindleberry Close. These adjoining properties are all two-storey properties that are laid out in a mixed of terraced rows with the odd semi-detached property. The properties all face directly onto the streets, and have rear gardens that back onto the open space.

10.235. The properties that would stand to be most affected by the proposal would be 63-69, 71-83, 85-91, and 93-97 Knights Road and 12 and 12a Spindleberry Close. The new dwellings would be laid out in such a manner that for the most part achieves a back to back relationship with the adjoining properties. There are only a couple of instances where there are side elevations in close proximity to the rear gardens of adjoining properties, but in the main the relationships between properties would be no different to other parts of the residential suburb of Blackbird Leys and Greater Leys.

10.236. The closest properties to the adjoining properties would be Plot 10, whose side elevation would be approximately 9.5m from the rear elevation of 97 Knights Road. This property would be single storey and has a shared amenity space that extends throughout the run of three properties. Although the side elevation would create a sense of enclosure the new dwelling will lie to the west and set some 9.5m would not be considered to create a loss of light or sense of enclosure to the ground floor habitable room windows. According to the house

type plan there would be no windows in the side elevation facing this property and therefore preventing any overlooking.

10.237. The next plots would be plots 11-15 which would have rear gardens approximately 8m in length. These plots would sit at 90 degrees from the rear garden of 91 Knights Road. The building would be two-storey and would have a single bedroom window in the rear elevation facing towards no.91 rear garden. It is considered that this would be sufficient separation distance to ensure that the plots in this terraced run would not create a loss of light or overbearing impact on this adjoining property. Although there would be first floor windows serving bedrooms in the rear elevation, it would only establish the sense of mutual overlooking that already exists throughout the existing terraces.

10.238. The terraced row of plots 18 – 24 would be two-storey and sit back to back with nos.85-91 Knights Road. They would have rear gardens of approximately 6.5m depth and establish a back to back distance with the Knights Road properties of approximately 18m. Although the separation distance would be slightly below the general 20m back to back rule of thumb, it would not result in a significant loss of light to these adjoining properties despite lying to the south of the existing rear gardens. Similarly, as with the previous plots, there would be a single rear bedroom window in each plot at first floor level, but this would not introduce a level of overlooking beyond what is already established at first floor level amongst the existing terrace row.

10.239. The next terraced row within the masterplan would be plots 25-29. They would be two-storey and would sit back to back with the existing properties of 71-83 Knights Road. These properties would have 15m length rear gardens which then establish a back to back distance with the existing Knights Road properties of 30m. This would comfortably exceed the 20m back to back rule of thumb and would be such a distance to ensure that there would be no loss of light or overbearing impact as a result of the development. Likewise, there would be first floor windows but these would be of such a distance to avoid any overlooking and in any event would not increase the extent of mutual overlooking that exists at first floor level throughout the terrace row.

10.240. With respect to the existing terraced row of 63-69 Knights Road, the masterplan has a plot (30) that has a side elevation towards the end of the rear garden of no.69 Knights Road. The new dwelling would be two-storey and gabled fronted. It would be sited 13m from the rear wall of 69 Knights Road which again would be sufficient distance to ensure that a significant amount of light would not be lost to this property. It should also be noted that the side elevation of Plot 29 would be set 4m from the side boundary of no.69's rear garden. However, it should be noted that this property has been extended at ground floor level and had a number of windows at the ground which are already obscured by the screening around the boundary. There is also a single window at first floor level. As such it is considered that whilst these two new plots will alter the view from the rear of this property, it will not give rise to a sufficient loss of light or overbearing impact to warrant a refusal of the application.

10.241. Plots 53 and 54 then re-establish the back to back relationship with 63 and 65 Knights Road. Again, they would be two-storey and would have rear

gardens of approx 11m depth which in conjunction with the existing properties rear gardens would create a back to back distance of approximately 23m. It is considered that this would not give rise to any adverse impacts in terms of loss of light, overbearing impact or privacy from the first floor windows. The side elevation of Plot 54 would also be sited approximately 9.5m from the rear elevation of no.12 and 12a Spindleberry Court. These properties are single storey properties with wide rear gardens and as such whilst the side elevation of plot 54 will alter the existing open view from the rear of this property it would not result in a significant loss of light or overbearing impact on this property.

10.242. *Conclusion:* In summary therefore it is clear that both schemes will result in some change to both the District Centre and Knights Road in terms of increasing the extent of built form in and around some of the low rise suburban accommodation. However, it is recognised that there is a need to balance the delivery of new homes in an efficient manner in areas that can accommodate higher densities such as the district centre. The scheme has been designed to try and minimise the impact on these adjoining properties, and therefore officers consider for the reasons listed above and subject to suitable conditions to control some overlooking issues in certain blocks and plots that the proposal would accord with Policy H14 of the Local Plan.

#### **e. Ecology**

10.243. Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. On sites where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be granted where:

- a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest and;
- b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed and;
- c) offsite compensation can be secured via legal obligation.

Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity of 5% or more from the existing situation and for major development this should be demonstrated using a biodiversity calculator. Section 98 and Schedule 14 of the Environmental Protection Act 2021 that require biodiversity of 10% is not yet in force and the local policy therefore prevails.

10.244. *Designated Sites:* The Knight's Road site overlaps the Spindleberry Park Oxford City Wildlife Site (OCWS) and is located immediately adjacent to the Littlemore and Northfield Brook OCWS. Both are particularly valuable for the connectivity they provide in the landscape. It is important to note that overlap between the Knights Road site and the Spindleberry Park OCWS relates to the southern bank of woodland and that the built form proposed would not be contained within the boundary of the OCWS.



10.245. These sites are protected under Policy G2 of the Oxford Local Plan 2036, which states:

*On sites of local importance for wildlife, including Local Wildlife Sites, Local Geological Sites and Oxford City Wildlife Sites, on sites that have a biodiversity network function, and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby:*

*a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and*

*b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and*

*c) where this is shown not to be feasible then compensation measures will be required, secured by a planning obligation.*

10.246. The proposals would not result in habitat loss in either of the aforementioned OCWSs. Indirect impacts could arise through the construction or operational phases, in the form of noise, dust, or light pollution (construction) or recreational pressure (operational).

10.247. Officers consider that these potential impacts in the construction phase can be avoided through following best practice working methodologies which would be secured via a condition requiring a Construction Environmental Management Plan (CEMP) for Biodiversity.

10.248. The potential for recreational pressure would be avoided on the Littlemore and Northfield Brook OCWS through the provision of a 10m natural buffer. Furthermore, to mitigate potential impacts on the Spindleberry Park OCWS funding enhancements to the existing public footpaths and installing dead hedging or other fencing to protect sensitive parts of the site will be secured through the s106 legal agreement.

10.249. *Habitats:* The habitats within the District Centre site are of limited ecological value with limited suitability for protected species. Semi-natural habitats are limited to areas of amenity grassland, scattered trees, and a hedgerow.

10.250. The site at Knights Road contains more valuable habitats, in particular extensive areas of woodland and a section of the Northfield Brook. The loss of woodland under the proposed development is regrettable, but it would be a relatively small area located to the south of nos. 85-87 Knights Road which is of sufficient low quality that no compensation measures are required and which, on balance, officers consider to be acceptable considering the overall benefits of development at the site. The brook would not be impacted by the proposals.

10.251. Japanese Knotweed has been recorded within the Knight's Road parcel. The species is listed on Schedule 9 of the Wildlife and Countryside Act 1981,

which makes it an offence to plant or otherwise cause Japanese Knotweed to grow in the wild. The Ecological Impact Assessment (EclA) states a licensed contractor will be appointed to remove the stand before works begin which officers consider to be an appropriate response.

- 10.252. *Protected Species – Badgers*: Badgers and their setts are protected under the Protection of Badgers Act 1992. The legislation was a response to the persecution of the species rather than its conservation status; badgers are not a priority species, nor are they endangered. Nevertheless, they contribute to the biodiversity and ecological value of the application site.
- 10.253. The mitigation hierarchy requires the applicant to first avoid impacting such features, then mitigate and, only as a last resort, to compensate for any impacts. The development proposals would result in the loss of a main sett, a subsidiary sett, and an outlier sett within the Knight's Road land parcel. Works will therefore only be able to proceed under licence from Natural England.
- 10.254. The EclA proposes that, as compensation for the loss of the main sett, an artificial sett will be created "in the retained woodland in the extreme western end of the site". Based on the latest revisions to the scheme, Officers are satisfied this is an acceptable location, and that Natural England would likely grant a licence for the proposals.
- 10.255. It is important to note that the likelihood of being granted a licence is a test Local Planning Authorities (LPAs) must apply only in relation to European Protected Species (which does not include badgers) and therefore it is not an appropriate basis on which to make a planning decision. Nevertheless, LPAs should consider the likely effectiveness of proposed compensation measures, and in doing so will essentially be undergoing the same assessment process as Natural England, hence the reference to them here.
- 10.256. In addition to a loss of setts, the proposed development would also result in the loss of foraging habitat for the species, which could constitute an offence if it occurred to such an extent as to be considered cruel ill-treatment. Officers consider that there would be potential fragmentation of the badgers from their likely foraging habitat, in part through the loss of existing dark routes from the sett location towards the Spindleberry Park OCWS, however, on balance, it is considered that sufficient opportunities would remain that such an offence is unlikely.
- 10.257. *Protected Species – Others*: In relation to bats, a preliminary roost assessment (PRA) was undertaken of the eight buildings within the District Centre parcel, seven of which were assessed as being of negligible suitability and one of low suitability. The latter was subject to a roost survey, during which no evidence of roosting bats was identified. Officers are satisfied a robust assessment was undertaken.
- 10.258. In the Knights Road site, a low population of slow-worm was recorded during reptile surveys undertaken within the site, while the Northfield Brook will be used by commuting and foraging bats and potentially water vole. Officers are satisfied that impacts on slow-worm can be avoided through sensitive working

practice, secured as part of the aforementioned CEMP. The submitted External Lighting Report indicates the lux levels associated with this lighting will fall to 0.5lux or lower at the brook, with the higher levels coming only at the crossing (that is already illuminated by street lighting). Officers are therefore satisfied no impacts will arise on bats or water voles utilising the brook.

- 10.259. Officers note concerns raised in a public representation about the impact of the proposals on Kingfishers, however, impacts on Kingfishers are not considered to be likely as a result of the proposed development due to the lack of suitable habitat for nesting sites within the area. Therefore, while it is possible that Kingfisher will occasionally fly along the brook Officers do not consider the brook to be of particular importance to the species, or that the proposed development would stop them passing through it. On that basis, Officers do not consider the development to adversely impact on Kingfishers.
- 10.260. *Biodiversity Net Gain*: The revised Biodiversity Metric 3.1 indicates the proposed development will result in a loss of 2.98 habitat units (-27.81%) and a gain of 2.45 hedgerow units (+4540.4%).
- 10.261. A total of 3.515 habitat units will need to be delivered offsite in order to achieve a 5% net gain in habitat units for the proposed development and comply with Policy G2 of the Oxford Local Plan.
- 10.262. The applicant has confirmed these units will be purchased from the Trust for Oxfordshire's Environment, which is acceptable. The final position regarding biodiversity net gain and all necessary biodiversity offsetting will be secured via obligations within the s106 legal agreement in line with current Oxford City Council practices.

#### **f. Health and wellbeing**

- 10.263. Local Plan policy RE5 seeks to promote strong, vibrant and healthy communities and reduce health inequalities. The application has been supported by a Health Impact Assessment (HIA) which considers the health impacts of the proposed development based on the NHS London Healthy Urban Development Unit (HUDU) Rapid Health Impact Assessment (HIA) as required by policy RE5.
- 10.264. Overall, the proposed development would support of a range of local health priorities outlined within the Oxfordshire Joint Health and Wellbeing Strategy (2018-2023) by providing play spaces and areas of open/green space for children and adults to get active; improving feelings of safety and security through good design; providing access to good quality affordable housing that contributes to a reduction in health inequalities; improving the public realm to increase opportunities for social interaction; making spaces inviting for pedestrians and cyclists to encourage using modes of active transport; ensuring dwellings are adaptable for those with mobility issues.
- 10.265. Officers note that the proposed development on the Knights Road site would remove an area of open space which is currently used by teenagers. While the proposed play areas do not currently cater for the needs of teenagers officers

consider that by conditioning further details of play spaces and an open space strategy it will be possible to ensure the needs of this demographic can be met.

10.266. Public comments have been received raising concerns about the potential impact on healthcare provision due to the increased population density arising from the development. Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (NHS) have been consulted on this application but, at time of writing, have not provided a response. Notwithstanding this, it is important to consider that both the District Centre and Knights Road sites are allocated within the Oxford Local Plan 2036 and that the NHS were consulted on the Local Plan before it was adopted, at which stage they did not consider it necessary to seek any provision for additional healthcare facilities/ spaces.

10.267. In light of the above, and the contents of this report as a whole, it is considered that the proposed development would comply with policy RE5 of the Oxford Local Plan 2036.

#### **g. Highways and parking**

10.268. Oxford has the ambition to become a world class cycling city with improved air quality, reduced congestion and enhanced public realm. Road space within the city is clearly limited and to achieve its ambition there is a need to prioritise road space and promote the sustainable modes of travel. For non-residential development, the presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan 2036 seek to deliver these objectives.

10.269. 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. These would be secured by planning conditions.

10.270. The application sites are considered highly sustainable. The area is highly accessible by active modes and public transport with the most frequent bus service in the county (5) stopping on Blackbird Leys Road every 6 minutes. Officers note that there are future plans for a new passenger rail station within walking distance (the Cowley Branch Line [CBL]) along with active travel improvements within the area. The area is still relatively car dominated, however, this is expected to improve in the future with the introduction of the branch line station, further active travel improvements and any future Controlled Parking Zone (CPZ).

10.271. Accessibility and Road Layout: Currently, Blackbird Leys Road follows a northwest / southeast alignment becoming Barns Road in the north over the

Eastern Bypass and forming a priority junction with Pegasus Road to the south. Blackbird Leys Road forms a loop around an area of public realm with benches, footways, grass, trees and other planted areas. Knights Road connects to Blackbird Leys Road to the northwest of the loop while Cuddesdon Way connects to the southeast of the loop. The western arm of the loop serves the retail and commercial units within the District Centre and is one-way north bound. The eastern section of Blackbird Leys Road that forms the loop road is two-way with a wide central reservation. Priority is given to vehicles travelling from Blackbird Leys Road to Cuddesdon Way (and vice versa).

- 10.272. The application proposes to amend the road layout of Blackbird Leys Road to prioritise pedestrians and cyclists. This would be achieved by removing the existing area of public realm situated within the loop on Blackbird Leys Road reconfiguring the road alignment and creating a new open green space. The Blackbird Leys Road carriageway situated to the east of the loop is proposed to be stopped up and Blackbird Leys Road would then be realigned to connect the existing northern and southern end of the road. In addition to the realignment of Blackbird Leys Road, the Cuddesdon Way / Blackbird Leys Road junction would be reconfigured to give Blackbird Leys Road priority.
- 10.273. The Highways Authority have confirmed that overall the proposed changes to the road layout would be positive and acceptable for vehicular access. Officers note that a s278 agreement and a s38 agreement will need to be agreed with the Highways Authority.
- 10.274. Cyclox, a cycling interest group, submitted representations in response to the application which raised concerns relating the cycle route in terms of the width and interaction with carriageways. Following discussions with Officers the scheme was amended to ensure that all one-way cycle routes would be compliant with LTN 1/20. Likewise, in addition to the comfort given through the revised details the Highways Authority accepted that the final details of the cycle routes, including their integration with the roads and how they merge when the route ends, would be secured through a s278 agreement.
- 10.275. Car Parking: 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. Disabled parking is considered permissible, where specifically justified.
- 10.276. At the District Centre site 82 parking bays are proposed to be provided for the district centre which would comprise the following:
- 9 accessible car parking spaces for future residents
  - 32 car parking spaces for existing users

- 14 short-stay car parking spaces for community / retail uses (including 4 accessible spaces and one minibus bay)
- 3 car club spaces
- 18 car parking spaces re-provided at Evenlode Tower
- 6 car parking spaces retained at 90-degree angle on Blackbird Leys Road South for existing residents.

10.277. This level, although low for the number of residential units, is deemed to be in line with the Oxford Local Plan 2036 and is accepted. As discussed previously, the site is considered highly sustainable which will allow residents to make use for active and sustainable modes of travel. To prevent ad-hoc parking through the district centre blocking footways/cycleways and leading to highway safety concerns, double yellow lines will be required along Blackbird Leys Road; these will be secured by a Grampian condition.

10.278. At the Knights Road site, 1 space per unit (84 spaces) plus an additional space for car club are proposed. Officers consider this level to be acceptable and in line with the Oxford Local Plan 2036.

10.279. Officers note the concerns raised by Thames Valley Policy about the proposed parking at Knights Road which would be unallocated. The application proposes unallocated parking because the parking would be off-plot although sited to be capable of being looked upon from dwellings. This is not an unusual approach where parking is not on the residential plot. Therefore, while Officers appreciate the points raised by Thames Valley Policy, it is considered that unallocated parking is acceptable in policy terms and noted that the Highways Authority have no objections to this approach subject to a condition to ensure that minimum dimensions for car parking spaces are provided.

10.280. In accordance with Policy M4 25% of the proposed parking spaces would be provided with electric charging points. A condition has been included to require the final layout and details of the electric charging points be submitted to the Local Planning Authority for approval.

10.281. *Cycle Parking:* A total of 664 cycle parking spaces are proposed across the two sites, At the District Centre a total of 454 cycle parking spaces. 442 are proposed to serve the residential properties, of which 400 would be two-tiered stands and 42 would be Sheffield stands. A further 24 spaces would be located for the use of the retail units and 12 spaces for the community centre. These spaces would be located within the public square, i.e. within the area which has been applied for in outline and therefore the final detail/ location would be considered with a future reserved matters application.

10.282. While two-tiered cycle parking is not normally something that Officers would be supportive of, it is accepted that the central location of the site and density of development proposed would make providing single stack cycle parking extremely challenging. Likewise, increasing the size of the cycle stores on ground floor level would likely reduce the extent of active frontage to the street

and areas of open space. Officers consider that the impacts arising from two-tiered parking could be mitigated if assisted use versions were installed. To this end, a condition will be included to confirm cycle parking details. Additionally, a condition to secure automatic doors for internal cycle stores has been included to ensure users can easily access and egress the proposed stores.

- 10.283. At the Knights Road site there are 186 cycle parking spaces proposed within the curtilage of each residential plot. Cycle storage and sheds would be accessed via the rear of each property and detail design would be required by condition.
- 10.284. The proposed cycle parking provision would be in excess of the minimum requirements set out in the Oxford Local Plan.
- 10.285. *Traffic Impact:* The submitted Transport Assessment (TA) uses the TRICS database to review comparable sites to determine the expected trip generation from the proposed development. The assessment predicts that there will be 77 two-way trips (32 vehicular) in the AM peak and 65 two-way trips (27 vehicular) in the PM peak occurring from the Knights Road site. There is also expected to be 17 delivery/service vehicles per day related to the site which is considered reasonable.
- 10.286. All of the residential dwellings at the District Centre will be tenanted. As such, car parking control measures can be included as part of the individual tenant's lease agreements. Notwithstanding this, a highways impact assessment sensitivity test has been carried out which treats all of the residential dwellings in the District Centre as if they had access to a car parking space. The calculations demonstrate the combined proposed, 210 dwellings at the District Centre would generate +48 two-way vehicles travelling in the AM Peak and +49 two-way vehicles travelling in the PM peak. This is a net change of +46 vehicles in the AM peak and +47 vehicles in the PM peak.
- 10.287. Currently, there is no residential Controlled Parking Zone (CPZ) in place, only a matchday CPZ which is not meant to restrict residents. Therefore, it is considered necessary for a condition to be included to require that a CPZ is established for the Knights Road site. The Highways Authority have not raised an objection to the increase in traffic generation at the District Centre or Knights Road, therefore the traffic impacts of the proposal are considered to be acceptable.
- 10.288. It is also deemed necessary, with the likelihood that bus travel will increase as a result of the low car development that an additional shelter, be provided at the bus stop at the north-west of the District Centre on Blackbird Leys Road. A planning obligation has been included to secure this additional provision.
- 10.289. *Travel Plans:* A framework travel plan has been submitted with the application which Officers consider to be acceptable for this stage of the application process, however this plan will need to be updated prior to the 1st occupation of any element of this development. A condition has been included to ensure this is secured.

10.290. *Conclusion:* Subject to the conditions and obligations set out above, Officers consider the transport impacts of the proposal to be acceptable and in compliance with Local Plan Policies M1, M2, M3, M4 and M5.

#### **h. Trees and landscaping**

10.291. Policy G7 of the Oxford Local Plan 2036 requires that any unavoidable loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover. Policy G8 continues that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

##### *District Centre*

10.292. The application proposes the removal of 25 trees to facilitate aspects of the hard form of development, highway realignments and improved cycle and footpath provisions. The trees would be categorised as category A and B trees and are located predominantly around the central core area of the District Centre and in the green 'lozenge' on Blackbird Leys Road.

10.293. The trees selected for use in replacement planting proposals are a range of deciduous and coniferous species and typologies with performance characteristics (such as size potential) according to the hierarchy of spaces within which they are intended to be planted. The types of trees are predominantly native species and non-cultivars, for the purpose of maximising biodiversity value.

10.294. The proposed planting would need to ensure there would be no highway conflicts with canopies of trees which is why a single species has been proposed on verges however, officers consider that there are sufficient alternative species with similar growth potential characteristics to allow for some variation in species. As such, details of the final planting plans would be required by condition.

10.295. The reconfiguration of the highway layout along Blackbird Leys Road would allow for the creation of a larger and more functional urban green space in between blocks A and B. This would be a significant urban design improvement, which would also facilitate the provision for replacement tree planting. Additional tree planting and a pocket-play-park would also be created to the rear of Block B.

10.296. The Council's Green Spaces TAN requires a Tree Canopy Cover Assessment to be submitted for various types of applications. For major developments, it needs to be demonstrated that there would be no net loss in canopy cover compared with a no development baseline scenario + 25 years. It is predicted that the proposed planting at the District Centre site would result in a 3,045m<sup>2</sup> increase in canopy cover after 25 years compared to a no-development scenario.

10.297. Officers consider the tree strategy and landscape proposals to be acceptable subject to conditions securing further details of nursery stock types



and sizes and planting pit details, including soil specifications, and a landscape management plan.

### *Knights Road*

- 10.298. The Knights Road site is currently an area of informal public open space. It is comprised of a central area of amenity grassland with scattered trees, an area of dense scrub (hawthorn, blackthorn etc) to the west, a block of semi-mature deciduous plantation woodland in the south west, and the southern periphery of the site is bounded by semi-natural deciduous woodland.
- 10.299. The proposed development of this land necessitates the removal of much of these habitat types although the wooded areas along the south and west would be predominantly retained.
- 10.300. The trees selected for use in replacement planting proposals are a range of deciduous and coniferous species and typologies with performance characteristics (such as size potential) according to the hierarchy of spaces within which they are intended to be planted. The types of trees are predominantly native species and non-cultivars, for the purpose of maximising biodiversity value.
- 10.301. In terms of the Tree Canopy Cover Assessment the site at Knights Road, when taken independently would result in a 1,125m<sup>2</sup> reduction of canopy cover after 25 years compared to a no-development scenario. However, considering the two sites together the proposal would result in a net gain of 463m<sup>2</sup>. Therefore, officers consider the proposals, when taken as a whole, to be acceptable and compliant with Policy G7 and the Green Spaces TAN.
- 10.302. Officers consider the tree strategy and landscape proposals to be acceptable subject to conditions securing further details of nursery stock types and sizes and planting pit details, including soil specifications, and a landscape management plan.

#### **i. Air Quality**

- 10.303. Policy RE6 of the Oxford Local Plan 2036 requires new development to mitigate its impact on air quality and minimise or reduce exposure to poor air quality.
- 10.304. 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);
- 10.305. The air quality baseline desk assessment shows that current air quality levels at the application site are below relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. Therefore, the location of the application site is considered beforehand suitable for its intended use.

- 10.306. As set out above, the proposed development would be all-electric and not rely on the use of combustion sources as a primary energy supply. As no combustion sources are proposed, no local air quality impacts are anticipated.
- 10.307. As set out above a total of 84 car parking spaces would be provided at the Knights Road site, including on-plot parking, private street parking and 25% electric charging. The District Centre development is proposed as car free, with only blue badge car parking to be provided. As mentioned above, to ensure compliance with policy M4 (Provision of Electric charge points) and the subsequent benefits for air quality a condition has been included to secure electric vehicle charging provision and infrastructure.
- 10.308. The proposed development would result in increased trip generation therefore, detailed dispersion modelling has been undertaken to assess the potential impact of the additional traffic emissions on air quality at sensitive receptor locations on these road links. Based on the results of the dispersion modelling, the proposed development would not introduce new exposure to poor air quality.
- 10.309. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed with the submitted Air Quality Assessment, which identified that there is a medium risk of dust impacts on each one of the sites, due to the proximity of existing receptors to the proposed development. However, whilst the risk of dust impacts from the two sites individually has been assessed as 'medium', due to the close proximity of the sites and the residential nature of the area that will potentially be affected by dust generated during the construction phase, the overall risk of dust impacts, prior to mitigation, is considered to be 'high'. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. As such, a condition has been included to require an updated Construction Environmental Management Plan (CEMP).
- 10.310. In light of the above, it is considered that the proposed development complies with Local Plan Policy RE6, subject to suggested conditions set out below.

#### **j. Sustainable design and construction**

- 10.311. 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.
- 10.312. Policy RE1 requires that 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 code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building

Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1.

10.313. New build non-residential development of over 1,000sq. m. must also achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case as well as a BREEAM Excellent accreditation.

10.314. An Energy Statement has been submitted in support of the application. The proposed development is to be an all-electric non-combustion development. A fabric first approach has been taken focusing on high fabric performance. Energy efficient lighting, ventilation and MEP systems have been incorporated into the design. Mechanical ventilation with heat recovery (MVHR) is proposed in all dwellings, with a natural ventilation purge approach adopted to mitigate overheating risk. The proposed buildings would also be constructed to be solar-ready. The commercial spaces would use mechanical cooling.

10.315. The energy strategy for the residential areas of the District Centre site is:

1. High performance energy fabric far beyond what is required by building regulations
2. Integrated Air Source Heat pumps (ASHP) within Domestic Hot Water (DHW) cylinders to meet hot water demand for all apartments
3. Direct electric heating panel heaters providing space heating
4. MVHR units providing fresh air while recovering heat
5. Energy Efficient Lighting

10.316. The energy strategy for the commercial areas of the District Centre is:

1. Ultra-low energy fabric far beyond what is required by building regulations
2. ASHP providing space heating and cooling
3. MVHR units providing fresh air while recovering heat
4. The commercial area of the District Centre is targeting BREEAM Excellent
5. Energy Efficient Lighting

10.317. The energy strategy for the Knights Road site is:

1. Ultra-low energy fabric far beyond what is required by building regulations
2. ASHPs providing both DHW and space heating
3. MVHR units providing fresh air while recovering heat

#### 4. Energy Efficient Lighting

- 10.318. Across the District Centre and Knights Road sites the proposal would achieve a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations. This would be in excess of the 40% minimum figure set out in Policy RE1. The submitted details also confirm that the commercial elements of the proposal would be on track to reach BREEAM excellent status, in accordance with Policy RE1.
- 10.319. *Construction:* A phasing plan has been proposed which sets out how the development would be constructed. The District Centre would be divided into Phases 1 (a-d) and 2 (a-b). The site at Knights Road would comprise Phase 1e. To establish how the proposed phases would be delivered a phasing strategy has been conditioned. To ensure that access would be maintained to the Blackbird Leys Adventure Playground (BLAP) an obligation has been included in the s106 legal agreement.
- 10.320. In the interests of highways safety and protecting the amenity of neighbouring residents, a condition to securing a Construction Traffic Management Plan (CTMP) has been included.

#### k. Noise

- 10.321. Policy RE8 of the Oxford Local Plan 2036 requires new developments to manage noise in order to safeguard or improve amenity, health, and quality of life for local communities.
- 10.322. Noise reports for the District Centre and Knights Road sites were submitted in support of the application.
- 10.323. *District Centre:* Environmental noise surveys were carried out at the site. on 3 February and 4 February 2021, whilst an unattended noise survey was undertaken between 11 February and 16 February 2021. Representative free-field background noise levels derived from the long-term unattended noise monitoring carried out were LA90,15min 46 dB during the daytime and LA90,15min 37 dB at night. In addition to the road traffic noise assessment, given the location of the proposed Block A development adjacent to The Blackbird; a public house, an additional assessment was undertaken with regard to the control of music noise ingress and plant noise serving the pub. An initial assessment was subsequently carried out to determine required acoustic performances for the facades and provide guidance on the ventilation strategy.
- 10.324. *Knights Road:* An environmental noise survey was carried out on 3 February 2021, during lockdown restrictions resultant from the coronavirus pandemic. It was noted that Kassam Stadium, which is considered to be a significant noise source with potential to impact the development, was not in use during this time. As such, additional measurements were undertaken on 14 August 2021 to capture noise from the stadium in use. The lowest measured free-field background noise levels measured during the survey undertaken on 3 February 2021 were LA90,15min 40 dB during the daytime and LA90,15min 36 dB at night.

10.325. *Conclusion:* Considering the above, it will be necessary to include conditions to restrict plant noise at the District Centre and to secure glazing of a suitable standard to mitigate the identified noise impacts. Subject to these conditions, Officers consider that the proposal would comply with Policy RE8.

### **I. Land quality**

10.326. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land, meaning the contamination poses an unacceptable risk to human health or the environment, under Part 2A of the Environmental Protection Act 1990.

10.327. In accordance with policy RE9 of the Oxford Local Plan 2036, a Phase 1 Desk Study and contaminated land questionnaire was submitted as part of the application and has been assessed by Officers. It is considered that, subject to the conditions set out below, the proposed development would comply with Local Plan policy RE9.

### **m. Flood Risk and Drainage**

10.328. Local Plan policy RE3 requires applications for development within flood zones 2 and 3 and sites over 1ha in flood zone 1 to be accompanied by a Flood Risk Assessment (FRA) demonstrating that the proposed development will not increase flood risk on or off site; and safe access and egress in the event of a flood can be provided; and details of the necessary mitigation measures to be implemented have been provided.

10.329. Local Plan policy RE4 requires all development proposals to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible.

10.330. *District Centre:* As above, the application site lies wholly within flood zone 1 (lowest probability of flooding) but requires a FRA as the site area would be greater than 1ha. An assessment of flood risk from all sources has been undertaken, and no significant risks have been identified.

10.331. A surface water drainage strategy has been provided. Infiltration is shown to be viable, but has only been utilised in part due to space and level constraints. However, as the site has been previously developed officers consider that this would be acceptable subject to confirmation of the existing drainage arrangements and that the existing brownfield runoff is discharged to the sewer system.

10.332. The above notwithstanding, a variety of SuDS components are proposed for the drainage strategy, including rain gardens, permeable paving, and modular soakaways. As mentioned above, some components discharge to ground via infiltration, and some are discharged to public surface water sewer at greenfield runoff rates.

- 10.333. The Lead Local Flood Authority (LLFA) have not objected to the principle of the strategy subject to a detailed drainage strategy being secured via condition. Officers consider that on this basis, and subject to further details being secured by condition the proposals would be acceptable.
- 10.334. *Knights Road*: Part of the site is shown to fall within Flood Zone 2, therefore a flood risk assessment is required. An FRA has been provided which shows that the majority of the development is outside of any flood zone. All dwellings are in Flood Zone 1, and floor levels are suitably raised above the modelled design flood level.
- 10.335. The Environment Agency (EA) have not objected, on the basis that no development or ground raising will be undertaken in the areas of the site shown to fall within Flood Zone 2. It is however understood that there is some degree of landscaping to be undertaken within the area falling within Flood Zone 2. Any raising of levels in this area must have compensatory flood storage in order to avoid floodplain encroachment, and potentially increase flood risk, and should be detailed in the final landscape strategy. This will be secured by condition.
- 10.336. An indicative drainage strategy has been provided in support of the application. Infiltration was shown as feasible, but has been ruled out partially due to groundwater levels. Officers consider that further assessment should be undertaken before infiltration is fully ruled out, ensuring that pre development conditions are maintained, and that no additional runoff is discharged to the watercourse.
- 10.337. In addition, detention basins are proposed to attenuate runoff on site. The final details of which will be secured by condition. Furthermore, as the roads are proposed as adoptable, catchments must be documented to show how the adoptable/non adoptable aspects are kept apart.
- 10.338. The Lead Local Flood Authority (LLFA) have not objected to the principle of the strategy subject to a detailed drainage strategy being secured via condition. Officers consider that on this basis, and subject to further details being secured by condition the proposals would be acceptable.
- 10.339. In light of the above, and subject to the conditions set out at section 12, it is considered that the proposal would comply with policies RE3 and RE4 of the Oxford Local Plan 2036.

#### **n. Utilities**

- 10.340. Local Plan Policy V8 requires developers to explore existing capacity (and opportunities for extending it) with the appropriate utilities providers.
- 10.341. A Utilities Report has been submitted in support of the application which demonstrates that discussions have been commenced with Scottish & Southern Electricity Networks (SSE), British Telecom (BT) / Openreach, Virgin Media (Diversions Only), Hyperoptic (New Connections Only), SGN (Gas) and Thames Water.

- 10.342. The proposed development would require diversions of the existing electricity network and new connections including 3 new sub stations to serve the District Centre blocks A-D.
- 10.343. Cable duct infrastructure would be provided for multiple telecom/ data providers to serve the site.
- 10.344. There is no requirement for a gas supply to the proposed residential development. The existing gas connection to the community centre will be disconnected.
- 10.345. The new water connections for Knights Road would include a dedicated water connection to each house from the local water main. The new water connections for District Centre would include a dedicated water connection to each block from the existing water main with the carriageway.
- 10.346. In light of the above, it is considered that the proposed development complies with policy V8 of the Oxford Local Plan 2036.

**o. Planning obligations**

- 10.347. It is considered that the following matters should be secured through a section 106 legal agreement:
- £126,000 (£42,000 per side road entry treatment) towards Active Travel Improvements along Knights Road at the junctions of Merlin Road, Pegasus Road and Kestrel Crescent.
  - £5,427 towards Travel Plan monitoring.
  - A financial contribution, to be finalised, for improvements to footpaths within Spindleberry Park OCWS comprising resurfacing and improvements to boundary treatments to protect sensitive areas of the park.
  - £23,266 for an additional for bus shelter, flag & pole and RTI on Blackbird Leys Road.
  - Biodiversity Net Gain offsetting.
  - Community Employment and Procurement Plan.
  - Affordable housing.
  - Community centre.
  - Public open space.
  - Agreement that access remains open and retains the important sight and travel lines from Blackbird Leys Road to Blackbird Leys Adventure Playground.
  - Details relating to the section 278 agreement.

## 11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. Officers consider that the proposed development would respond appropriately to the site context, Local Plan policies and site allocation Policies SP4 and SP15. All the proposed housing would be affordable accommodation and the quantity of affordable homes and socially rented accommodation would exceed the requirements set out in Policy H2 of the Oxford Local Plan. The proposals would provide the delivery of much needed affordable housing to meet the Council's housing need, which should be viewed as a significant public benefit.
- 11.5. The proposal would provide significant highway and public realm improvements through the alternation of Blackbird Leys Road. A replacement community centre with modernised facilities would be provided (details to be determined at reserved matters stage) as well as replacement retail provision to support the district centre uses.
- 11.6. The proposal would result in a loss of open space in terms of quantity, contrary to Policy G5. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of the Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space across the overall site, which in officers' view would constitute an enhancement of the public open space, notwithstanding the reduction in size. The proposal includes a large new area of public open space in the form of the square within the District Centre and soft landscaping adjacent to the community centre which would be a considerable improvement in terms of quality of space provided. Pocket parks, additional planting and soft landscaping, seating, public realm enhancement measures and public art (which would be secured by condition) would improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised. In particular, the public realm surrounding the areas of Blocks B and C would replace what is currently



back of house service areas with greatly improved public realm. The site at Knights Road would retain the existing woodland buffer and would include a central green which would provide a good quality area, albeit a reduced area of space. The remaining open space for the District Centre (19%), Knights Road (24%) and the combined total site area (22%) would exceed the 10% open space provision set out as a requirement under Policy G8 of the Local Plan which would demonstrate that a suitable amount of open space would be retained in spite of the overall reduction.

- 11.7. The proposal would result in the demolition of the existing shopping parade (the designated District Shopping Frontage) on Blackbird Leys Road which would be replaced by the wholly residential building, Block B. The retail uses would be re-provided at ground floor level within Block A, approximately 50 metres to the north of their existing location. In this instance it is considered that the departure from Policy V4 is justified. While the ground floor of Block B would not contain class E uses to satisfy the requirements of policy V4 these uses would be re-provided, also at ground floor level, within proximity to their existing location, namely within the proposed Block A. The retail uses would continue to be located with the designated District Centre and would remain a central and conveniently located facility within Blackbird Leys District Centre to serve the needs of the community. The development has been designed to create a civic heart where the community centre, public open space and commercial uses would be centrally located in the district centre site which would represent an improvement to the existing situation where existing roads bisect these uses and inhibit good placemaking and interconnectivity. As such, officers consider that the relatively minor change to the location of the District Shopping Frontage would not adversely impact on the usability or prominence of these important facilities and that the benefits arising from improvements to placemaking, and the public realm justify departure from the development plan in respect of Policy V4.
- 11.8. The proposal would result in enhanced pedestrian connectivity, improvements to transport infrastructure through financial contributions and it is considered that there would be no harm to the highway network as a result of traffic generation.
- 11.9. The development when taken across the combined sites would result in a net gain in tree canopy cover through new and retained soft landscaping. There would be no harm to any identified protected species and, subject to 3.515 habitat units being delivered offset, the proposal would achieve a Biodiversity Net Gain of 5%.
- 11.10. The development would be of a sustainable design and construction, achieving a 64% reduction in carbon emissions when set against the 2021 Part L Building Regulations and is on track to achieve BREEAM excellent.
- 11.11. The car parking provision is considered acceptable in accordance with the objectives of the Oxford Local Plan 2036 and cycle parking in excess of minimum standards would be provided, with further details to be secured by condition.
- 11.12. The scheme would result in a low level of harm to the setting and significance of the Central Conservation Area, Christ Church Cathedral and St Mary's Church, Garsington; and a high level of less than substantial harm to the setting and

significance of the Church of the Holy Family. However, Officers consider that the public benefits that would derive from the proposed development would outweigh the harm caused.

11.13. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

11.14. There would be no adverse land contamination, noise pollution, air quality or flood risk and drainage impact as a result of the proposal.

11.15. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and legal agreements under section 38 and section 278 of the Highways Act 1980 and to the planning conditions set out in section 12 below.

## **12. CONDITIONS**

### **FULL PLANNING APPLICATION**

#### **Conditions that apply to both the District Centre and Knights Road Sites**

##### **1. Commencement - Time Limit**

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

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

##### **2. Approved Plans**

Subject to other conditions requiring updated or revised documents submitted with the application the development permitted shall be constructed in complete accordance with the specifications in the application insofar as they relate to the area shown outlined in red (excluding the area shown in orange) by drawing number MP\_ZZ\_DR\_A\_1000 REV P1 for which full planning permission has been granted, and in complete accordance with the approved plans and documents listed below and listed within this decision notice.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies S1, DH1 and RE7 of the Oxford Local Plan 2036.

##### **3. Phasing**

Prior to commencement of development, including enabling infrastructure works, a site wide Phasing and Implementation Strategy, to include timescales for

development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be phased and carried out in accordance with the approved details and amendments to the Phasing and Implementation Strategy shall be subject to obtaining prior written approval from the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies S1, DH1 and RE7 of the Oxford Local Plan 2036 and confirm that the development is to be a phased planning permission for purposes of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

#### **4. Retail Floorspace**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the 1,300 square metres of GIA retail/ commercial space hereby permitted in detail shall be used only within Use Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 or as a sui generis use specifically relating to the reprovision of the existing retail and commercial uses at Blackbird Leys District Centre and for no other purpose.

Reason: To ensure that the existing district centre uses are retained in accordance with policies SP4 and V1.

#### **5. Statutory Land Trust**

No development shall take place including any acts whatsoever in pursuance of it such as the erection of fencing and hoarding until the statutory trust has been removed pursuant to, and in accordance with s. 122(2A) of the Local Government Act 1972.

Reason: To ensure that the permission can be implemented and that the relevant legislation has been complied with.

#### **6. Noise**

Construction work for each phase or sub-phase of development shall not begin until a scheme for protecting the proposed noise sensitive uses (to include residential and commercial building occupation and use of external amenity areas) from noise from existing and predicted future noise sources on other parts of the development site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before the relevant part of the phase or sub-phase is occupied. Protective measures shall be based on good acoustic design.

Reason: To safeguard the amenities of the occupiers of new buildings from existing and future noise sources and to safeguard the amenities of the occupiers of existing nearby properties from noise caused by the development hereby approved in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### **7. Ecological Enhancements**

Prior to commencement of the development, details of the bat boxes and bird boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. The number and type of boxes shall comply with the specifications in the report entitled Blackbird Leys, Knight's Road Ecological Impact Assessment produced by BSG Ecology dated 2nd May 2023, and the report entitled Blackbird Leys, District Centre Ecological Appraisal produced by BSG Ecology dated 16th January 2023.

The details shall include the proposed locations, and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved development and retained and maintained as such thereafter, unless otherwise approved in writing by the Local Planning Authority. Confirmation of their installation shall be provided to the Local Planning Authority by a suitably qualified ecologist. Any new fencing shall include holes suitable for the safe passage of hedgehogs.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

#### **8. Landscape Ecological Management Plan (LEMP)**

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

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

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

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

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

#### **9. Construction Environmental Management Plan (Biodiversity)**

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 been 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: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

#### **10. Land Quality - Contamination Remediation Strategy**

Prior to the commencement of the development a remediation strategy, validation plan, and/or monitoring plan, based on all available site investigation information, shall be submitted to and approved in writing by the Local Planning Authority to ensure the site will be suitable for its proposed use.

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

#### **11. Land Quality – Remedial Works**

The development shall not be occupied until any approved remedial works identified and secured by condition 10, 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.

### **12. Land Quality – Unexpected Contamination**

Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority.

Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person shall be submitted to and be approved in writing by the Local Planning Authority.

Where unacceptable risks are found remediation and verification schemes shall be submitted to and be 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.

### **13. Air Quality**

Prior to the commencement of development a Construction Environmental Management Plan (CEMP), including the complete list of site specific dust mitigation measures and recommendations that are identified on Table 20 (pages 32 to 34 of the submitted Air Quality Assessment (AQA Blackbird Leys revised -April 2023), shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

### **14. EV Charging**

Prior to occupation of the development, details of the Electric Vehicle charging infrastructure that is proposed to be installed on-site shall be submitted to, and approved in writing by, the Local Planning Authority.

The details shall include the following:

- Location of EV charging points
- Charging points to cover at least 25% of the total parking provision
- Appropriate cable provision to prepare for increased demand in future years.

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

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

### **15. Archaeology – Demolition**

No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement setting out how demolition will be undertaken in stages to facilitate archaeological trial trenching and any subsequently required recording whilst avoiding or minimizing operations that may damage below ground archaeological remains, which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise 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 Roman remains (Local Plan Policy DH4).

### **16. Landscape Scheme**

Prior to the occupation of the development hereby approved, a comprehensive Landscape Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The entire approved Landscaping Scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

### **17. Landscape Plan**

Notwithstanding the approval of the submitted Landscape Masterplan, prior to first occupation or first use of the development hereby approved additional supporting information in the form of detailed Landscape Plans shall be submitted to, and be approved in writing by, the Local Planning Authority. The plans shall show details of the external hard landscaping and surface treatments including street furniture, boundaries, bin storage, bins, cycle storage, bollards and benches, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plans 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.

### **18. Landscape Proposals: Reinstatement**

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

during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

### **19. Tree Protection Plan (TPP)**

The development shall be carried out in strict accordance with the tree protection measures contained within the planning application 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.

### **20. Arboricultural Monitoring Programme (AMP)**

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

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

### **21. Car Park Layout Plan**

Prior to commencement of the development, a plan detailing the layout of the car parking area shall be submitted to and be approved in writing by the Local Planning Authority. The Car Park Layout Plan shall set out that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. All car parking dimensions shall measure a minimum of 5m x 2.5m, 5m x 2.7m if obstructed on one side and 5m x 2.9m if obstructed on both sides. Parallel bays shall measure a minimum of 6m x 2.5m and garages shall measure 6m x 3m internally.

Reason: In accordance with policy M3 of the Oxford Local Plan 2016-2036 and in the interest of highway safety.

### **22. Footway/Cycle Lane Dimensions**

Notwithstanding the approved plans, all cycle lanes within the red line plan shall measure a minimum of 2m if one-way and 3m if two-way. Furthermore, all footways within the red line plan shall measure a minimum of 2m.

Reason: in the interest of highway safety.



### **23. Travel Plan**

Prior to first occupation of the development, a Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

### **24. Construction Traffic Management Plan**

Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority. The CTMP shall identify;

- The CTMP must be appropriately titled, include the site and planning permission reference number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111.
- Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policy M2 of the Oxford Local Plan 2036.

### **25. Delivery And Service Management Plan**

Prior to first occupation of the development, a Delivery and Service Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in accordance with policy RE7 of the Oxford Local Plan 2036

### **26. Energy statement.**

The development shall be implemented in strict accordance with the approved Energy Strategy Report (prepared by Elementa, version P12, July 2023). The development shall not be occupied until evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) have been submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance as approved.

Reason: To ensure that the proposed development sufficiently incorporates sustainable design and construction principles in accordance with policies S1 and RE1 of the Oxford Local Plan 2036.

### **27. Piling Method Statement (PMS)**

Prior to commencement of the development, a Piling Method Statement (PMS) shall be submitted to and be approved in writing by the Local Planning authority in consultation with Thames Water. The PMS shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

### **28. Water Network Upgrades**

Prior to occupation of the development details to confirm the following shall be submitted to, and be approved in writing by the Local Planning Authority:

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

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

### **29. Construction within 5m of Strategic Water Main**

No construction shall take place within 5m of a water main. Information detailing how the developer intends to divert the asset/ align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and be approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction shall be undertaken in accordance with the terms of the approved information. Unrestricted access shall be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

### **30. Secured by Design**

Prior to occupation, an application shall be made for Secured by Design (SBD) accreditation, Gold Level, 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 (Gold Level) has been received and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and security and in accordance with policy DH1 Oxford Local Plan 2016-2036

### **31. Public Art**

Prior to commencement of above ground works, a Public Art Strategy and Delivery Plan (PAS) shall be submitted to and be approved in writing by the Local Planning Authority. The PAS should, as a minimum, include the following:

- retention and re-location strategy for the existing Glow Tree and mosaic tiles at the Blackbird Leys Community Centre.
- locations for the erection of public art;
- selection and commissioning process;
- the artist's brief;
- the budget;
- possible form;
- materials;

- the timetable for provision;
- maintenance agreement and community engagement.

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

Reason: In the interests of amenity in accordance with policy DH1 of the Oxford Local Plan 2036.

### **32. Play Strategy**

Prior to commencement of above ground works, a Play Strategy (PS) shall be submitted to and be approved in writing by the Local Planning Authority. The PS shall relate to all areas of play, including both formal and informal 'incidental' play spaces. The PS shall include, as a minimum, include the following:

- plans to show the locations identified for play, including the installation of play equipment;
- information to demonstrate how the views of children and young people in the area have been considered and their needs accounted for;
- the budget;
- detailed designs for each play area;
- materials;
- the timetable for provision;
- maintenance agreement and community engagement.

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

Reason: In the interests of amenity in accordance with policy DH1 of the Oxford Local Plan 2036.

### **33. Boundary Treatments**

Prior to commencement of above ground works, details of the proposed boundary treatments shall be submitted to and be approved in writing by the Local Planning Authority. Details shall include as a minimum:

- A plan to show the location and extent of the proposed boundary treatments;
- Plans to show the proposed height and dimensions;
- Samples of proposed materials.

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

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036

### **District Centre Specific Conditions**

### **34. Materials**

Notwithstanding the details submitted with the application, prior to the installation and/or use, samples of exterior materials shall be submitted to and be approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection and where feasible, shall remain on site for the duration of the development works.

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

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **35. Large Scale Details**

Notwithstanding the details submitted with the application, prior to commencement of above ground works large scale design details (1:50) shall be submitted to and be approved in writing by the Local Planning Authority. These shall include, as a minimum, brick detailing, joinery and glazing panels.

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **36. Exterior Lighting**

Details of any exterior lighting, (including architectural lighting and roof terrace lighting) including details of light spill/pattern shall be submitted to and be approved in writing by the Local Planning Authority prior to installation of any such lighting. Any lighting installed shall be completed, retained and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure there would be no adverse impacts in views and from the surrounding Conservation Areas in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036.

### **37. Wind Mitigation Measures**

Prior to construction of Blocks A, B, C and D details of wind mitigation measures in accordance with the recommendations of the approved Wind and Microclimate Assessment (produced by XCO2, dated May 2023), including material samples where applicable, shall be submitted to, and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the residential amenity of occupiers is protected in accordance with policy RE7 of the Oxford Local Plan 2036.

### **38. Solar Glare Mitigation**

Prior to construction of Blocks A, B, C and D details of solar glare mitigation measures with respect to glazing, in accordance with the recommendations of the

approved Solar Glare Assessment (produced by XCO2, dated May 2023), including material samples where applicable, shall be submitted to, and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the residential amenity of occupiers is protected in accordance with policy RE7 of the Oxford Local Plan 2036 and in the interests of highway safety.

### **39. Communal Spaces Management Plan (CSMP)**

Prior to occupation a Communal Spaces Management Plan (CSMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The CSMP shall set out details for the management of communal spaces within each of the approved residential blocks. The development shall be carried out in strict accordance with the approved CSMP unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: Reason: In the interests of the safety and security and in accordance with policies DH1 and RE7 Oxford Local Plan 2016-2036

### **40. Security and Access Strategy**

Prior to occupation of the development, a Security and Access Strategy (SAS) shall be submitted to and be approved in writing by the Local Planning Authority. The SAS shall include details/ confirmation of the following as a minimum:

- Access to the building controlled via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling;
- Live audio/visual communication between the occupant and the visitor;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Ability to recover from power failure instantaneously;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. Footage should be made available to police within 3 days upon request.
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR)
- Compartmentation through the building must be achieved through the programming and positioning of the access controls to restrict access to each floorplate, including lifts which should also be fob access controlled.

- Lifts and stair cores must also include zoned access control, preventing residents gaining access to floors other than the one on which they reside.
- All bin and cycle stores must be covered by CCTV.

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

Reason: In the interests of the safety and security and in accordance with policies DH1 and RE7 Oxford Local Plan 2016-2036

#### **41. Obscure glazing – Block C**

The south east facing windows at first and second floor of the two and three storey outriggers to the rear of Block C as shown on the approved plans shall be glazed in obscure glass, be non-opening and thereafter retained as such.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036

#### **42. Plant Equipment**

Prior to installation, large scale details (1:50) of the design, size and finished appearance of any visible mechanical plant shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details upon installation.

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

#### **43. Noise - Plant**

The external noise levels emitted from mechanical plant, machinery and equipment shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound.” Reason: To protect the amenity of neighbours in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### **44. Double Yellow Lines**

The development shall not be occupied until double yellow lines have been painted on both sides of Blackbird Leys Road for the entirety of the section between the northern most extent of Blackbird Leys Road, as shown on approved plan DC\_00\_DR\_A\_1210 P2, to the junction between Blackbird Leys Road and Pegasus Road. These should also continue for 10m along any side road which adjoins this land.

Reason: in the interest of highway safety.

#### **45. Raised Surfaces**

Prior to occupation of the development, raised surfaces, continuous footway/cycle lanes and vehicular give way markings shall be included at every side road entry

along the proposed cycle route on Blackbird Leys Road shown within approved plan BBL-IAL-DC-ZZ-DR-L-1002 S4-P03.

Reason: in the interest of highway safety.

#### **46. Cycle Parking Access**

All internal cycle stores shall be accessible using automatic doors. These can be controlled using key fobs for security but shall not require the user to manually open multiple doors to access/egress the cycle stores. All doors/corridors must be a minimum of 1.2m wide and any lift must be a minimum of 2m long.

Reason: To promote sustainable modes of travel.

#### **47. Drainage Strategy**

Prior to the commencement of development, excluding demolition; a detailed surface water drainage scheme for the site shall be submitted to and be approved in writing by the Local Planning Authority. Upon commencement of development, the scheme shall be implemented in strict accordance with the approved details. The scheme shall include:

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

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

#### **48. SuDS As Built and Maintenance Details**

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

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



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

#### **49. Flood Risk Assessment**

Notwithstanding conditions 52 and 53, the development shall be carried out in accordance with the submitted Flood Risk Assessment (dated May 2023, revision 5 prepared by Price and Myers) including the flood compensation measures it details. These flood compensation mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

#### **50. Fire Safety Strategy**

The development shall be implemented in strict accordance with the approved Fire Safety Strategies (Block A, FCFS report FSS/ 311353-02B, October 2021; Block B, FCFS report FSS/ 311353-03B, June 2023; Block C, FCFS report FSS/ 311353-04A, June 2021; Block D, FCFS report FSS/ 311353-05, June 2021) and Fire Statement Form (dated 27<sup>th</sup> June 2023).

Reason: to ensure the development would comply with the relevant fire safety regulations.

### **Knights Road Specific Conditions**

#### **51. Materials**

Notwithstanding the details submitted with the application, prior to the installation and/or use, samples of exterior materials shall be submitted to and be approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection and where feasible, shall remain on site for the duration of the development works.

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

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

#### **52. Large Scale Details**

Notwithstanding the details submitted with the application, prior to commencement of above ground works large scale design details (1:50) shall be submitted to and be approved in writing by the Local Planning Authority. These shall include, as a minimum, brick detailing, joinery and glazing panels.

The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2016-2036.

### **53. Lighting Design Strategy for Light-Sensitive Biodiversity**

All external lighting shall be installed in accordance with the specifications and locations set out in the Sitewide External Lighting Layout produced by CPW drawing number 200460-CPWKR-XX-DR-E-94-001 (Rev P02) and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

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

### **54. Japanese Knotweed Management and Eradication Plan**

Prior to the commencement of the development, a Japanese Knotweed Management and Eradication Plan shall be submitted to and be approved in writing by the Local Planning Authority. For the avoidance of doubt, this plan shall detail how the presence of Japanese Knotweed, and associated soils, will be managed throughout the construction phase and ultimately result in eradication of Japanese Knotweed from the site, in accordance with best practice guidance. The development shall be implemented strictly in accordance with the approved details.

Reason: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

### **55. Archaeology – Written Scheme of Investigation**

Prior to commencement of development a written scheme of investigation (WSI) for 1) Stage 1 Geophysical survey in the western part of the Knights Road site 2) Stage 2 Trial Trenching and 3) Stage 3 Archaeological Mitigation shall be submitted to and be approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

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

### **56. On-street Parking**

The development shall not be occupied or used until the developer has submitted details of the implementation of a Residents Parking Zone to the Local Planning Authority for its approval in writing and the approved Residents Parking Zone shall thereafter be implemented, maintained and the parking controls applicable to that Zone enforced until such time as the roads are adopted by the Local Highway Authority.

Reason: To promote sustainable modes of transport.

### **57. Drainage Strategy**

Prior to the commencement of development, excluding demolition; a detailed surface water drainage scheme for the site shall be submitted to and be approved in writing by the Local Planning Authority. Upon commencement of development, the scheme shall be implemented in strict accordance with the approved details. The scheme shall include:

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

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

### **58. SuDS As Built and Maintenance Details**

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:

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

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

### **59. Flood Risk Assessment**

Notwithstanding conditions 60 and 61, the development shall be carried out in accordance with the submitted Flood Risk Assessment (dated February 2023, revision 4 prepared by Price and Myers) including the flood compensation measures it details. These flood compensation mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

### **60. Landscape Details – Flooding**

Prior to the commencement of any groundworks within Flood Zone 2 details shall be submitted to, and approved in writing by the Local Planning Authority to demonstrate that ground levels will not be increased. If ground levels are to be increased that details of compensatory flood storage shall be submitted to and be approved in writing by the Local Planning Authority.

These compensatory flood compensation mitigation measures shall be fully implemented prior to occupation of the development.

Reason: To prevent an increase in the risk of flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy RE3 of the Oxford Local Plan 2036.

### **61. Fire Safety Strategy**

The development shall be implemented in strict accordance with the approved Fire Safety Strategy (Knights Road, FCFS report FSS/ 311353-01A, October 2021).

Reason: Reason: to ensure the development would comply with the relevant fire safety regulations.

## **OUTLINE PLANNING APPLICATION**

### **62. Commencement – Time Limit**

The development hereby permitted, excluding that part of development for which full planning permission is hereby granted, shall be begun either before the expiration of five years from the date of this permission, or before the expiration of the three years from the date of the last approval of reserved matters, whichever is the later.

Reason: To prevent the accumulation of planning permissions and to enable the local planning authority to review the suitability of the development in the light of altered circumstances.

### **63. Approved Plans**

The development hereby permitted shall be carried out in accordance with the following:

- Proposed site plan - DC\_RF\_DR\_A\_1100 P2
- Design and Access – Part 2.2 The Masterplan
- Landscape Masterplan – BBL-IAL-DC-ZZ-DR-L-1000 S4 P03

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036 and confirm that the development is to be a phased planning permission for purposes of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

### **64. Approved Plans - Access**

In addition to the principle of development, planning permission is hereby granted for the means of access to the development. The development shall be carried out in full accordance with the approved means of access details, set out in the following drawings, which are hereby approved drawings,:

- Parameter Plan – Access – 01503\_JTP\_DC\_00\_DR\_A\_1103

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country

### **65. Reserved Matters Application**

Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the reserved matters") of development within the areas highlighted in orange by drawing number MP\_ZZ\_DR\_A\_1000 REV P1, but excluding that part of the development for which full planning permission is hereby granted, shall be obtained in writing from the Local Planning Authority before that part of the development commences. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: The application is for outline planning permission and to enable the Local Planning Authority to consider these Reserved Matters in accordance with the development plan and any other material planning considerations. To accord with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **66. Reserved Matters – Time Limit**

Application for approval of the reserved matters, excluding that part of development for which full planning permission is hereby granted, shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

Reason: The application is for outline planning permission, and order to ensure that the replacement community facilities and open space are provided in a timely manner.

### **67. Reserved Matters – Content**

All applications for the approval of the reserved matters shall include the following details, unless otherwise agreed in writing by the Local Planning Authority:

- a) proposed footways, footpaths, verges, street lighting, cycleways and how these have been positioned to create a walkable and bikeable community;
- b) An energy and sustainability statement that specifies the sustainability measures and energy efficient measures that will be incorporated. The report shall also set out (i) how solar aspect, shade and shelter has been considered in the positioning of any buildings; (ii) the consideration of incorporating renewable technologies (such as heat pumps and PV panels) to reduce the consumption of grid electricity; (iii) the sustainability credentials of the buildings to meet policy requirements (iv) how buildings respond to inclusive design and design for health and wellbeing;
- c) car parking management plan;
- d) a supplementary travel plan;
- e) cycle parking in compliance with the relevant adopted standards at that time;
- f) street furniture, boundary treatments, signage, refuse storage;
- g) accessibility and inclusive design measures
- h) architectural detailing, external materials palette and plan demonstrating compliance with the design principles contained within the approved Design and Access Statement
- i) landscape plans including planting plans;
- j) health impact statement;
- k) a waste strategy for waste management and disposal, and material re-use to eliminate avoidable waste; and
- l) any additional traffic modelling.

Reason: To ensure a sustainable form of development and a satisfactory quality and appearance and to ensure the local planning authority has sufficient information to assess and determine reserved matters applications in accordance with the Oxford Local Plan 2036 and the policies and standards adopted at the time.

### **68. Minimum Floor Area**

A minimum of 1,200 square metres GIA of community floor space comprising Use Class F2 and/ or sui generis community uses as defined within the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), shall be provided prior to occupation of the development and used for no other purpose.

Reason: To ensure that the existing community uses are re-provided in accordance with policies SP4, G5 and V7.

### **69. Community Use and Management Strategy**

Prior to any occupation of the development, excluding that delivered within phases 1b and 1e, a Community Use and Management Strategy shall be submitted to, and

be approved in writing by, the Local Planning Authority. The Community Use and Management Strategy shall demonstrate:

- how the existing community uses/users of the Blackbird Leys Community Centre ('existing' meaning those at the time of the granting of this consent) have been relocated or otherwise assisted, to ensure a continuity of their services;
- how the needs of the community and existing community groups have been used to inform the proposed replacement Community Centre;
- how the proposed replacement Community Centre will be managed and operated throughout the lifetime of the development including details of community events and how these will be managed so as to minimise disruption for neighbouring residential occupiers..

The Community Centre shall thereafter be operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

### **70. Travel Plan**

Prior to any occupation of the development excluding that part of the development for which full planning permission is hereby granted, a Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall include specific detail on how staff and users will access the community centre by active travel modes. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

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

### **71. Construction Traffic Management Plan**

Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority. The CTMP shall identify the following:-

- The CTMP must be appropriately titled, include the site and planning permission reference number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111.
- Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with policy M2 of the Oxford Local Plan 2036.

### **72. Delivery And Service Management Plan**

Prior to any occupation of the development, a Delivery and Service Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: in accordance with policy RE7 of the Oxford Local Plan 2036

### **73. Fire Statement**

Prior to commencement of the development excluding that part of the development for which full planning permission is hereby granted a Fire Statement shall be submitted to and be approved by the Local Planning Authority. The development shall be carried out in accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the development would comply with the relevant fire safety regulations.



### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP response letter
- **Appendix 3** - Cabinet paper and copy of the advertisement for the appropriation of the land at Knights Road.

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

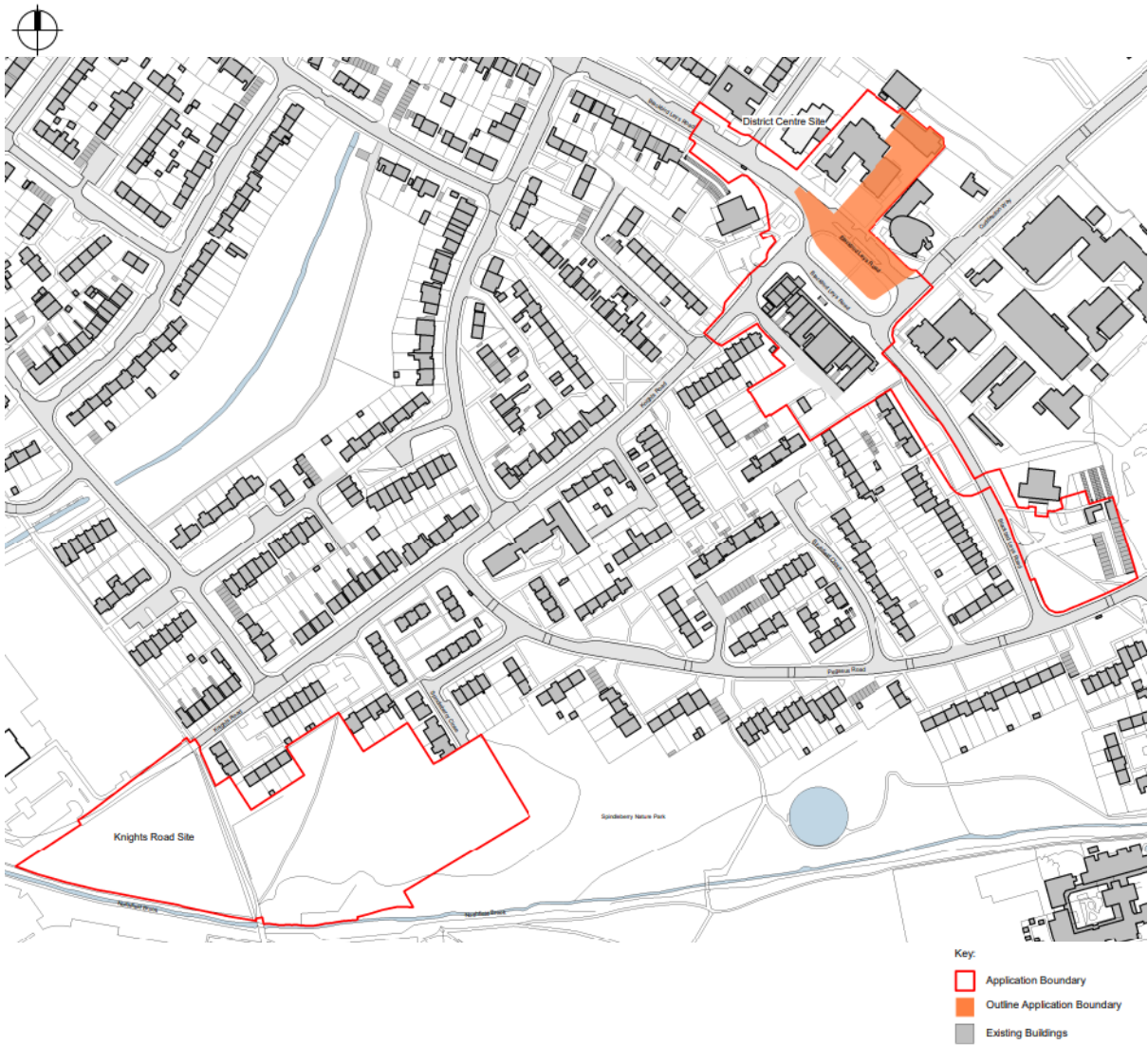
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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



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Catalyst Housing Ltd  
Ealing Gateway  
26-30 Uxbridge Road  
London  
W5 2AU  
6 October 2020

## Appendix 2

Our reference: DCC/5330

### **Oxford Design Review Panel: Blackbird Leys – District Centre and Knights Road**

Dear Mona Barry,

Thank you for providing the Oxford Design Review Panel with the opportunity to advise on this proposal at the Design Workshop on 24 September 2020.

#### **Summary**

The regeneration of the District Centre and Knights Road in Blackbird Leys is a significant project for the city of Oxford and represents the ambition and dedication to affordable housing delivery and high quality placemaking set out in the current local plan. Both sites have been considered for intensification for some time, and the panel welcome both sites coming forward for development through a joint venture with Catalyst Housing Group.

We strongly support the close community engagement conducted by Oxford City Council, Catalyst Housing Group and the design team which is demonstrated through a deep understanding of the needs and aspirations of local businesses, community groups and residents of Blackbird Leys. We are also mindful of the complex phasing programme of the development to ensure continual operation for local businesses and community functions throughout construction. However, we believe this understanding of local needs and aspirations has not yet translated into a clear long-term vision for Blackbird Leys and south Oxford. Nearby sites with significant number of new homes are likely to impact the role of Blackbird Leys in south Oxford, yet at present, these two sites appear as separate from their wider context. Further, it appears that this deep understanding of the needs and concerns of local residents has prevented more radical and ambitious options for the redevelopment of the district centre and ultimately led to solutions that seek to maintain the current status quo rather than providing a more future-focused vision for a new district centre in Blackbird Leys. We recommend the applicant and Oxford City Council reconsider the brief and provide a clearer and more ambitious brief for the design team to respond to.

Other comments and advice for consideration include:

- Adjust the position, orientation, and frontage to Blocks B, C, D at the district centre
- Reassess concerns on viability through ensuring quality of design and placemaking
- Provide a diverse rental offer alongside home ownership
- Refine the site layout at Knights Road to provide a clear hierarchy of streets and residential character

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- Explore further design iterations to test how the quantum and quality of open space could better support the health and wellbeing of residents
- Consider whether a village green is the most appropriate typology for the district centre
- Be realistic in the aspiration for a car-free development and provide feasible transport alternatives to car use

### **Strategic developments nearby Blackbird Leys**

We are conscious of a number of other emerging residential-led projects nearby Blackbird Leys, such as the site at Grenoble Road and the Dog Racing Stadium. While we fully recognise that these matters are outside the influence of the design team, we believe they are pertinent to how the entire project team approaches the sites at the District Centre and Knights Road. We recommend the design team use the current available information on these other sites to consider how a significant increase in homes nearby Blackbird Leys could potentially affect the district centre and the opportunities for improved connections to other parts of the Oxford. A masterplan that can accommodate for wider strategic transformations to south Oxford could ensure Blackbird Leys is central to the enhancement of the overall area and supports the range of uses and amenities required for local residents, now and in the future.

### **Revised brief to design team**

We are mindful of the design teams' and local authority's deep and long-running engagement with communities in Blackbird Leys and how this has informed many aspects of the current proposal – particularly in the District Centre. However, we believe the proposals are currently hesitant and lack ambition for a more profound transformation of the district centre – particularly in the range and complementary functions of social infrastructure at the district centre. We believe the brief is currently overly focussed on housing and recommend the applicant and local authority revise the brief to set out what other uses are currently missing in Blackbird Leys, and what are the strategic aspirations for social infrastructure and the nature of the public realm. To make the brief even more ambitious, we recommend considering precedents from elsewhere and proposing uses which are adaptable and sustainable for the lifetime of the community at Blackbird Leys. A more ambitious, rigorous, and robust brief could ensure that the design team's response supports a genuinely mixed-use masterplan for Blackbird Leys.

### **Urban design of the District Centre**

We support the urban design principles developed by the design team as well as the intention to reduce the dominance of cars throughout the District Centre. We also recognise the complexity of the phasing programme and the constraints on accommodating new development on this site. However, we believe that the current masterplan does not fully live up to the principles to redefine, connect, and repair the district centre. The proposed interventions across the site do not add up to a coherent whole and the definition of frontages and typologies is currently unclear. To remedy some of these concerns we recommend the design team consider the following alterations to Blocks A, B, C, and D:

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- Examining the depth of the Block A to ensure it is only as large as necessary to accommodate the retail and community functions
- Reconsidering whether the ground floor is an appropriate location for homes on Block B
- Focusing on ensuring legible frontages to Block B on the east and west of the block
- Testing further options for the building footprint of Block C to align with the roadway and adjacent sites
- Testing alternation options for the position and orientation of Block D as well as focussing on the quality of the ground and first floor. However, we are comfortable with the current scale of Block D

Addressing these elements could ensure the District Centre better lives up to the principles set out by the design team and provides a more coherent, integrated, and complete destination for businesses, community functions and daily activities.

### **Landscape design for health and wellbeing**

Given the volume of open space within Blackbird Leys, we believe there is a significant opportunity to connect and enhance open spaces across Blackbird Leys. While there is evidence of this aspiration, the finer detail on how it will be achieved is currently missing. Moving forward, the proposal will need to better articulate the positive impact of quality open spaces on the health and wellbeing of residents and visitors. We recommend the design team use landscape design and the ample open spaces across Blackbird Leys as tools to improve the lives of residents in what is a relatively deprived area. This can be achieved through ensuring easy and attractive walking and cycle routes through the area, access to quality communal green space and quality play for all ages.

To promote social cohesion avoid incurring greater costs in maintenance, some green spaces could be managed by different groups with supervision from a volunteer organisation. These spaces could provide functions such as gardening, rewilding or food growing and informed by the residents' needs. We recommend these ideas are included in the next round of consultation with residents. An ambitious, coherent and community-focussed vision for landscape and open space across Blackbird Leys could provide the connective tissue to bring both sites together and improve the quality of life of existing and future residents of Blackbird Leys.

### **Concerns over viability**

We are concerned that the project's viability has limited the design process at Knights Road and impaired the overall design quality of the proposal. We believe a well-connected, characterful place with quality architecture would prove to be an attractive offer for potential residents in Oxford and therefore, we recommend the applicant focusses on a new narrative and aspiration for Blackbird Leys as a desirable location which can be achieved through better connectivity, placemaking, landscape and open space at both District Centre and Knights Road. Further, a stronger response to concerns over viability would see this challenge as an opportunity for innovation (rather than caution) in the design process.

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### **Diverse housing offer**

We question the emphasis on home ownership over affordable and secure renting models. The current level of 33% home ownership in Blackbird Leys may be difficult to improve upon, while focussing solely on property value may not be a fair indicator of a better place. Instead, we recommend developing a more diverse and innovative offer for renters as well as prospective homeowners. This could be achieved through focussing on multigenerational homes and considering how different residential groups could offer co-benefits, such as schools and nursing homes or homes for older people.

### **Village green**

A village green at the District Centre is thoughtful and developed through close engagement with local communities' own aspirations for Blackbird Leys. In line with other comments on greater ambition for how Blackbird Leys' regeneration, the village green typology is not yet delivering on its full potential within the masterplan for the district centre. Currently, it lacks a central space and there is not an obvious purpose for one to gravitate towards it. We recommend the design team retain the qualities that make a village green attractive – such as enclosure, green space and community facilities – while defining what a village green could be in the 21st century. Redesigning the relationship of Block B and C to one another, including their orientation, frontage and ground floor use could improve this greatly. A legible and attractive village green that supports a range of needs of the communities could be a vital civic space that knits together each element of the district centre.

### **Knights Road - Landscape**

We agree with Oxford City Council that open space is currently underprovided at the Knights Road site believe further work is required to ensure the volume and quality of green space meets the needs of current and future residents. We recommend the design team consider how the brook and Spindleberry Nature Park can add further character and inform the type of spaces that this site could provide. Greater tree cover could also offer some additional screening from the Kassam Stadium. We also recommend testing alternative arrangements for back gardens to allow for greater permeability and free up space for a more communal area within this site. A greater amount of open, green space could ensure Knights Road integrates well within the surrounding suburban context and mitigates the loss of a well-used open space.

### **Knights Road – Site layout**

The design development for the site at Knights Road appears at an earlier stage to the District Centre and the current diagrams suggest a capacity study rather than a completed site layout. As such, the site layout appears to be lacking a street hierarchy to define the scale of and types of routes across the site. We recommend the legibility of the stated characters for each area is improved through further design iterations. We recommend both the design team return to the principles of this site and ensure the street hierarchy and character areas are resolved and refined and they are then used to inform further design



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detail to create a safe, enjoyable public realm and the development of quality, distinctive homes.

We also recommend the design team considers how the Knights Road site supports local connectivity ensuring that the site layout can accommodate the volume of pedestrians on match days without compromising residential quality. One option for this may be to extend the route along Knights Road itself across the brook to the Stadium and nearby amenities. Ensuring good pedestrian access to the Kassam Stadium and nearby amenities could contribute greatly to the site at Knights Road stitching it into the existing suburban context and reducing residents' dependency on vehicles to access other parts of south Oxford.

### **Parking and transport strategy**

The requirement for car-free neighbourhoods is a key part of the principle of regeneration of Blackbird Leys. We support this in principle but believe there are challenges to ensure it can be achieved successfully in practice. We would advise that controlled parking may not work in absence of a clear transport strategy for the area which strengthens public transport connections to Oxford and enhances walking and cycling routes to nearby destinations. We would also advise the applicant that the benefits of a car-free scheme must be clearly and confidently articulated to the existing residents to avoid resistance to other parts of the project. Ultimately, any reduction of car use in Blackbird Leys is likely to be a result of the quality of place at the district centre and the ease, accessibility and enjoyment of local walking and cycling routes across the area. A stronger approach to other elements of connectivity and mobility could give the applicant and local authority more confidence in the right level of parking for both sites.

Thank you for consulting us and please keep us informed of the progress of the scheme. If there is any point that requires clarification, please contact us.

Yours sincerely,



### **Theo Harrison**

Design Council Programme Manager  
Email: [theo.harrison@designcouncil.org.uk](mailto:theo.harrison@designcouncil.org.uk)  
Tel: +44(0)20 7420 5264

### **Review process**

Following a remote site visit, and discussions with the design team and local authority and a pre-application review, the scheme was reviewed on 24 September 2020 by Fred Manson (Chair), Deborah Nagan, Euan MacDonald, Jon Rowland. These comments supersede any views we may have expressed previously.

### **Confidentiality**

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Since the scheme is not yet the subject of a planning application, the advice contained in this letter is offered in confidence, on condition that we are kept informed of the progress of the project, including when it becomes the subject of a planning application. We reserve the right to make our views known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). If you do not require our views to be kept confidential, please write to [dc.cabe@designcouncil.org.uk](mailto:dc.cabe@designcouncil.org.uk).

*cc (by email only)*

### Attendees

Mona Barry	Catalyst Housing Group
Chris Struthers	Catalyst Housing Group
Mohammed Haque	Catalyst Housing Group
Vicki Baker	Catalyst Housing Group
Clare Gray	Oxford City Council
Andrew Humpherson	Oxford City Council
Rosa Appleby-Alis	Oxford City Council
Gavin McGillivray	JTP
Sophie Thomas-Lacroix	JTP
Lily Tsolakidi	JTP
Roger Smith	Savills
Joanna Lishman	Savills
Kerrie McKinnon	Ireland Albrecht
Don Albrecht	Ireland Albrecht
Caitlin Turley	Curtins
Clara Bagenal George	Elementa Consulting
Jade Huang	Design South East

### Design Council

Theo Harrison	Design Council
Gyorgyi Galik	Design Council

## Appendix 3

**To:** Cabinet  
**Date:** 14 June 2023  
**Report of:** Executive Director (Development)  
**Title of Report:** Blackbird Leys Development Project – Land Appropriation

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To seek approval to advertise the Council's intention to appropriate land (change the statutory basis on which it is held by the Council) at the Blackbird Leys District Centre and Knights Road to facilitate the Blackbird Leys Development Project. The intent to appropriate relates to land owned by Oxford City Council only.
<b>Key decision:</b>	Yes
<b>Cabinet Members:</b>	Councillor Ed Turner, Deputy Leader (Statutory) - Finance and Asset Management  Councillor Ajaz Rehman, Cabinet Member for Inclusive Communities
<b>Corporate Priority:</b>	Meeting Housing Need; Strong & Active Communities
<b>Policy Framework:</b>	The Oxford Local Plan 2016- 2036, including: <ul style="list-style-type: none"> <li>• A pleasant place to live, delivering housing with a mixed and balanced community (Policy H1 – H16);</li> <li>• Making wise use of our resources and securing a good quality local environment (Policy RE1 – RE9);</li> <li>• Ensuring efficient movement into and around the city (Policy M1 – M5);</li> <li>• Providing communities with facilities and services and ensuring Oxford is a vibrant and enjoyable city to live in and visit (Policy V4 , V6, V7);</li> <li>• Areas of Change and Site Allocations including Policy AOC3, SP4, SP15.</li> </ul>
<b>Recommendations:</b> That Cabinet resolves to:	
1.	<b>Approve</b> the public notification process to consider the proposal to exercise the Council's powers to appropriate land in its ownership at Blackbird Leys

	District Centre and Knights Road (see plan at Appendices 1 & 2) (“the Land”) to planning purposes;
2.	<b>Approve</b> the publishing of a notice in a local newspaper for two weeks consecutively expressing the Council’s intention to appropriate the Land in accordance with section 122 Local Government Act 1972 to planning purposes so as to rely on section 203-205 Housing and Planning Act 2016. This is necessary to facilitate Phase 1 of the Blackbird Leys Development Project.

<b>Appendices</b>	
Appendix 1	Aerial View of Blackbird Leys Masterplan Sites
Appendix 2	Blackbird Leys Masterplan: District Centre
Appendix 3	Blackbird Leys Masterplan: Knights Road
Appendix 4	Risk Register
Appendix 5	Benefits of the Blackbird Leys Regeneration Scheme

## 1. Purpose of Report

- 1.1 This report seeks approval for the commencement of a public notification process to consider using the Council’s powers to appropriate the Land (that is to transfer how the Council holds the land from the function and purpose for which it is currently held to a new function and purpose) to be held for planning purposes because following the grant of planning permission the Council’s intention is (subject to any representations and objections received) that the Land will be developed as part of the Phase 1 Blackbird Leys Development Project.
- 1.2 For the purposes of 1.1 above, approve the publication of a notice in a local newspaper for two weeks consecutively, as required by section 122 Local Government Act 1972. Appropriating the Land to a planning purpose will allow the Council to utilise section 203-205 Housing and Planning Act 2016 which means that any restrictions on the use or development of Land will be overridden. This is necessary so as to facilitate Phase 1 of the Blackbird Leys Development Project which will include the Blackbird Leys District Centre and Knights Road (Appendices 1-3) (the “Land”).

## 2. Introduction and Background

- 2.1 Blackbird Leys District Centre and Knights Road were identified as a comprehensive regeneration sites in the Oxford City Council Sites and Housing Plan (2013) and reaffirmed in the Oxford Local Plan 2036. The District Centre is located at the centre of the 1960s estate with major employment sites to the North, an industrial park to the North East, a science park to the South West and the Kassam Stadium to the South.
- 2.2 The Leys has some of the most deprived areas in the country, with the 2019 Indices of Deprivation (IMD2019), demonstrating that 3 out of the 4 LSOAs

within Blackbird Leys rank amongst the 20% most deprived within England, and amongst the 10% most deprived in terms of Education, Skills, and Training. Furthermore, according to End Child Poverty estimates for 2017/18, Blackbird Leys ranks as the Oxford city ward with the highest incidence of children living in poverty (after housing costs).

- 2.3 OCC and Peabody have been working together to develop the Blackbird Leys masterplan, focusing on layout, housing mix (including tenure and type), phasing and viability. The masterplan concept has included engagement with the community and is subject to change during the detailed design and planning stage and will be informed by further engagement with the local community. The proposed masterplan is included in Appendices 1-3.
- 2.4 The proposals for the District Centre and Knights Road sites are considered as a masterplan, looking to promote a holistic approach to place-making across Blackbird Leys. The proposals seek to integrate a new high-density residential-led mixed use development into a changing context, within an established and engaged local community. The scheme will be delivered in phases, with Phase 1 including the Knights Road site and most of the District Centre, excluding the existing block of retail units and flats above (shown in grey in Appendix 2). Phase 2, which is made up of the District Centre block of retail units and flats above (shown in grey in Appendix 2), will commence upon completion of Phase 1.
- 2.5 The Blackbird Leys mixed use development provides a total of 294 residential units as a mixture of 1, 2 and 3 bedroom apartments and 2 and 3 bedroom houses spread across both sites. This represents a density of circa 95 dwellings per hectare at the District Centre and 38 dwellings per hectare at the Knights Road site. 100% of the homes are affordable, provided as a mixture of 174 (59%) for Social Rented and 120 (41%) for Shared Ownership. As well as housing, the scheme will provide improved public realm focusing on well-being and sustainability with the inclusion of sustainable drainage systems (SuDS), biodiversity-led landscaping and play space, as well as retail space, that allows for the relocation of existing retail units located within the scheme's boundary, and a new community centre.
- 2.6 Oxford City Council (OCC) owns land in the Blackbird Leys District Centre and Knights Road and proposes to redevelop the site as part of the Blackbird Leys Regeneration Masterplan. The residential-led, mixed-use development will provide housing, retail, and community accommodation across two sites.
- 2.7 The Knights Road site has been allocated as a development site in OCC's 2016-2036 Local Plan, which was adopted in 2020.
- 2.8 According to the 2036 Local plan:

'The site comprises some poor quality open space. It is adjacent to Spindleberry Nature Park and the Kassam Stadium. The site was also allocated for development in the Sites and Housing Plan 2011-2026.'

'The site is suitable for residential use. Development should enhance the quality and safety of the area. The relationship between new development and

remaining green areas, particularly Spindleberry Park should be carefully considered. More vulnerable development will be expected to be directed away from Flood Zone 3b. The site does not have any biodiversity protections, but the ecological value of the site must be assessed as part of a planning application and any harm avoided, mitigated or compensated for.'

- 2.9 In October 2017, OCC undertook an OJEU compliant 'Competitive Dialogue' process, which ultimately led to the appointment of Catalyst Housing Limited (CHL) as the development partner for the Blackbird Leys Estate Regeneration project.
- 2.10 Given the relative low land and property values in the area the project has always had significant viability issues. Initial proposals from all bidders were based upon an indicative masterplan produced for the Council by Levitt Bernstein and which the Council's consultants CBRE had assessed as having a deficit or negative land value. Tenders were scored on a 60% Qualitative and 40% Quantitative (financial) basis. The selection of CHL, as the preferred development partner, was recommended after evaluation by Council advisers CBRE and a team of Council Officers.
- 2.11 It was agreed to proceed with CHL on the understanding that the Development Agreement would allow for a stage where proposals would be developed to close the viability gap before moving forward to detailed design and planning.
- 2.12 On 18 September 2018, the then City Executive Board (CEB) delegated authority to the Regeneration and Economy Programme Director and the Head of Law and Governance, to finalise and enter into a Development Agreement with the CHL. It also delegated authority to the Regeneration and Economy Programme Director and the Head of Law and Governance, to agree external grant funding arrangements to support this project. The Development Agreement was agreed in May 2018.
- 2.13 The Development Agreement sets out how the project is to be bought forward through a series of Gateways, where at key stages the schemes' viability is tested and agreed by both parties. In 2022, Peabody Housing Association (PHA) merged with CHL and became Peabody in April 2023, who are continuing the development partnership on the Blackbird Leys regeneration project.
- 2.14 Since signing the Development Agreement in 2018, OCC officers have been working with development partners to achieve scheme efficiencies to close the viability gap, through Stages 1 and 2. The scheme continues to have considerable viability issues, and as such, Stage 2 viability work is ongoing.

### **3. Rationale for Appropriation**

- 3.1 In order to progress the Blackbird Leys development, officers are currently of the view that the appropriation of council-owned land in this area will facilitate the development of the land, and will contribute to the achievement of the economic and social wellbeing of the area, namely in the delivery of affordable housing. Some of the principal benefits of the scheme are outlined in Appendix 5.

- 3.2 The intent is to appropriate all of land required for Phase 1 of the Blackbird Leys development. This will include parts of the District Centre and Knights Road sites, with the exception of what has been shown in grey shading in Appendix 2.
- 3.3 The District Centre site does not have land designated as open space, as is the case in Knights Road. However, it is view of the Council that it should be included in the intent to appropriate as there may be third party rights that need extinguishing to enable the development to proceed. The beneficiaries of any rights that are extinguished as a result of the appropriation will be entitled to make a claim for compensation.
- 3.4 Without the extinguishment of the third party rights the beneficiaries of those rights could potentially seek an injunction preventing the development from being completed. Exercise of the appropriation powers will extinguish all third party rights over the land. These rights may include such things as rights of way that are unrecorded and that OCC may have no knowledge of. It would also include any possible infringements of rights to light that may occur if the new development overshadows neighbouring properties.
- 3.5 Appendix 2 illustrates the extent of land to be included in the intent to appropriate in the District Centre. The area shown in grey is Phase 2 of the development, and is therefore excluded from the intent to appropriate at this stage. Appropriation for Phase 2 will occur at a later date.
- 3.6 Appendix 3 illustrates the extent of land to be included in the intent to appropriate in Knights Road, which includes the entire site.
- 3.7 It is important to note that the intent to appropriate covers only land owned by Oxford City Council.
- 3.8 It is also important to note that it will be necessary to bring forward a further appropriation of the Phase 2 site after vacant possession of the properties within that phase has been obtained.
- 3.9 Officers consider it necessary to appropriate the land at the Blackbird Leys District Centre and Knights Road for development, and believes the benefits of developing these sites outweighs the negative impacts. Appendix 5 outlines some of the main benefits of the scheme.

#### **4. Legal Implications**

- 4.1 The Council holds land for the statutory purposes for which it was acquired or following acquisition, appropriated. Appropriation is the process by which land held by the Council pursuant to one statutory function is transferred to another statutory function.
- 4.2 Section 122 of the Local Government Act 1972 governs the process of appropriation. Section 122 provides that before appropriating any land which is an open space the Council must give notice of its intention to do so and consider any objections made to the proposed appropriation. The notice must be given in a local newspaper over a period of 2 consecutive weeks.

- 4.3 The Land is held by the Council as a pleasure ground under section 164 of the Public Health Act 1875 – this status as a pleasure ground amounts to a public trust over the Land preventing its use for other purposes. Appropriation of the Land to a planning purpose under section 122 of the 1972 Act (see previous paragraph) will have the effect of discharging this public trust.
- 4.4 It should be noted that there may be other trusts over the land which will need to be dealt with appropriately in due course before the development can be undertaken.
- 4.5 The purpose of this report is to authorise the taking of the first step of advertising the intention to appropriate. Any objections received would be considered at a future meeting of Cabinet when the decision would be taken on whether to appropriate the Land to planning purposes.
- 4.6 The appropriation notice will cover both the land subject to the statutory trust and other land (shown in Appendix 2 ('The District Centre')) as it is necessary to appropriate the whole of the Land to a planning purpose before the works can be undertaken. Appropriation has the effect of overriding restrictions and third party rights that may affect the use and further development of the Land in return to a right to compensation. At the time of appropriation the council will need to balance the public benefit of Blackbird Leys Development Project proceeding against the impact that the loss of private rights/restrictions may have on landowners benefiting from those private rights.
- 4.7 Given the nature of the exercise of the powers proposed by the Council it will be necessary for the Council to have regard to its public sector equality duty in reaching a final decision to appropriate the Land to planning purposes.

## **5. Impact Assessment**

- 5.1 The impact of undertaking the notification procedure for the proposed appropriation is minimal as a separate decision on the substantive question as to whether to appropriate the Land for planning purposes will be required to be made at a later date. The impact of the planned advertisement for the proposed appropriation is not expected to be surprising to local residents, as the Council and its development partner have carried out community engagement and consultation regarding the proposed masterplan at Blackbird Leys. It is nonetheless a legal requirement to allow the community at Blackbird Leys to submit their views and comments regarding the proposed appropriation of land for development, and to consider these submissions before making the decision to appropriate.
- 5.2 In terms of appropriating the land for development, one major impact to the local community is the loss of open space used for recreation at Knights Road, which could negatively impact residents' overall health and wellbeing. When assessing this impact and allocating this site for development, the Council considered other surrounding open and green spaces including Blackbird Leys Park, Fry's Hill Park, and the Spindleberry Nature Reserve, which also offer local residents open space for recreation. It was the Council's view that the existing Knight's Road recreation park was of poor quality and therefore the benefit of an additional 84



affordable family homes in the area would outweigh the loss of a large portion of the recreation space.

5.3 Please refer to Appendix 4 for the risk register.

## 6. Stakeholder Engagement

6.1 Prior to appropriating the land at the District Centre and Knight's Road, OCC will advertise the intent to appropriate for a total of 14 consecutive days. This will be advertised in local newspapers as required by law.

6.2 Comments and views received will be reviewed, assessed and incorporated into a report to be presented to Cabinet at a future date.

## 7. Alternative Options

7.1 Please refer to Section 4 Rationale for Appropriation and Appendix 5.

## 8. Financial Implications

8.1 The following activities will require internal resources:

- Officer involvement during the advertisement period to record any comments and views, and to review the responses to summarise in the Cabinet report.
- Compilation of an Equalities Impact Assessment
- Internal legal advice

8.2 There are also external costs which will be funded from the revenue budget for this project:

(i) Advertising the notice of intent to appropriate the land which is estimated to be:

- Full page advertisement in the Oxford Mail: £3,990 + VAT
- Half page advertisement on Oxford Mail: £2,992 + VAT

(ii) External legal advice at an estimated cost of £1820 + VAT

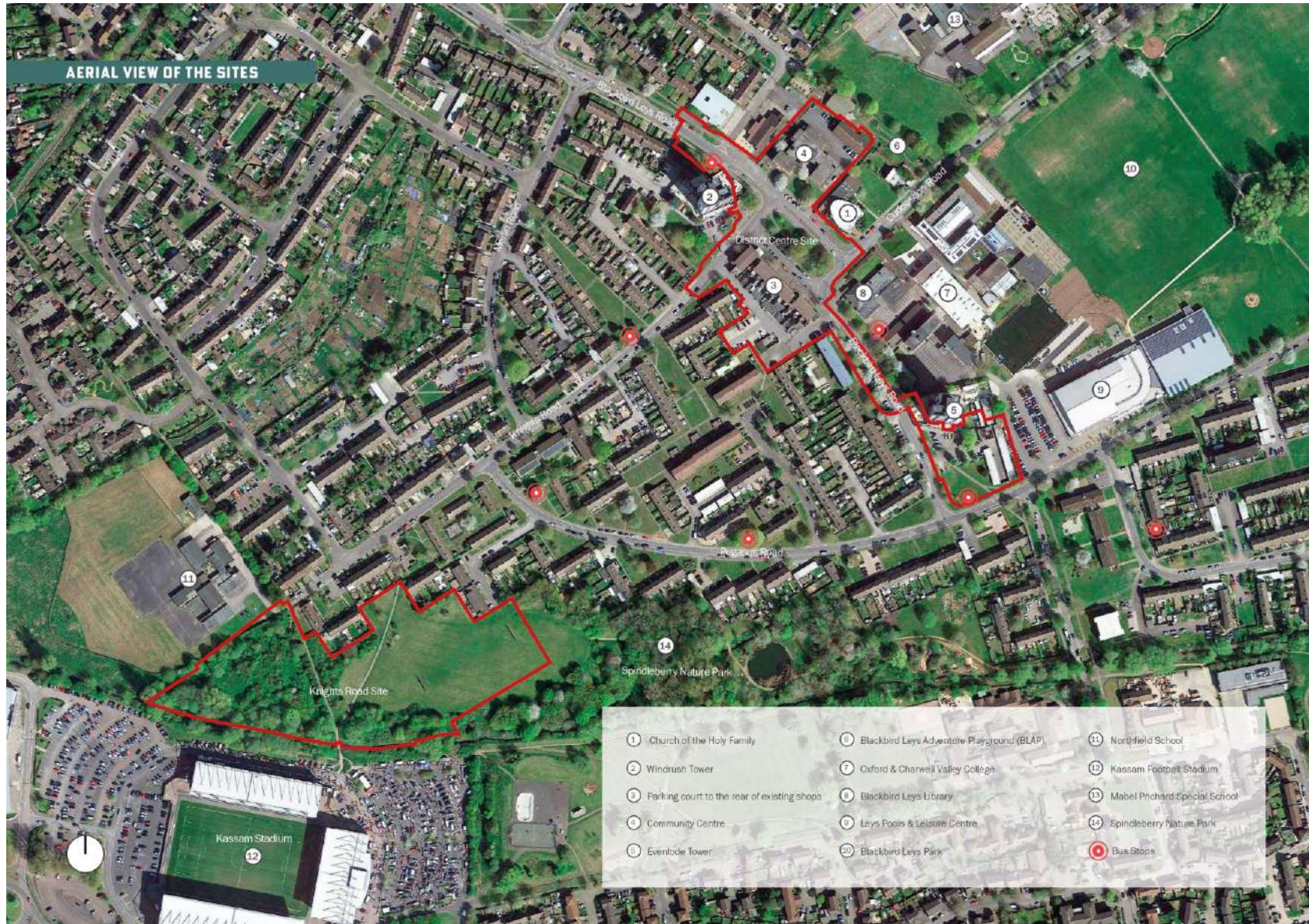
## 9. Next Steps

Cabinet Approval for Intent to appropriate	14 June 2023
Advertisement	15 June 2023 – 29 June 2023
Assessment of responses to advertisement	15/06/23 – 10/07/23
Report writing for cabinet approval	1 month
Cabinet Approval for Appropriation	09/08/2023

<b>Report author</b>	Karoline Mendonca – Regeneration Manager
Service area or department	Regeneration and Economy
Telephone	01865 252986
e-mail	<a href="mailto:ksoisalodemendonca@oxford.gov.uk">ksoisalodemendonca@oxford.gov.uk</a>

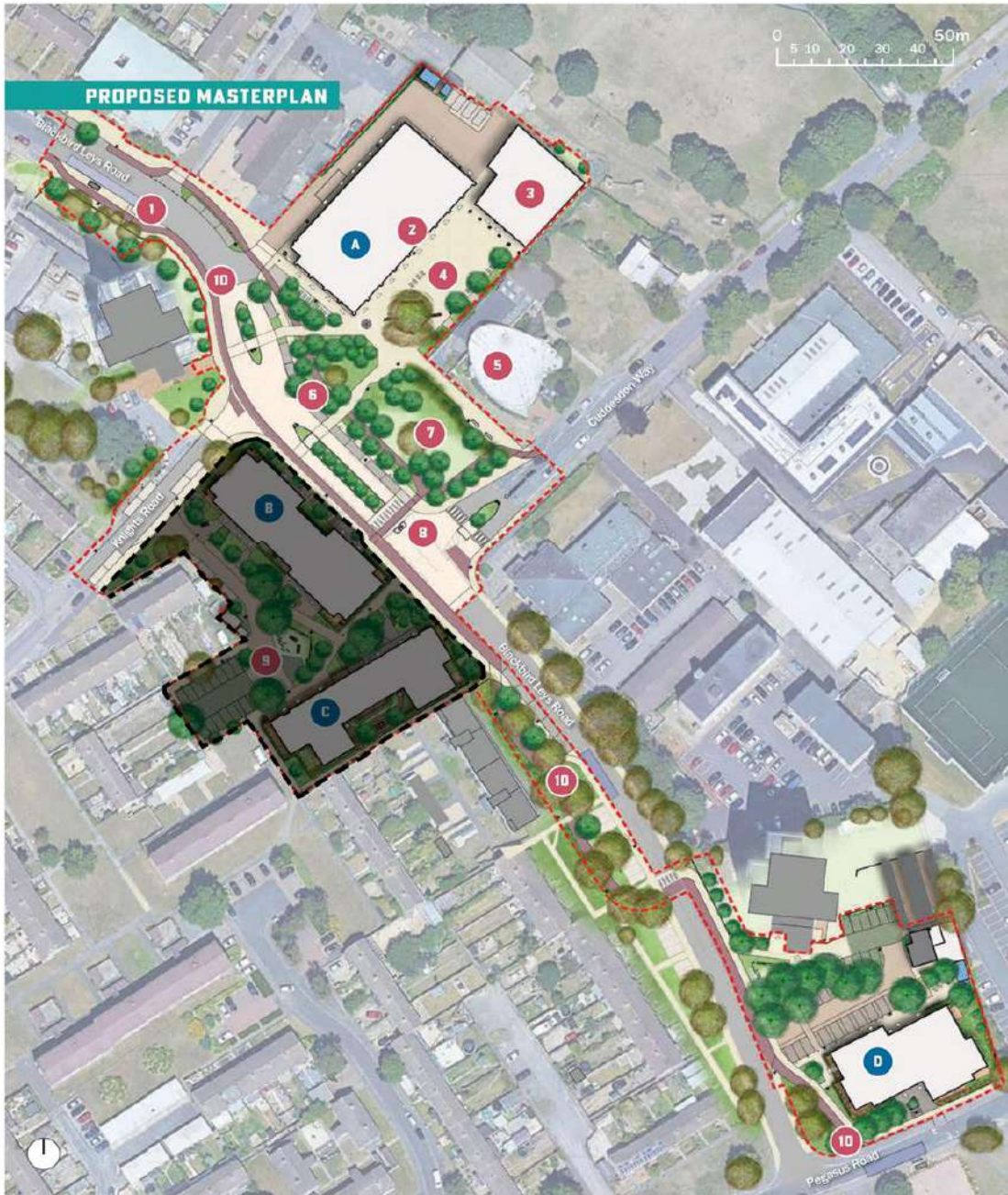
<b>Background Papers:</b> None
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# APPENDIX 1: Aerial View of Blackbird Leys Masterplan



APPENDIX 2: Blackbird Leys Masterplan: The District Centre





**THE MASTERPLAN**

- X** New residential buildings
- 1** Improved bus stop
- 2** Shared terrace garden on the 1st floor
- 3** Community Centre (Outline Application)
- 4** Public Square
- 5** Proposed New Church of the Holy Family (Consented)
- 6** On-street car-parking & drop-off
- 7** New and improved large public open space
- 8** New pedestrian crossings
- 9** Green amenity and play space
- 10** New segregated cycle routes

- |  |   |  |                      |
|--|---|--|----------------------|
|  | Pedestrian walkways                       |  | Shared amenity space |
|  | Parking, access and residential zones     |  | Rain garden or swale |
|  | Private terraces                          |  | Planting             |
|  | Roadway with traffic calming raised table |  | Hedge                |
|  | Delineated cycle path                     |  | Existing trees       |
|  | Public green space                        |  | Proposed tree        |

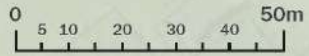
Land in grey shaded area corresponds to Phase 2 of the development and will be appropriated at a later date.

# APPENDIX 3: Blackbird Leys Masterplan: Knights Road

- KEY**
- Site Boundary
  - ① Public Right of Way
  - ② Spindleberry Nature Park
  - ③ Kassam Stadium
  - ④ Northfield Brook - runs along the southern boundary of the site
  - ⑤ Fry's Hill Park
  - ⑥ Vias Cinema
  - ⑦ Windale Primary School
  - ⑧ Northfield School / Orion Academy



**ILLUSTRATIVE MASTERPLAN**



**Boundaries:**

- - - Site Boundary
- - - Spindleberry Nature Park
- - - Littlemore and Northfield Brooks

- 1** Route to Kassam
- 2** Central Green
- 3** Brook Edge East
- 4** Brook Edge West
- 5** Residential Courtyards
- 6** Private Rear Gardens
- 7** Street Parking
- 8** On-Plot Parking
- 9** Parking Court
- 10** Northfield Brook
- 11** Spindleberry Nature Park
- 12** Bridge to Kassam Stadium
- 13** Pedestrian route commencing from Spindleberry Park to Kassam Bridge
- 14** Link to Existing Pedestrian Routes
- 15** Retaining Wall
- 16** Existing Houses
- 17** Board walk route to brook

- 18** Distance from the road to the northern edge of Northfield Brook

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removal of most stubborn stains.

- A more hygienic environment - Complete removal of general dust, soil and accumulated debris.
- Improved appearance - Even the oldest of carpets and furniture can look brand new following professional cleaning.
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Regular vacuuming is a necessity to keep your carpets clean and hygienic, and some of you will use other equipment to help maintain and preserve your valuable floor coverings. However, most domestic vacuum cleaners, shampooers and steamers, even the more powerful ones, haven't got what it takes to get rid of that deep-down dirt or nasty germs. This is one of those jobs for the professionals.

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### PLANNING

**PUBLIC NOTICE**  
OXFORD CITY COUNCIL  
**PROPOSED APPROPRIATION OF LAND AT THE BLACKBIRD LEYS DISTRICT CENTRE AND KNIGHTS ROAD FOR PLANNING PURPOSES SECTION 122 LOCAL GOVERNMENT ACT 1972**

Notice is hereby given by Oxford City Council ("the Council") that:

1. Part of the land at the Blackbird Leys District Centre and Knights Road ("the Phase 1 Site") is required for development in connection with the first phase of regeneration of the Blackbird Leys Development project pursuant to planning application reference: 23/00405/OUTFUL.
2. A report proposing the appropriation of the Phase 1 Site for planning purposes pursuant to section 122 of the Local Government Act 1972 will be considered by the Council's Cabinet on or after the 13th of September 2023; and
3. Part of the land to be appropriated is held for the purposes of section 164 of the Public Health Act 1875.


A plan showing the extent of the Phase 1 Site is attached alongside this notice and can also be viewed on-line at [www.blackbirdleys.co.uk](http://www.blackbirdleys.co.uk)

Anyone who wishes to obtain further information should contact Karoline Mendonca by email: [ksolisalodemendonca@oxford.gov.uk](mailto:ksolisalodemendonca@oxford.gov.uk) in good time before the final date for written representations referred to below.

Any person who wishes to comment on the proposed appropriation before a decision is reached is invited to write to the Council by email at [regeneration@oxford.gov.uk](mailto:regeneration@oxford.gov.uk) or by post to Karoline Mendonca, Oxford City Council, Town Hall, St. Aldate's, Oxford, OX1 1BX with the subject line 'Blackbird Leys Appropriation', to arrive no later than 5:00pm on 27th July 2023.

Comments received by that date and time will be considered by the Council's Cabinet before a decision is taken.

Dated this 29th June 2023  
Tom Bridgman – Executive Director of Development, Oxford City Council



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Oxford City Planning Committee

15<sup>th</sup> August 2023

**Application number:** 23/00142/FUL

**Decision due by** 3rd May 2023

**Extension of time**

**Proposal** Demolition of the rear accommodation block, conference block and pavilion building; erection of a replacement rear accommodation block, detached villa accommodation and courtyard garden accommodation; extension, alterations and reconfiguration of the hotel(including a remodelled front porch and building front) to provide 36 bedrooms, function space and operational improvements; extensive landscape enhancements, access and parking reconfiguration and associated works (amended plans, description and additional information).

**Site address** Linton Lodge Hotel, 11-13 Linton Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Summertown

**Case officer** Sarah De La Coze

**Agent:** Mr Alex Edge      **Applicant:** C/o agent

**Reason at Committee** Major application

---

## 1. RECOMMENDATION

1.1. is recommended to:

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

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

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

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the redevelopment of Linton Lodge Hotel which is located on Linton Road. The redevelopment would include the demolition and replacement of the rear extension block to the main hotel and the introduction of two accommodation blocks, one in the garden located along the boundary the site shares with Northmoor Road and one on Charlbury Road. The proposal would result in 36 additional hotel bedrooms taking the hotel to 123 bedrooms in total. In addition the scheme proposes:

- An expanded and centralised reception, café and bar area (with improved garden access);
- New and improved hotel gardens with enclosed or covered outdoor seating;
- 9 car parking spaces (which include 3 drop-off spaces, 3 disabled spaces and 3 standard spaces)
- 60 cycle parking spaces; and
- A reconfigured service area.
- New substation to the front

2.2. The site lies entirely within the boundary of the North Oxford Victorian Suburb Conservation Area (NOVSCA) a Conservation Area first designated in 1969 immediately following the coming into effect of the Civic Amenities Act 1967 which brought into being such statutory designation. The proposed development would be in close proximity to the setting of two Listed Buildings, specifically No. 7 Linton Road and No. 20 Northmoor Road. The site is also located within the Summertown and St Margarets Neighbourhood Area (SSMNP) for which there is a Neighbourhood Plan in place.

2.3. The site comprises an existing hotel. Policy V5 of the Oxford Local Plan (OLP) relates to sustainable tourism and is permissive of the expansion of existing hotels, therefore the principle of refurbishing and expanding the hotel is acceptable subject to compliance with the other policies in the Local Plan

2.4. Officers consider that the development would be acceptable with regard to the principle, design impact on the designated heritage assets, highways, environmental health and impact on neighbouring amenity.

2.5. The historic environment has been carefully considered and great weight has been given to preserving the significance of the designated heritage assets referred to

in the report, and where harm would be caused to justify that harm and mitigate it through design choices. The benefits resulting from the development are considered to be of a weight that would outweigh the lower level of less than substantial harm to the significance of heritage assets that it is considered would be caused by the proposed development, officers therefore consider that the development would comply with the requirements of Paragraph 202 of the NPPF.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement or a unilateral undertaking with the County Council to secure a travel plan monitoring contribution.

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

4.1. The proposal is liable for CIL at an amount of £47,163.87

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

5.1. The application site is located on the north side of Linton Road, between Northmoor Road (to the west) and Charlbury Road (to the East) in North Oxford. With the exception of St Andrew's Church on the opposite side of the road the immediate surrounding properties are all in residential use. The area benefits from larger detached and semi-detached houses with substantial front and rear gardens being the typical property type in the area, although there are some infill developments (including Northmoor Place to the immediate west of the application site and No.s 18 and 18b Charlbury Road to the North-East of the application site). In the wider area there are a number of institutional uses that impact on the character and appearance of the area,

5.2. Linton Lodge Hotel currently comprises 87 bedrooms, a landscaped garden at the rear and two car parking areas (with access from both Linton Road and Charlbury Road). The site has been used as a hotel for many years and has changed and expanded considerably over time since that use first commenced in 1957. The hotel buildings themselves are formed from the original Edwardian houses (11 and 13 Linton Road) together with substantial links extensions between those houses, a large 1970s rear extension and smaller additions made (including flat roof elements on the Charlbury Road elevation) and most recently a porch on the Linton Road elevation.

5.3. The site lies entirely within the boundary of the North Oxford Victorian Suburb Conservation Area (NOVSCA) and more specifically within the Bardwell Character Area. There are a number of Listed Buildings in the near vicinity with no.7 Linton Road (Grade II) and 20 Northmoor Road (Grade II) being located closest to the application site.

5.4. The application site lies within the defined area of the Summertown and St Margaret's Neighbourhood Plan.

5.5. The site is located in a highly sustainable location with a number of bus stops in the vicinity as well as being located close to the City Centre and within two miles of Oxford Railway Station.

5.6. See site plan below:



## 6. PROPOSAL

6.1. The application seeks to redevelop the existing hotel by refurbishing and remodelling the front main hotel block, demolishing and replacing the rear accommodation block, the erection of a new garden accommodation block and the erection of an accommodation block on Charlbury Road.

6.2. The proposal includes:

- An additional 36 hotel bedrooms taking it to (123 bedrooms in total);
- An expanded and centralised reception, café and bar area (with improved garden access);
- New and improved hotel gardens with enclosed or covered outdoor seating;
- 9 car parking spaces (which include 3 drop-off spaces, 3 disabled spaces and 3 standard spaces);
- 60 cycle parking spaces; and
- A reconfigured service area.
- New substation to the front

6.3. The proposal increases the hotel floorspace from 3,099sqm to 4,592sqm (a net gain of 1,493sqm). The built form footprint increases from 1,511sqm to 1,899sqm (a net gain of 388sqm).

6.4. There are three specific areas of development which include:

6.5. **The Linton Road building** - The replacement of the front porch. Alterations to the façade and reconfiguration of the second floor and roof of the 1970s link extension (between the former nos.11 and 13 Linton Road) to create a roof terrace for 2 of the bedrooms. A first floor bay window extension on the western aspect of the front elevation (former no.11 Linton Road). A single storey side and rear breakfast room extension (which adjoins the west side elevation of the new rear accommodation block). Other external façade alterations and internal.

- 6.6. The existing 1970s accommodation block is to be replaced with a new 4-storey structure providing 44 bedrooms. A centralised public area is also proposed. A rear porch connecting to the parking courtyard is also proposed and the block also provides an internal connection to the new Charlbury Road villa building.
- 6.7. **The Charlbury Road accommodation building** - The existing pavilion and storage area is to be replaced a two-storey arts and crafts-style villa with a new garden frontage providing a net gain of 16 bedrooms and would accommodate 4 cycle parking spaces.
- 6.8. **The garden accommodation block** - A single storey building is proposed along the western boundary to provide 8 bedrooms along with a condenser unit.

## 7. RELEVANT PLANNING HISTORY

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

57/05837/A_H - Change of use from dwelling house to hotel. PER 12th February 1957.
57/06009/A_H - Alteration and additional provision of covered way to existing hotel. PER 31st May 1957.
63/01082/P_H - RAC Sign illuminated. PER 8th January 1963.
64/09672/A_H - Construction of a dormer window in the attic to form two rooms. PER 26th July 1964.
66/17243/A_H - Alterations to form bathroom. PER 8th February 1966.
71/23850/A_H - Alterations and extensions to form new bedrooms and dining room. PER 23rd February 1971.
72/25220/A_H - Erection of a 3 storey link extension. PER 11th January 1972.
72/25415/A_H - Erection of a 3 storey link extension. PER 22nd February 1972.
72/25643/AA_H - 3 storey extension to provide 30 additional bedrooms.. PER 23rd May 1972.
72/25643/AB_H - 3 storey extension to form 30 additional bedrooms (revised). PER 4th July 1972.
72/25643/A_H - Outline application for erection of a 3 storey extension to provide 30 additional bedrooms. PER 28th March 1972.
72/26507/A_H - Banquet/reception room extension. PER 12th September 1972.
72/26508/A_H - Addition of 2nd storey over existing garages to form staff accommodation. PER 24th October 1972.

72/26509/A\_H - Roof alterations to form extra bedrooms. PER 12th September 1972.

73/00037/A\_H - Extension to lobby and construction of new front entrance. PER 1st February 1973.

73/00128/A\_H - Extension to provide banquet and reception room (amended plans). PER 21st February 1973.

74/00390/A\_H - 9-13 Linton Road - Change of use from dwelling house to hotel annexe and a link block to existing hotel. REF 29th June 1974.

75/00454/P\_H - Illuminated hanging sign. PER 4th June 1975.

75/00455/P\_H - Illuminated hanging sign (Charlbury Road entrance). PER 6th June 1975.

77/00067/A\_H - Change of use to use as a home or institution providing for the boarding, care and maintenance of children, old people or persons under disability, a convalescent home, nursing home and a sanatorium or a hospital. REF 11th May 1977.

79/00109/AH\_H - Alteration to store and workshop building on Charlbury Rd. Frontage to provide laundry. PER 21st March 1979.

80/00456/NFH - Temporary building to accommodate kitchen during the period of refurbishment of existing kitchen. PER 25th July 1980.

80/01120/NFH - Alterations to entrance lobby and canopy, with new fascia, extension under canopy and pergola. New fire exit at side.. PER 21st January 1981.

80/01121/AH - Externally illuminated sign on new fascia to existing canopy.. PER 21st January 1981.

84/00854/NFH - Single storey rear extension. PER 23rd November 1984.

86/00850/NFH - Extension on three floors to provide 24 bedrooms and bar extension, with 10 additional car parking spaces and landscaping.. REF 13th October 1986.

98/00793/NFH - External alterations to windows and doors including ramped access plus canopies to entrances. Covered walk ways. Extension to garden room. Replacement fencing & external plant.. REF 7th October 1998.

98/00932/AH - Externally illuminated sign at rear. (Sign 2). REF 8th October 1998.

99/00300/NFH - Alterations on front & rear, retention of ramped accesses, covered walkway & gable feature. 1 storey extension to residents lounge for store. Proposed new canopy & doors on front to Linton Rd & 6 air handling units on roof at rear.. PER 15th April 1999.

99/00301/AH - Retention of externally illuminated sign above entrance to Isis Room.. PER 15th April 1999.

01/01088/AH - Replacement externally illuminated free standing pole sign.. PER 9th August 2001.

01/01463/A - Replacement externally illuminated free standing pole sign.. PER 2nd October 2001.

06/00024/ADV - Display of illuminated sign on a centre mounted post. PER 6th March 2006.

08/01824/FUL - Erection of single and two-storey rear extensions to provide 31 en suite bedrooms.. WDN 6th November 2008.

11/02916/FUL - Removal of existing entrance canopy. Erection of new entrance with glazed canopy over, tile hanging to front elevations, single storey extension to create orangery, and creations of additional car parking area to rear. Installation of new windows and doors and metal railing to front boundary wall.. WDN 16th January 2012.

12/01150/FUL - Removal of existing front canopy and erection of new entrance porch. New tile hanging to front elevation. Erection of rear conservatory and installation of new windows and doors. Erection of new railings and wall to front boundary. (Amended Plan). PER 18th July 2012.

16/01909/FUL - Erection of a part one and half storey, part two and half storey rear extension to provide an additional 24 bedrooms, following demolition of existing stair core. Replacement windows to east and west elevations of existing rear three storey wing. Replacement windows and alterations to roof and facade materials of existing rear single storey wing. Replacement of front lobby extension, including formation of roofs to existing bay windows, replacement of windows, replacement of 3No. dormer windows and alterations to facade materials. Alterations to existing car parking and landscaping with provision of bin and cycle store.. REF 14th February 2017.

17/01833/ADV - Display of 1no. internally illuminated free standing sign and display of 1no. externally illuminated free standing post mounted sign.. PER 7th September 2017.

18/03133/FUL - Demolition of the former conference block (accessed from Charlbury Road) and replacement with new hotel accommodation, extensions to the rear of hotel and 1970s wing and internal reconfiguration to provide a total of 33 hotel bedrooms and associated improvements to the existing hotel, including

the removal of the tarmac forecourt, landscaping across the site, a remodelled front porch and associated works.. WDN 20th December 2019.

22/02608/ADV - Display of 1no. non illuminated frosted vinyl sign, 1no. illuminated fascia sign, 1no. non illuminated sign post and 4 wall mounted sign panels (Amended plans and description). PER 9th February 2023.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	119-136	H14 - Privacy, daylight and sunlight RE2 - Efficient use of Land DH1 - High quality design and placemaking		HOS2 - Local Character and Distinctiveness HOS3 - Density, Building Design Standards and Energy Efficiency HOS4 - Backland Development ENC4- Enhancing the Street Setting
Conservation/ Heritage	189-208	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains		
Commercial	81-83	V5 - Sustainable tourism		
Natural environment	174-175,179-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		ENC3-Protecting Tree Cover
Transport	104-113	M1 - Prioritising walking,cycling	Parking Standards SPD	TRS1 - Sustainable Transport Design



		and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking		TRS2 - Sustainable Transport
Environmental	152-169, 183-188	RE1 - Sustainable design and construction RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	ENS4 - Air pollution ENC2
Miscellaneous	7-59.	S1 - Sustainable development S2 - Developer contributions RE5 - Health, wellbeing, and Health Impact Assessment RE7 - Managing the impact of development DH7 - External servicing features and stores V8 - Utilities	External Wall Insulation TAN,	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 9th February 2023 and an advertisement was published in The Oxford Times newspaper on 9th February 2023 further site notices advertising the amendments were then displayed around the site on 10<sup>th</sup> July 2023.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

**9.2. A number of responses were received by the County Council the most recent response dated 18.07.2023 is below.**

9.3. Recommendation: No objection subject to:

9.4. • S106 Contributions as summarised in the table below and justified in this Schedule:

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Travel Plan Monitoring	1,558	TBC	RPI-x	To enable monitoring of the travel plan for a period of 5 years
<b>Total</b>	<b>£1,558</b>			

9.5.

9.6. • Note should be taken of the informatives stated below. S106 Contributions.

9.7. Key points

9.8. • Travel Plan

**Proposal:**

9.9. Demolition of the rear accommodation block, conference block and pavilion building; erection of a replacement rear accommodation block, detached villa accommodation and courtyard garden accommodation; extension, alterations and reconfiguration of the hotel (including a remodelled front porch and building front) to provide 36 bedrooms, function space and operational improvements; extensive landscape enhancements, access and parking reconfiguration and associated works (amended description).

**Comments:**

9.10. These comments should be read in conjunction with OCC's previous single responses from the 3/3/2023 and 12/06/2023.

9.11. **Travel Plan**

9.12. Since the previous comments provided by OCC, the applicant has submitted a revised travel plan. The revised travel plan has been reviewed by OCC's travel plans team and is now deemed to contain the required criteria listed in OCC's guidance for 'Transport for New Developments – Transport Assessments and Travel Plans.

9.13. A travel plan monitoring fee of £1,558 (RPI index linked) is required to enable the travel plan to be monitored for a period of five years.

**Informative**

9.14. Please note if works are required to be carried out within the Public highway, it would have to be undertaken within the context either Section 278 /38 Agreements between the Applicant and the Highway Authority. The Highway works shall not commence before a formal approval has been granted by Oxfordshire County Council by way of a legal agreement.

Oxfordshire County Council (Drainage)

9.15. Recommendation:

9.16. No objection subject to conditions.

9.17. Condition:

9.18. Construction shall not begin until/prior to the approval of; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- 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

Condition:

SuDS As Built and Maintenance Details 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.

#### Historic England

- 9.19. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
- 9.20. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/> It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

#### Thames Water Utilities Limited

- 9.21. Waste Comments
- 9.22. 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. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.
- 9.23. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. 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. 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. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.
- 9.24. 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.
- 9.25. 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.
- 9.26. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves

Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### 9.27. Public representations

166 letters of representation have been received from properties located in Belbroughton road, Charlbury Road, Victoria Road, court Farm Barns, Northmoor Road, Observatory Street, Bardwell Road, Linton Road, Woodstock Close, Fyfield Road, Banbury Road, Garford Road, Norham Road, North Parade, Rawlinson Road, Staverton Road, Talbot Lodge, Benson Place, Hamilton Road, Southmoor Road, Warwick Street, Polstead Road, Northmoor Place, Chadlington Road, Lathbury Road, Fyfield Lodge, Northmoor Place, Okham Court, Okham Mews, Portland Road, Rawlinson Road, Blackhall Farm, Crick Road, Cuncliffe Close, Davenant Road, Kingston Road, Cardigan Street.

In addition comments/objections have been received from St Andrews Church, Wolfson College, Cllr Miles, Cllr Howson, Summertown St Margarets Neighbourhood Forum, St Margaret's Area Society (SMAS), Linton Road Neighbourhood Association (LRNA), Norham Manor Residents Association, Cuncliffe Close Householders and Residents Association and Lathbury Road Residents Association, Cyclox, Victorian Group of the Oxfordshire Architectural and Historical Society.

#### 9.28. The comments can be read in full on the Oxford City Council planning website. In summary, the main objections/issues raised are:

#### **Impact on the Conservation Area**

Impact of backland development  
Impact on open tree green space  
Impact on views

#### **Design**

Overdevelopment  
Height of proposal  
Out of character  
Would lose green space for development  
Highly visible  
Out of keeping  
No other 4 storey building in the area  
Design and layout is oppressive  
Steps out from the building line  
Overbearing  
Charlbury Road building is out of character  
Would lose the views between the buildings which are important to the CA  
Would lose the orchard quality  
Impact on views of Grade II 20 Northmoor ORad  
Reduction in open space  
Overdevelopment of the site  
Would be backland development

Charlbury road building goes beyond the building line  
Substation is poorly positioned  
Negative impact on views from neighbouring properties  
No improvements to Linton Road  
No verified views and no analysis of the gaps  
The alterations to the Linton Road block are poorly designed  
The front garden still contains parking and hard landscaping  
The proposal includes the demolition of an Edwardian greenhouse  
Would include a flat roof design which is not in keeping

### **Impact on amenity**

Reduction in useable space for residents  
Increased shading/overshadowing on site and over neighbouring gardens  
Loss of sunlight/daylight  
Increased overlooking  
Larger windows more light pollution  
Area is residential not commercial  
Already overlooking from guests using the garden – development will increase the problem  
Lack of proportion between residential and commercial uses in the area  
Increased light pollution  
Increased noise at night and people checking in and out  
Overbearing  
Proximity to neighbouring boundaries  
Windows are too large and create overlooking  
Existing overlooking this will make it worse  
Children in gardens will be overlooked  
Location of bins  
Increase in events will impact on amenity  
Hotel don't implement their existing noise policies  
Odour from bins  
How will they police peoples use of the balconies  
4 stories would be out of keeping with the area  
The garden building will be visible and are not considered low level  
Charlbury road building will overlook houses opposite  
Proximity of new building to neighbour's boundary  
Juliet balconies are out of keeping

### **Air Quality**

Increased pollution

### **Trees**

Development within the RPZ  
Impact on trees  
Loss of trees  
Reduction in tree canopy  
Trees will be hemmed in by the development  
Construction will lead to the loss of trees  
Impact on RPZ

## **Highways**

Increased car movements  
Increased traffic  
Increased taxi movement/idle traffic  
Increased coaches  
Delivery lorries  
Staff traffic movements  
Increased traffic on local school children and cyclists  
Not enough parking in the area  
Increased traffic due to servicing the hotel  
Will lead to a decrease in parking and put stress on the neighbouring streets  
National Cycle Route 51 runs straight through this site  
Their application says that any overspill "would need to be accommodated on the local highway network"  
Parking congestion onto Oxfords OCR5 Cycle Route.  
Parking survey not carried out at peak time  
Idling vehicles  
Already busy on roads due to schools  
How will the traffic management be enforced  
Visibility is poor  
Parking and traffic data is inaccurate  
Out of date parking survey  
Impact on pedestrian safety

## **Noise**

Increased noise from garden events weddings etc  
Noise from the construction  
Increase general noise and disturbance in the area in addition to the other neighbouring student uses  
Noise from commercial waste collection, glass etc  
Noise from the outside bar  
Noise from ventilation equipment  
Is a noisy hotel already

## **Flooding/Drainage**

Insufficient capacity for increased use of sewers and waste water  
Foul waste already comes up in neighbouring gardens

## **Ecology**

Impact on ecology/biodiversity

## **Other**

Inaccurate labelling of plans  
What are the benefits of the scheme?  
Additional strain on utility  
Oxford already benefits from a number of hotels  
Will impact on people working from home  
No public benefits only private  
Staff idling and creating noise when smoking etc  
Smell from hotel and uses

Bins located next to neighbouring properties  
 Inappropriate behaviour from hotel guests  
 Increased security risk  
 Guests already wander into neighbouring gardens and drives  
 Previous permissions have been refused on the site  
 Strain on facilities  
 No public benefits only private  
 Would not be sustainable to knock down and rebuild  
 Existing hotel is fine as it is  
 Increased vibration from coaches  
 Will generate overcrowding on the street  
 The assessment of Oxford's hotel need are over exaggerated  
 Does not meet an existing employment need  
 In the 80s an Inspector found in the past that a redevelopment would be unacceptable  
 Increase staff  
 50% increase in guests  
 Contrary to the neighbourhood plan  
 A previous application was withdrawn  
 Construction noise and traffic  
 Decrease value of properties in the area  
 Radiation from substation  
 The public benefits could be delivered without the development  
 There is no discussion about conference participants travel arrangements and also the use of business permits. bought by the hotel.  
 No PV panels proposed  
 The plans include use of condensing gas boilers. These are not a long-term green solution  
 Staff parking and travel  
 Previous applications have been withdrawn/refused  
 No viability has been shown for the development

### **Officer response**

9.29. Officers have carefully considered the responses raised in relation to the public consultation. These are responded to in the sections of the report below. If planning permission is granted then some of the matters raised (including by statutory consultees) would need to be addressed by condition.

9.30. Since the submission of the application the applicant has submitted revised plans that sought to address the concerns raised by officers specifically issues relating to the impact of the development on neighbouring amenity.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1 Officers consider the determining issues to be:

- a. Principle of development
- b. Design and Impact on the Historic Environment
- c. Impact on Neighbouring Amenity



- d. Highways
- e. Sustainability
- f. Biodiversity
- g. Drainage and Flooding
- h. Environmental Health
- i. Other Matters

## a. Principle of development

10.2 The application site comprises an existing hotel. Policy V5 of the Oxford Local Plan relates to sustainable tourism.

### Policy V5: Sustainable tourism

Planning permission will only be granted for the development of new sites for holiday and other short stay accommodation in the following locations: in the City Centre, in District Centres, on sites allocated for that purpose, and on Oxford's main arterial roads where there is frequent and direct public transport to the city centre<sup>33</sup>. This locational requirement does not apply to proposals to refurbish or expand existing sites.

Proposals for new, refurbished or expanded holiday and short stay accommodation must meet all the following criteria:

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

Planning permission will only be granted for the change of use from holiday and other short-stay accommodation when any of the following criteria are met:

- d) no other occupier can be found following a realistic effort to market the premises as set out in Appendix 8.1, for continued use as holiday and other short stay accommodation (whether or not of the same form the existing use); or
- e) evidence of non-viability is submitted; or
- f) the accommodation is in a location unsuitable for the use as demonstrated by being contrary to the location requirements or any of the criteria a-c above.

Planning permission will be granted for new tourist attractions where proposals meet all of the following criteria:

- g) they are realistically and easily accessible by walking, cycling or public transport for the majority of people travelling to the site; and
- h) they will not cause environmental or traffic impacts; and
- i) they are well related to any existing or proposed tourist and leisure related areas.

10.2 As set out in the policy, as the application relates to an existing hotel the principle of refurbishing or expanding an existing hotel site is acceptable and is not constrained by the locational requirement set out in the policy but is required to comply with the criteria set out, relating to highways, loss of residential

dwellings and neighbouring amenity. Comments have been received relating to the suitability of the location and the fact that previously applications were found to be unacceptable in terms of location. The locational requirement element of the policy has been amended since the last Local Plan and previous planning application and the existing policy no longer restricts the principal of expanding existing hotel sites regardless of their location. The principle of expanding and refurbishing the existing hotel site is therefore considered acceptable in principle subject to compliance with the criteria and the other policies of the Oxford Local Plan.

**b. Design and Impact on the Historic Environment**

- 10.3 Policy DH1 of the OLP states that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.4 Policy DH2 of the OLP relates to views and building heights. The policy 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 development proposed within a view cone or the setting of a view cone if it would harm the special significance of the view.
- 10.5 Policy DH3 of the OLP refers to heritage assets and 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 affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.
- 10.6 Policy RE2 of the OLP sets out that planning permission will be granted where development proposals make efficient use of land. The policy sets out that any development shall have a density that is appropriate for the site; the scale, height and massing should conform to the other policies in the OLP; and the built form and site layout must be appropriate for the capacity of the site.
- 10.7 The design intent of the development is to reduce harm to the Conservation Area whilst upgrading and expanding the hotel. The hotel was established in 1957. Throughout the years there have been various alterations and planning applications. These have resulted in an ad hoc development approach to the site which has resulted in an undesirable overall development.
- 10.8 As set out in the proposal description, the application seeks to expand and refurbish the site to provide additional hotel accommodation. This is proposed in three main areas.

*The main Linton Lodge Road block and rear extension*

- 10.9 The principal frontage to the hotel buildings presents an anomaly in the distinctive character and appearance that defines the Conservation Area - the early C20, late Arts and Crafts/Domestic Revival houses set back from the street behind gardens with enclosing, originally unbroken boundaries of low (three courses high) brick walls with feather-edged boarded fences above to a maximum height of 1.2m approx.
- 10.10 The site currently presents an open frontage across the plots of two domestic villas (11 and 13) that have been combined through linking infill buildings and extended on all sides. The later infill is of a limited architectural quality which together with changes to the original architecture of the two houses has resulted in a chaotic appearance offering very little sense of the original buildings either in terms of architectural composition, scale or quality.
- 10.11 The proposed development seeks to redress the poor quality frontage that presently mars the appearance of the buildings in the street. Reducing the hard surface and substantially reducing car parking offers the opportunity to contribute planted "gardens" set behind low brick walls along the street frontage removing an acknowledged harm and enhancing the significance of the Conservation Area by recognising the importance of private planting and its contribution to the overall character and appearance of the street.
- 10.12 The frontage will include functional elements such as a sub-station and bicycle store which will have a visual presence in street views but the proposal indicates that they could act as support for climbing plants that would contribute to a vertical planting that is designed to increase the sense of lush and verdant layers and a depth of planting to this primary frontage in keeping with the planting principles of the NOVSCA. The landscape design seeks to acknowledge the individual villas that originally occupied these plots, re-defining the separate plots and seeking through a considered approach to landscape of the frontages to reinforce this individuality and the rhythm of plots that makes an important contribution to the character and appearance of the street and is typical of the Bardwell Character Area of the NOVSCA.
- 10.13 The proposed changes to the buildings seek to play down the later linking elements that have reduced the overall quality of individual villas by considering façade treatment to present these built elements as recessive such as the new room terrace. The scale, proportion and surviving elements of architectural detailing on the original villas are proposed to become more evident to the observer and thus be able to make some contribution to the important character and appearance of the conservation area that derives from the consistency of architectural language and makes a strong sense of place.
- 10.14 The proposed design removes the present, unsightly porch that sits across the front of No. 13 Linton Road enabling the more typical architectural detailing found on villas throughout the Bardwell Character Area of the NOVSCA to become the more evident feature of this building and simply using what exists to reinforce the sense of being a part of the conservation area rather than trying too hard with something new. The principle of paring back and celebrating the existing will help to reinforce the important character of this part of the Conservation Area.

10.15 The extension to the rear which comprises the hotel bedrooms is proposed to be demolished and replaced. The design of this has been amended following the removal of the balconies. The block will feature a linked block that sits lower than the main ridge of the Linton Lodge frontage block and that of the rear block. It will feature a flat roof and flat façade with Juliet balconies serving the bedrooms and wooden panelling providing some visual interest whilst breaking down the visual massing of the block. The design of the block somewhat mirrors the existing arrangement on site. Notwithstanding this, the proposed block will increase the overall massing of the hotel when viewed from neighbouring properties and the design due to the increase in rooms and therefore windows will be more prominent in the site. The proposed accommodation block will have an overall height of 10.8m and length of 27.4m (overall hotel length of 51.5m) with the ridge of the main blocks on Linton Road having a ridge height of 10.1m compared to the blocks existing height of 8.8m and length of 24.6m (overall existing hotel length 48.5m). The proposed height of the extension is not considered out of keeping given the existing arrangement and use of the site. The overall design is a reflection of providing the proposed level of accommodation in the most space efficient way. The development is considered to retain garden space and overall is not considered to significantly increase the built footprint on the site and is therefore not considered to be overdevelopment. The design is considered to sit comfortably within the site and is not considered to have an adverse impact on site and wider Conservation Area.

*Charlbury Road accommodation block*

10.16 A new accommodation block is proposed on Charlbury Road to accommodate 16 bedrooms that will replace an existing sub-station plot. A number of objections refer to the design and position of the building.

10.17 The Charlbury Road block will have an overall height of 10.4m with no.18B Charlbury Road having an overall height of 9.8m for reference. The design of the villa references the Arts and Crafts architecture of the Bardwell Character Area although the roof profile and massing at upper level is not typical and will not be wholly in keeping in views up and down Charlbury Road. In addition, the original rhythm and urban grain, already disrupted will not be reinstated but rather subject to more evident disruption due to the overall size and siting of the new building. Notwithstanding this, officers are of the opinion that the building is not seeking to replicate the neighbouring properties but to take inspiration whilst providing a functional building for its intended use. The landscape design of the frontage - the enclosing wall and railing with shrub planting behind will provide a stronger consistency of character and enable the plot to integrate into the overall character and appearance of the place, as will the retention of an important, existing tree and the addition of a further tree on this new frontage.

10.18 The reduction width of the service entrance will restrict views to the Hotel yard and limit the glimpsed view of the rear accommodation wing (new replacing existing).

10.19 Views looking south and between villas on Charlbury Road will be enhanced by the proposed frontage landscape and the replacement design of the rear

accommodation wing will be of a better overall architectural quality than the existing building though still clearly visible in some glimpsed views. More recent extensions to villas on Charlbury Road have already filled in gaps reducing the visibility of the buildings to the rear of the hotel thus making glimpsed views between buildings less significant in terms of the contribution that the “space beyond” makes to the character and appearance of the area. Importantly the sense of rear gardens will not be further eroded by the proposed development in views from Charlbury Road, the corner plot no. 15 Linton Road has already been substantially reduced and therefore the addition of a new villa will not make a significant impact on the contribution of rear gardens but rather the careful landscape planting of the new villas street frontage has the potential to make a valuable contribution to the overall character and appearance of the street.

- 10.20 A number of the objections refer to its position in the street scene and the fact that it sits forward of the neighbouring building in the building line. The building line along Charlbury Road is not consistent and given the larger frontages that are present the building line is not so obvious when experienced in the street, the departure from the general delineation is therefore not considered out of keeping and would not in itself have an adverse impact on the street scene or Conservation Area.

*Garden accommodation block*

- 10.21 The rear accommodation block would comprise of 8 bedrooms and would sit 1.4m away from the boundary the hotel shares with the neighbouring properties. The block would have a flat roof and an overall height of 3.7m. The building will be built from timber and will feature a green roof with the rooms facing into the garden. The building has been designed to be low lying with a simple form so to minimise its presence in the garden. Its design is considered to be acceptable and the green roof would help soften its appearance. Its design would not have an adverse impact on the site or on the wider Conservation Area.

***Impact on the Conservation Area and views***

- 10.22 Policy DH2 of the Oxford Local Plan refers to views and building heights. Policy DH3 refers to heritage assets and 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. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that great weight will be given to the conservation of that asset. In addition officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, that requires in considering a planning application, that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area, and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area and its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 10.23 This Conservation Area's primary significance derives from its character as a distinct area, imposed in part by topography as well as by land ownership from the 16th century into the 21st century.
- 10.24 The site sits within the Bardwell Character Area of the NOVSCA. Its contribution to significance includes the spaces, buildings, views, landscape and ambience. Arts and Crafts styles predominate as do broad streets with houses set back from the road. Low boundary walls and feather edged boarded fences as well as front gardens contribute significantly to the area's character as well as mature trees in private gardens.
- 10.25 The negative features set out in the Character Area are high front garden boundaries, sometimes introducing inappropriate railings, are contrary to the aesthetic of the area, inappropriate modifications and enlargement, e.g. large side extensions, high levels of light pollution caused by extended use of buildings for institutional purposes, loss of front gardens to hard standing or gravel for parking, cycle and bin storage, school term-time traffic issues causing congestion and adding to parking problems, parking, particularly school transport vehicles, impacts on views within the area and poorly maintained road surfaces and extensive use of asphalt for pavements
- 10.26 The wider negative features of the Conservation Area that are relevant to the site include but are not limited to motor traffic and volume, intrusive alterations to buildings that alters the back and side of houses and alters views, public realm, surfacing and kerbs, intrusive modern development including the loss of gaps between building and glimpsed views.
- 10.27 A number of the objections refer to the impact of the buildings in views and in the Conservation Area. The applicant has provided some sketch illustrations of key views including a number in Northmoor Road. From here, the existing rear accommodation wing is visible between villas and the infill C20 terrace, in the glimpsed views.
- 10.28 Importantly, to the observer "in the street" from where the important or significant character and appearance of the Conservation Area may be appreciated these views take on a kinetic or changing character so that their content is viewed in a fleeting and glimpsed manner. That is not to reduce the importance of the contribution that a sense of openness and richly planted, greenness that the generous back gardens of the original villas makes to the special character and appearance of the NOVSCA and in particular to this part of the Conservation Area, the Bardwell Character Area. Rather it is to understand that changes to the rear of buildings may only have a limited impact on that important character or sense of place and that it is important to quantify the impact carefully. So, the existing rear accommodation wing, with its poor architectural quality and entirely unsustainable construction has been identified as being a negative building. The proposed replacement, to be of a substantially better design in terms of sustainable construction and to offer a more interesting, varied architecture with a language that provides elements of light and shade within the façade might arguably be less visually harmful, even though it will still be visible in some glimpsed views. Overall the design quality of this building wing is proposed to be better than the existing building and therefore will better meet the objectives

of national (NPPF) local (Local Plan and Neighbourhood Plan) planning policies if not the statutory objective to cause no harm to significance. The continued appearance in some glimpsed views has been reduced and the appearance made better and thus the overall level of harm caused to significance of that sense of generous gardens and spaciousness is very small, a low level of less than substantial harm.

- 10.29 The addition of a new garden building range along the western garden boundary of the hotel, to the rear of the C20 terrace on Northmoor Road will not appear in the views between buildings and has been designed with planted roofs so that the overall sense of back gardens will not be harmed by this addition.
- 10.30 The Charlbury Road building would replace an existing substation and would be highly visible within the street scene. The design of the building would reflect the requirements of its use. The front of the building would see the introduction of a front garden with a low wall and railings. The introduction of a planted frontage to this building would be a positive impact on the Conservation Area and would improve views in the road and in the wider Conservation Area.
- 10.31 The proposal has sought to ensure that the location and distribution of the accommodation maintains and preserves as much garden space as possible which is a positive characteristic of the Conservation Area. The proposed development is not considered to erode the garden to the extent that it would be harmful to the Conservation Area. In addition the proposal seek to implement a considered landscaping approach that will seek to enhance the quality of the garden.
- 10.32 Officers consider that whilst there will be some harm caused to the significance of the designated heritage asset that is the North Oxford Victorian Suburb Conservation Area that this level of harm will be a low level of less than substantial harm and that this harm has been mitigated through considered design.
- 10.33 Furthermore it is considered that there are a number of elements of the proposed development, in particular the proposed soft landscapes and addition of enclosing, front walls and railings that will significantly enhance and make important contributions to the special character and appearance of the conservation area most notably to views along streets and to the particular sense of space that has been identified as contributing to the significance of the conservation area in the NOVSCA appraisal.
- 10.34 The proposed new buildings have been carefully considered in terms of their design, including sustainable design and they have been designed in such a manner as to either respond to or mitigate the visual impact of the building, as in the design of the facades of the rear accommodation wing or the size, form and massing as well as the roof design of the new building range on the western boundary of the site.
- 10.35 It is therefore considered that the development would result in a low level of less than substantial harm to the Conservation Area. As set out in 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 should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Great weight is given to the conservation of the Conservation Area. The public benefits of the scheme are explored as part of the balancing exercise further in the report.

### ***Impact on Listed Buildings***

- 10.36 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, “special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.” A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.
- 10.37 Paragraph 206 of the NPPF states that “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 10.38 The proposed development would be in close proximity to the setting of two Listed Buildings, specifically No. 7 Linton Road and No. 20 Northmoor Road. Officers consider that there would be no harm caused by the development to the setting of No. 7 Linton Road because the property lies sufficiently far away to protect its setting (and any changes in the character to the area would not be significant enough to alter the experience of that property to an extent that would alter its setting). In terms of No. 20 Northmoor Road it is important to note that the proposed developments would be visible from the rear garden albeit at a distance and therefore the proposed development would not harm the character, appearance, and special significance of No. 20 Northmoor Road. As a result, officers conclude that the proposed development would not give rise to harm to the setting of listed buildings.
- 10.39 As set out in 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 should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Officers are of the opinion that the development would result in less than substantial harm to the setting of the listed buildings. Great weight is given to the conservation of the setting of these listed buildings. The harm identified is considered to be on the lower end of less than substantial. The public benefits of the scheme are explored as part of the balancing exercise further in the report.

### ***Landscaping***

- 10.40 The frontage of the application site benefits from no planting or formal landscaping and is instead used for car parking. To the rear the landscaping comprises lawn and trees.

- 10.41 The proposal seeks to incorporate a full landscaping scheme that will be implemented in both the rear and front gardens. The landscaping to the rear will be split into the different areas. The service area will be softened with tree, hedgerow and shrub planting. The rear garden plans include replacing the dilapidated conservatory and pergola to create an outdoor seating area. Cycle parking will also be incorporated along the boundary. The garden block will also feature its own landscaped garden to the frontage which will include a patio and improved planting. The building itself will include an intensive green roof.
- 10.42 There are a number of trees within the site and objections have been received with regard to their removal and/or potential damage that could be caused due to the proposal. The application was submitted with an Arboricultural report and arboriculture method statement. Whilst a number of trees are proposed to be removed the overall tree removal strategy is considered acceptable and further planting will be incorporated. In addition the trees that will remain will be protected. Comments have been received with regard to the hydrology of the ground due to the proposal. The impacts to the proposed retained trees have been considered as part of the application and are acceptable and the scheme complies with policy G7 of the OLP.
- 10.43 The Charlbury Road block would also see the introduction of a wall and railings, additional trees will be incorporated as well as lawn. Cycle parking is also proposed but it will be mostly screened by the wall and planting.
- 10.44 The landscaping to the frontage seeks to introduce a planted front garden which would enhance the Conservation Area and views in the street. The front forecourt will be reconfigured and landscaped to highlight the original garden layouts. The frontage will include a taxi waiting area and substation, whilst these additions will have an impact on the overall appearance of the frontage conditions will be included to ensure that these details are submitted in order to ensure they sit comfortably in the street scene and Conservation Area. The proposed landscaping plan will be a significant improvement to the frontage of the hotel, street scene and Conservation Area.
- 10.45 The CAA states that front garden where retained contributed significantly towards the area's character, the reinstatement of the frontages are public benefits to the scheme.

### ***Archaeology***

- 10.46 Policy DH4 of the OLP relates to Archaeological remains. NPPF paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 205 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any

heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10.43 Officers have consulted the Historic Environment Record and based on present evidence it is considered that the application is unlikely to have a significant archaeological implication and therefore the proposal would be acceptable with regard to archaeology.

***Harm to the historic environment and public benefits***

- 10.44 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.

- 10.45 It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to have less than substantial harm at the lower end. In line with Paragraph 202 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.46 The National Planning Policy Guidance sets out what is meant by the term public benefits:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secures its future as a designated heritage asset could be a public benefit.”

- 10.47 The proposal would create a change in the hotel layout and the way it is experienced from neighbouring properties as well as the street scene. The design has sought to combine a functional requirement which is required by its use as a hotel whilst ensuring that it sits comfortably in the street scene and site. The design is considered to preserve the special character and appearance of the Conservation Area.

- 10.48 A number of public benefits are set out in the application and the most relevant ones are considered to be:

Reduction in car parking. The proposals include a significant reduction in parking for cars on site which would potentially give rise to a reduction in customer vehicle movements to and from the site and also reduce the dominance of the cars visual intrusion on the site.

Modernisation of an existing short stay tourist accommodation. The applicant has put forward a set of proposals that seek to significantly increase the amount of accommodation on the site which would add to the offer available to Oxford and its tourist accommodation as well as increased visitor spending.

Improved landscaping. The proposed landscaping on the Linton Road and Charlbury Road frontage would attempt to recreate a more domestic appearance to the hotel that would be more in keeping with the Conservation Area. The attempt to delineate the original plots and create a more 'garden-like' appearance which would add positively to the Conservation Area.

Biodiversity net gain. The proposal would provide a 28% biodiversity net gain through new planting and landscaping.

There are a range of economic benefits that the development will bring both in the shorter term during construction as well as longer term whilst in its operational stage such as jobs.

- 10.49 On the basis of the above, having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would on balance outweigh the identified low level of less than substantial harm and would comply with the requirements of paragraph 202 of the NPPF. As a result the proposals are considered to comply with the requirements of national and local planning policies in relation to the impact on designated heritage assets as required by section 16 of the NPPF and Policies DH1, DH2, DH3 and DH4 of the Oxford Local Plan 2036.

**c. Impact on Neighbouring Amenity**

- 10.50 Policy H14 of the OLP 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. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 10.51 Policy RE7 of the OLP states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.
- 10.52 There have been a number of objections to the scheme relating to impact on neighbouring amenity.
- 10.53 A number of objections have been received with regard to overlooking and loss of privacy. The scheme will see an increase in the number of rooms across the hotel.
- 10.54 With regard to the proposed new standalone garden building, the rooms face into the site and the building is a low level single storey building. It is therefore considered that due to its orientation and scale this element would not give rise to overlooking or loss of privacy.

- 10.55 The main rear extension block initially included balconies which raised a number of objections with regard to overlooking and loss of privacy. The scheme has therefore been amended to remove the balconies across the rear extension block to remove the potential for any overlooking that these may have created. The existing rear extension accommodation block features a number of windows across the block over three storeys, the proposed block will include an additional floor and will therefore have a greater number of windows across the rear block. The proposed rear block will be 2.5m higher than the existing block. The accommodation block will be located over 22m from the boundary the site shares with Northmoor Road compared to the existing 24m. With regard to the separation distances between the extension and Charlbury Road the extension is proposed to be located 5.2m away from the boundary compared to the existing 4.4m. The existing relationship is not so dissimilar to that which is proposed and the transient use of the hotel means that it is unlikely that the rooms will be occupied all day. The proposal will include frosted glass on the Juliet balconies which will further reduce the perception for overlooking and loss of privacy. The extension block is therefore considered to be sufficiently distanced from the neighbouring properties so not give rise to unacceptable levels of overlooking and loss of privacy, in addition there is screening provided by a number of trees which will help with privacy. The front of the hotel will see the introduction of terraced areas, these areas will be located across the road and is considered that with the intervening road and the higher expectation of mutual overlooking from a frontage this arrangement is acceptable.
- 10.56 The Charlbury Road block will feature windows on the side elevation that will be frosted to ensure there is no overlooking between the properties. The properties located across the road are considered sufficiently separated so not to give rise to unacceptable levels of overlooking or loss of privacy given their arrangement and susceptibility to higher levels of overlooking given they face on to a public road.
- 10.57 With regard to sunlight and daylight, a sunlight and daylight report was submitted with the application along with the scheme being assessed using the 45/25 degree guidance. The 45/25 degree guidance has been applied to a number of windows of neighbouring properties some of which do not require the guidance to be applied. It is shown that the development would comply with the guidance in all but 2 windows. One of the windows is located on the side elevation of 18B and the 45 degree line just clips the eaves. The other window which is not strictly subject to the guidance is located at the ground floor to the rear of no.15 Linton Road and the window in which the guidance fails serves a room which benefits from more than one window. Notwithstanding this, the sunlight and daylight report concludes that the scheme complies with the daylight and sunlight BRE guidelines and there would not be an unacceptable impact on daylight or sunlight to neighbouring properties.
- 10.58 With regard to overbearing impact and impact on outlook, No.15 Linton Lodge will face on to the Charlbury Road block and at its nearest point will be separated by 6m with an intervening building that belongs to no.15 and at the furthest point the property will be located approx. 11m away. The outlook will change from the property but officers are of the opinion that due to the separation distance the proposal would not have an overbearing impact or adversely impact on

outlook. 18b Charlbury Road would experience an increase in presence of the rear block extension due to its increased height and length. Overall the impact is not considered to be dissimilar to the existing arrangement and given that the extension would not extend the width of the neighbouring block there would still be an openness to the outlook of the property. The combination of the position and separation distance is therefore considered acceptable and would not have an adverse impact on outlook or have an overbearing impact. Due to the position of no.9 the outlook would not change greatly and therefore the proposal would not be considered harmful. 1-7 Northmoor Road would share a boundary with the garden block accommodation. As set out, the garden block would have an overall height of 3.7m which is considered modest and therefore whilst there would be a change in the outlook given the modest height of the garden block and the separation distances between the properties and the main extension block, the proposal is not considered overbearing and would not have an unacceptable impact on the outlook. With regard to the other neighbouring properties these properties are considered sufficiently distanced so not to be adversely impacted in terms of outlook and overbearing impact.

#### *Other Impacts on Neighbouring Amenity*

- 10.59 A number of other concerns and objections have been received in relation to the proposed development. Many of these other concerns deal with noise, traffic and pollution. Some of the objections relate to the existing hotel operation (and others also relate the evolution of the site from a smaller operation into a larger more commercial hotel). The proposed developments at the rear of the site; specifically the extensions and alterations to the 1970s wing would create additional noise, disturbance and light pollution in a backland plot. Whilst this would contribute to the harm caused to the character and appearance of the Conservation Area it is not considered to be materially harmful enough in terms of neighbour impact to warrant a reason for refusing planning permission. This is because the hotel already operates on the site and the type of activity that would arise from the proposed development would not materially harm amenity more than the existing level of activity.
- 10.60 In terms of traffic and air pollution, the proposal seeks to reduce car movements to the site; this is proposed as part of a rebranding and modernisation of the site (as well as the applicant's commitment to a shift in the way that their customers travel to the site). Whilst there would be some negative impacts arising from the increase in movements that would presumably accompany the increased level of accommodation, this would not be materially harmful in the context of neighbouring amenity having had regard to the existing presence of the hotel on the site.
- 10.61 In conclusion it is considered that the proposed development would not give rise to a materially harmful impact on neighbouring amenity.

#### **d. Highways**

- 10.62 A high number of objections have been received with regard to highways with noise, pollution, increase in traffic, danger to pedestrians and cyclists, lack of parking, servicing and congestion being cited. Oxfordshire County Council has

been consulted on the application and raises no objection to the proposal subject to conditions.

- 10.63 Policy M1 of the OLP 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. Policy M2 of the OLP states that a transport assessment must be submitted for development that is likely to generate significant amount of movement. Policy M3 and M4 of the OLP relates to car and cycle parking. A Transport Assessment (TA) and Delivery and Servicing Plan (DSP) has been submitted with the application.
- 10.64 The application site is located in a highly sustainable location with Linton Road being located off the Banbury Road which is one of the main roads into the city and which benefits from a number of bus stops. The site is also located close to Oxford Railway station. The site is located within a Controlled Parking Zone (CPZ) but most restrictions end at 4pm or 6:30pm so guests could potentially use these spaces when visiting the hotel.
- 10.65 The application seeks to reduce overall car parking across the site. The site currently comprises of 27 car parking spaces and the proposal seeks to reduce this to 6 car parking spaces. The frontage will comprise of 3 spaces to be used as drop off/pick up points and the 6 car parking spaces will be located to the rear accessed from Charlbury Road, 3 of them will include EV charging points. Objections have been received with regard to increased car, taxi and travel movement associated with the expansion of the hotel. Whilst the hotel will have more rooms on offer the number of car parking spaces have been reduced substantially with the number of visitor permits (20) remaining the same. The reduction in car parking is in line with the aspirations of the OLP and is actively encouraged in non-residential developments and to direct people to use more sustainable modes of traffic. It is likely that the traffic patterns will change with the reduction of car parking spaces at the hotel but the TP submitted with the application seeks to encourage those visitors to use alternative modes of transport. The proposal will include a taxi drop off spaces which will limit the requirement for taxis to park on street and which will allow them to wait in a suitable location whilst waiting for guests.
- 10.66 In 2022 a parking survey was undertaken on Tuesday 29th November and Wednesday 30th November with a 'snapshot' of the on-street parking at 07:00, 04:00 and 17:30. The surveys recorded occupation of legal parking spaces at all the above streets within a 200m walking distance of the hotel, categorised by applicable CPZs. The results of the survey show that an average of 75% of spaces were available overnight and 73% of spaces were available in the day, demonstrating that on occasions where the on site car parking would be full there would be sufficient space in the surrounding streets to accommodation potential overspill. Objections were received based on the timing of the survey and the fact that the hotel relies on street parking spaces but Oxfordshire County Council Highways are satisfied with the survey details and results and consider that there is capacity on the surrounding streets to accommodate any likely overspill.

- 10.67 The proposal is estimated to alter the trip generation - *AM peak (08:00-09:00) two-way people trips for the 123 -unit hotel is 58 (an increase 17 trips) and for the PM peak period (17:00-18:00)- 61 people two-way trips (increase of 17 trips) when compared to the existing hotel trips.*
- 10.68 The Hotel can provide up to 20 on-street parking permits per day to staff and visitors which can be used to park on the surrounding streets. Staff also have the option of purchasing an on-street parking permits from the hotel. The proposal seeks to maintain this level of permits and therefore there will not be an increase in the availability of permits as a result of the scheme.
- 10.69 The Travel Plan has set out ways to encourage the reduction in car movements to and from the site from both visitors and staff. These include but are not limited to advising visitors that car parking is limited and that the hotel can be accessed by other means, including taxi transfer as part of the hotel price and access to bikes for visitors' stay. Staff will receive a staff travel pack including public transport information, car sharing information and recruiting from the local area.
- 10.70 There are also objections to the impact of the development on the cycle route 51 which runs past the site. The development is not expected to impact on the cycle route in itself. As set out the reduction in car parking spaces is seeking to actively reduce traffic to the site, the permits to spaces on the surrounding roads are already available and survey results show that there is capacity. The hotel will have a Travel Plan coordinator who will be in charge of the TP and ensure it is implemented and distributed, in addition the County Council have asked for a financial contribution in order to monitor the site.
- 10.71 With regard to servicing the TA states '*Servicing of the existing hotel is undertaken principally from Charlbury Road. Food and dry food deliveries are undertaken by a 7.5t service vehicle, using Charlbury Road. Laundry deliveries and collections are undertaken by a rigid HGV (of up to 12m in length) from the Charlbury Road access. The vehicle parks beside the access alongside the kerb. As set out within the DSP, it is not expected that the proposals will change the existing timings for deliveries for the hotel, with a strict policy for suppliers to not deliver during the peak hours. Whilst there is not a restriction in terms of early or late deliveries (due to the hotel and suppliers needing to have some flexibility based on the needs of the hotel), the bulk of arrivals currently and will continue to arrive between 10am – 2pm.*'. In order to address neighbours' concerns about delivery timings the hotel will be implementing a restriction on weekday laundry deliveries and servicing between the hours of 08:00 – 09:00 to avoid the peak school drop-off time.
- 10.72 In terms of cycle parking the application seeks to provide 60 cycle parking spaces. Secure cycle storage spaces are to be provided to the front and rear of the hotel which is considered acceptable for the proposal.
- 10.73 Subject to conditions and the S106 contribution Oxfordshire County Council Highways raise no objection to the development.

**e. Sustainability**



- 10.74 Policy RE1 sets out the sustainability requirements for new major development. Planning permission will only be granted for development proposals for new build major developments (over 1000sqm) which achieve at least a 40% reduction in the carbon emissions from a code 2021 Building Regulations.
- 10.75 The report shows that the development can achieve a 40% reduction in carbon emissions over the new 2021 building regulations. The energy statement submitted with the application sets out how the scheme has been designed to meet the policy.
- 10.76 The development has a fabric first approach. The heating and cooling is to be provided via air source heat pumps, Presence detection lighting is to be incorporated and PV panels will be located on the roof.
- 10.77 The application sets out how the site will be monitored. *‘The project shall incorporate a number of monitoring systems integrated with the building controls systems to allow the energy use within the building to be monitored, recorded and reviewed live or historically. The monitoring systems can provide out of range monitoring to highlight where systems are using excessive energy or water, as well as allowing periodic reviews of energy or water use across day, week, months or years.*

*This shall be achieved by the following proposed methods:*

- *Post construction air permeability testing of the new buildings to prove air tightness specified in the BRUKL is being achieved.*
- *Main incoming utility meters (gas, water and electricity)*
- *Main plant/user metered energy use, gas, water and electricity (boilers, kitchens, vent systems etc)*
- *Small power and lighting metering on zone by zone basis via split metered distribution boards*
- *Water usage to cold water systems and hot water systems*

*As a non-residential development of over 1000m<sup>2</sup> , a Display Energy Certificate (DEC) will be produced and displayed in line with the requirements of the Building Regulations for new development to display a Display Energy Certificate (DEC). In line with the City Council guidance, the scheme will display Energy Certificates for three years following occupation with an expectation that a DEC Rating of ‘A’ will be achieved at the end of the three-year period.’*

#### **f. Biodiversity**

- 10.78 Policy G2 of the Oxford Local Plan refers to the protection of biodiversity and geo diversity.
- 10.79 The application site was previously surveyed in 2018, with an element of update survey work undertaken in 2022. Potential roosting features were identified on buildings B2 and B5, which were assessed to be of low suitability for roosting

bats. A single roost survey was undertaken on each feature in August 2022, with no bat roosts identified. The Biodiversity Metric 3.1 completed in support of the application indicates the proposals would result in an increase of 0.39 habitat units (+28.67%) and 0.18 hedgerow units (from a baseline of zero). Conditions are proposed to ensure suitable details are incorporated in the landscape plan as part of the final scheme. The application therefore allows for compliance with the 5% net gain and policy G2 of the OLP.

**g. Drainage and Flooding**

10.80 The site is located within Flood Zone 1 and is therefore deemed to be at a low risk of surface water flooding. The application was submitted with a Flood Risk and Drainage Strategy Report.

10.81 Comments have been received with regard to drainage/flooding and sewage issues. This Flood Risk Report sets out that the proposed development would be at a low risk of flooding. It also confirms that surface water run-off from the development could be drained sustainably, ensuring that flood risk is not increased elsewhere. Oxfordshire County Council and Thames Water have raised no objection on drainage or flooding grounds.

10.82 Oxfordshire County Council and Thames Water have raised no objection on drainage or flooding grounds

**h. Environmental Health**

***Contaminated Land***

10.83 Policy RE9 relates to land quality. It is considered that the risk of significant contamination on the site is considered low as there is no evidence of previous historical contaminative uses of the site. Notwithstanding this, given that new areas of landscaping are to be proposed, an informative has been included in case any unexpected contamination is encountered during development. The proposal therefore complies with policy RE9 of the OLP.

***Air Quality***

10.84 Policy RE6 relates to air quality. Objections have been received with regard to increased pollution from the development. 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). The air quality baseline desk assessment shows that current air quality levels at the application site are quite below relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. Therefore, the location of the application site is considered suitable for its intended use. Conditions have been included to ensure that the construction phase of the development is acceptable with regards to air quality.

***Noise***

- 10.85 Policy RE8 relates to noise and vibration. The application received a number of objections relating to noise, specifically but not limited to increased noise in the garden due to events, noise from the ventilation equipment, general disturbance, noise from servicing etc.
- 10.86 With regard to the plant equipment a condition will be included requiring any noise from the plant to be managed in line with Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 “Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 “Methods for rating and assessing industrial and commercial sound” and policy RE8 of the Oxford Local Plan 2036 details of which will be required as a planning condition to ensure that appropriate noise mitigation is provided.
- 10.87 With regard to general noise generated from the development, officers acknowledge that there may be an increase in general noise from the hotel due to its expansion. The hotel has provided a noise policy in order to mitigate any noise issues. The policy includes and is not limited to having restricted times when the garden is in use, this is proposed to be between 8am and 10pm. Doors and windows will remain closed after 8pm if there are any events in the internal spaces and any third party party providers will be required to sign the hotels sound agreement prior to the event taking place. The policy sets out that *‘On receipt of a noise complaint, we will contact the person(s) concerned. It may be that by simply explaining the problem we can reach a solution.*
- 10.88 *If further complaints are received, we will provide the person(s) with the hotel’s Zero Tolerance Policy. The Deputy Manager will explain and outline what further action will be taken, for example this may involve expulsion of the guest or visitor from the hotel, disciplinary actions on staff, or calling the Police if this is required.’*
- 10.89 With regard to servicing it has been set out that this is unlikely to change from the general arrangement with most deliveries arriving between 10am-2pm apart from laundry delivery and collection that occurs between 6-7am 6 days a week.
- 10.90 Officers acknowledge that there will be changes to the site but the hotel already operates on the site and the type of activity that would arise from the proposed development would not materially harm amenity more than the existing level of activity. This is also the case when considering the objections relating to events, staff and use of the garden. In addition, the hotel has proposed a noise policy to further help mitigate the noise associated with hotel, on this basis officers are of the opinion that the development would not have an unacceptable impact with regard to noise.

### ***Health Impact Assessment***

- 10.91 A Health Impact Assessment has been submitted in accordance with policy RE5 which seeks to promote strong, vibrant and healthy communities and reduce health inequalities. A completed Health Impact assessment has been included with the application

10.92 The conclusion that can be drawn from the submitted HIA is that the development would not have any notably adverse impacts in terms of health outcomes and the overall impact on public health would be neutral or positive. The proposal therefore complies with the requirements of policy RE5.

## **11. CONCLUSION**

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

11.2 The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 detailing the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF.

### *Compliance with Development Plan Policies*

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

11.4 The proposal is considered to comply with the development plan. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF, paragraph 202 has been engaged. Whilst some harm has been identified to the historic environment and whilst great weight has been given to the conservation of the designated heritage assets, taking into account all the material considerations, it is considered that the benefits to the scheme would outweigh the less than substantial harm that has been identified.

### *Material considerations*

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

11.6 National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

- 11.7 Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, Paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8 The proposal seeks to provide new hotel accommodation as well as the refurbishment of the existing hotel which is located in a sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient cycle parking and will provide biodiversity enhancements.
- 9.31. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers and subject also to the conditions set out in section 12 below.

## **12. CONDITIONS**

### *Time limit*

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

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

### *Approved plans*

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

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy S1 of the Oxford Local Plan 2016-2036.

### *Materials*

3. Prior to the commencement of development excluding demolition and enabling works a schedule of materials together with samples 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 in accordance with policies DH1 of the Oxford Local Plan 2016-2036.

#### *Fenestration details*

4. Details of the windows (including details of the Juliet/terrace balconies) and doors shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2016-2036.

#### *Solar Panels*

5. Details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2016-2036.

#### *Dust mitigation*

6. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Table 7.1 (pages 20-22) of the Air Quality Assessment that was submitted with this application, are included in the current site's Construction Environmental Management Plan (CEMP). The new (updated) version of the CEMP shall be submitted to and approved in writing by the Local Planning Authority and the development must be carried out in accordance with the approved version.

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.

#### *EV Charging*

7. 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 provisions:
  - a. Location of EV charging points;
  - b. The amount of electric car charging points should cover at least 25% of the amount of
  - c. permitted parking of the commercial development;
  - d. Appropriate cable provision to prepare for increased demand in future years.
  - e.

The electric vehicle infrastructure shall be formed, and laid out in accordance with these approved 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.

#### *Plant details*

8. Noise from new plant proposed as part of the development is to be mitigated at all times such that is no more than 44dB LAr,T during the day and 30dB LAr,T during the night, when measured at the façade of all noise sensitive receptors when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound The external noise levels emitted from plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound."

#### *Odour abatement equipment*

9. Prior to occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'EMAQ+Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The approved details shall be implemented prior to the occupation of the development and thereafter be permanently retained.

Reason: To ensure the amenity of occupiers and neighbours is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Noise policy*

10. Neither music nor amplified loud voices emitted from the hotel shall be audible at any residential/ noise sensitive premises and the hotel shall operate in accordance with the noise policy.

Reason: To ensure the amenity of occupiers and neighbours is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Plant noise*

11. Prior to use, the proposed plant installation and ducting 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 retained and maintained thereafter.

Reason: To ensure the amenity of occupiers and neighbours is not impacted by the proposed development in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Contamination*

12. 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. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

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.

#### *Landscaping Scheme*

13. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show details of all planting areas, tree and plant species, numbers and planting sizes. The approved landscape scheme shall then be implemented and retained. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development.

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

#### *Replacement Trees*

14. 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.

*Landscape Management Plan*

15. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved by the Local Planning Authority.

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

*Hard Landscaping*

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

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

*Underground Services*

17. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

*Tree protection plan*

18. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority. The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

*Arboriculture method statement*

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

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

*Arboricultural Monitoring Programme*

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

Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.

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

*Further ecological survey*

21. If the development hereby approved does not commence by March 2024, or if having commenced is suspended by a period of 12 months or more, further ecological survey(s) shall be commissioned to establish if there have been any changes in the presence of roosting bats, and identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new ecological measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the approved ecological measures and timetable.

Reason: To comply with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036 and Policy G2 of the Oxford Local Plan 2036.

*Bird nesting and bat roosting*

22. The provision of bird nesting and bat roosting devices detailed in the Briefing Note: Ecology Response, produced by Ecology Solutions and dated March 2023, shall be fully constructed prior to occupation of the approved development and shall be retained as such thereafter, unless otherwise approved in writing by the Local Planning Authority. Any new fencing will include holes suitable for the safe passage of hedgehogs.

Reason: To enhance biodiversity in Oxford City in accordance with Policy G2 of the Oxford Local Plan 2036 and Policy G2 of the Oxford Local Plan 2036.

*Green roof*

23. Prior to work commencing on site excluding demolition, details of the green roof to be installed shall be submitted to and approved in writing by the Local Planning Authority. This must include details of all species to be planted. Once agreed the roof shall be planted prior to occupation of the building and shall be maintained thereafter.

Reason: To enhance biodiversity in Oxford City in accordance with Policy G2 of the Oxford Local Plan 2036 and Policy G2 of the Oxford Local Plan 2036

### *Energy statement*

24. The development shall be implemented in strict accordance with the approved Energy Statement. "Linton Lodge Hotel Energy Statement" Rev 2 dated January 2023 produced by Watermans." Prior to the occupation of the development evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and that they achieve the target performance as approved.

Reason: To ensure compliance with policies S1 and RE1 of the Oxford Local Plan 2016- 2036.

### *Drainage details*

25. 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 be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
    - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
    - 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 that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2016-2036.

### *SUDS*

26. 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:  
As built plans in both .pdf and .shp file format;

- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2016-2036.

#### *Car parking*

27. Prior to first occupation of the development, a plan detailing the proposed layout of the car parking area shall be submitted to, and approved in writing by, the Local Planning Authority. The Car Park Layout Plan shall demonstrate that all the car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The car park shall be laid out in accordance with the approved plans prior to occupation of the development and retained thereafter. Reason: in the interest of highway safety

Reason: In the interests of highway safety in accordance with Policy M2 of the Oxford Local Plan 2036.

#### *Cycle parking*

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

Reason: To encourage the use of sustainable modes of transport and to protect the visual appearance of the area in accordance with Policy M5, DH1 and DH3 of the Oxford Local Plan 2036.

#### *Pick-up drop-off management plan*

29. Prior to first occupation the Hotel Guest pick-up and drop-off operational Management Plan shall be submitted to the Local Planning Authority for its approval in writing. The agreed management plan shall then be implemented from occupation thereafter.

Reason: In the interests of highway safety in accordance with Policy M2 of the Oxford Local Plan 2036.

#### *Construction management plan*

30. Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out in accordance with the details approved in the Construction Traffic Management Plan.

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 2036.

*Swept Path details*

31. A Design of Rear access drawing superimposed with swept path of Service and Emergency service vehicles shall be submitted to the Local Planning Authority for its written approval. The agreed swept path shall then be implemented prior to occupation and retained thereafter.

Reason: In the interests of highway safety in accordance with Policy M2 of the Oxford Local Plan 2036.

*Travel Plan Statement*

32. Prior to first occupation of the development a Travel Plan Statement and Residential Travel Information Pack shall be submitted to the Local Planning Authority for its written approval. The approved document shall then be implemented prior to occupation and retained thereafter.

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

*Substation details*

33. Prior to occupation details of the substation including the proposed screening shall be submitted to the Local Planning Authority for approval, the approved details shall then be implemented prior to occupation and retained thereafter.

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

*Boundary details*

34. Prior to occupation details of the boundary details including details of the railings shall be submitted to the Local Planning Authority for approval, the approved details shall then be implemented prior to occupation and retained thereafter.

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

#### INFORMATIVES :-

- 1 Prior to commencement of development, a separate consent must be obtained from the County's Road Agreements Team for any new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; [RoadAgreements@oxfordshire.gov.uk](mailto:RoadAgreements@oxfordshire.gov.uk).
- 2 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 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.
- 3 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.
- 4 No waste materials should be burnt on site of the development hereby approved.
- 5 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
- 6 All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

### 13. APPENDICES

- **Appendix 1** – Site location plan

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

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

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

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



Appendix 1 – Proposed Block Plan – 23/00142/FUL – Linton Lodge



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**Oxford City Planning Committee**

15th August 2023

**Application number:** 23/01046/FUL

**Decision due by** 10th July 2023

**Extension of time** TBA

**Proposal** Demolition of existing garage. Erection of a part single, part two storey side extension and front porch. Change of use from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (Sui Generis). Erection of bike storage. (Part retrospective). (Amended description and plans).

**Site address** 75 Langley Close, Oxford, Oxfordshire, OX3 7DB

**Ward** Headington Ward

**Case officer** Nia George

**Agent:** Jim Driscoll      **Applicant:** Mr A Rehman

**Reason at Committee** The applicant Mr A Rehman is an elected Cabinet Member for Inclusive Communities and Councillor for the Lye Valley Ward.

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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

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.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to demolish the existing garage, and to erect a part single, part two storey side extension and a front porch. Permission is also sought for the change of use of the property from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (sui generis use), and the erection of bicycle storage. The proposal is partly retrospective.

2.2. This report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Parking/highways safety
- Bin and bicycle storage
- Drainage
- Biodiversity
- Trees

2.3. The development is considered acceptable in principle, complying with the concentration of HMOs allowed in the local area, and would not result in a change to the character of the area or the community becoming unbalanced. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. The proposed development is acceptable in respect of its design and would not cause any detrimental harm upon the character and appearance of Langley Close nor the host dwelling. The extension would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts in respect of drainage, biodiversity and trees, subject to the recommended conditions. The development would be car free due to its sustainable location within a controlled parking zone and would be suitable to provide good quality bin storage and bicycle parking, subject to conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such, the proposals are considered to comply with the policies of the Oxford Local Plan, the Headington Neighbourhood Plan and the NPPF.

2.4. In conclusion, Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and recommend the grant of planning permission.

### **3. LEGAL AGREEMENT**

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

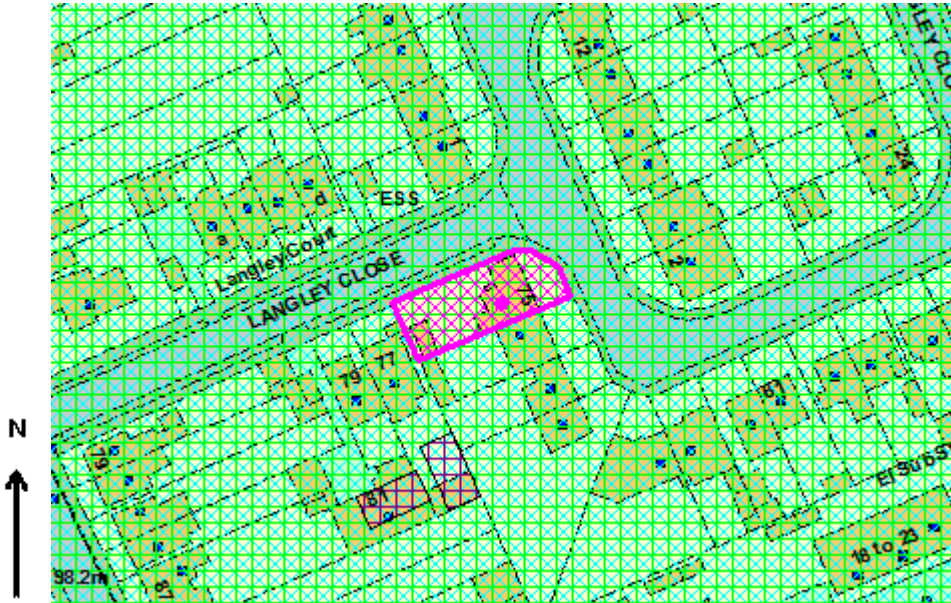
### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not liable for CIL.

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

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

- 5.2. Langley Close primarily consists of two storey semi-detached, hipped roof properties which feature a two storey pitched roof bay front projection. Although properties within the close have undergone various alterations; including alterations to their roof forms and their scale, the close is considered to have a relatively uniform appearance.
- 5.3. The property has been previously extended using householder permitted development rights which the property benefits from under the Town and Country Planning (General Permitted Development) (England) Order 2015. A single storey rear extension, alterations to the former hipped roof to form a gable, two roof lights within the front roof slope, as well as a box dormer window situated on the rear roof slope in association with a loft conversion, have all been erected at the site.
- 5.4. The site already benefits from planning permission for the change of use from a dwellinghouse to a small HMO for up to 6 occupants under application reference 21/01989/FUL. It also benefits from planning permission under application reference 22/00289/FUL for a part single, part two storey side and rear extension.
- 5.5. The extension approved under application reference 22/00289/FUL has already been built at the site.
- 5.6. As noted within the description of the development, part of the development is retrospective as a porch has been erected on site which does not benefit from any planning permission. Also already on site, the extension approved under 22/00289/FUL has been built slightly differently to what was approved. As approved, the part single storey element at the front of the extension showed a flat roof. The extension has however been built with a lean-to roof instead. The single storey element at the front of the extension is also slightly wider than what was approved. The only other alteration compared to the previous permission is that the design of the front door has been altered.
- 5.7. See block plan below:



## 6. PROPOSAL

6.1. The application proposes to demolish the existing garage, and to erect a part single, part two storey side extension and a front porch. Permission is also sought for the change of use of the property from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (Sui Generis), and the erection of bicycle storage. The proposal is partly retrospective.

## 7. RELEVANT PLANNING HISTORY

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

55/04328/A_H - Private garage. Permitted development 17th April 1955.
57/06311/A_H - Erection of porch. Permitted development 10th September 1957.
06/02358/FUL - Single storey extension to side. Approved 24th January 2007.
21/01989/FUL - Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). Provision of bin and bike stores. Approved 21st September 2021.
22/00289/FUL - Erection of a part single, part two storey side extension. (Amended plans). Approved 8th August 2022.
22/00289/CND - Details submitted in compliance with condition 5 (Foundation Design), condition 6 (Underground services -tree roots), condition 7(Arboricultural Method Statement (AMS) 2) and condition 8 (Arboricultural Monitoring Programme) of planning permission 22/00289/FUL. Approved 7th November 2022.
23/00036/FUL - Demolition of existing garage. Erection of a part single, part two storey side extension. Sub-division of dwelling to create a 1 x 5 bed House In Multiple Occupation (Use Class C4) and a 1 x 1-bed dwelling (Use Class C3) and associated landscaping. Alteration to 1no. window to front elevation. Provision of private amenity space, bin and cycle store and new boundary fence with access gates. (amended description and plans). Withdrawn 27th April 2023.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
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<b>Design</b>	126-136	<b>DH1</b> – High quality design and placemaking <b>DH7</b> – External servicing features and stores	<b>GSP4</b> - Protection of the setting of the site <b>CIP1</b> - Development respect existing local character <b>CIP3</b> - Innovative design
<b>Housing</b>	50-80	<b>H6</b> – House in Multiple Occupation <b>H14</b> – Privacy, daylight and sunlight	
<b>Natural environment</b>	174-188	<b>G2</b> – Protection of biodiversity and geodiversity <b>G7</b> – Protection of existing Green Infrastructure features	
<b>Transport</b>	104-113	<b>M3</b> – Motor Vehicle Parking <b>M5</b> – Bicycle Parking	
<b>Environmental</b>	174-188	<b>RE4</b> – Sustainable and foul drainage <b>RE7</b> – Managing the impact of development	
<b>Miscellaneous</b>	7-14	<b>S1</b> – Sustainable development	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 25th May 2023. When the case officer originally received the application, they noted that the description of works and the plans were incorrect. The agent provided revised plans and agreed to a revised description. During the course of the application, the case officer became aware that the existing and proposed plans were still incorrect; when they visited the site they noticed that the property had been extended and altered differently to what the plans submitted with the application showed. Revised plans and a new description were agreed with the agent and it is this latest set of revised plans upon which the application is considered. These revised plans were re-advertised and site notices were displayed around the application site on 18th July 2023.

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

Oxfordshire County Council (Highways)

9.2. No objection

Internal HMO Enforcement

9.3. No objection

**Public representations**

9.4. 2no. representations were received on this application from one unknown address, and an address in Chiselhampton.

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

- Amount of development on site
- General dislike for proposal
- There is a covenant on the property that does not allow for the building to go beyond the front bay window and the proposed porch does.
- What this application is asking for is unclear as some of it appears to be approved so it may be an application for internal changes, though it also removes off-road parking for any future owner.
- This is significant overdevelopment and basically turns a semi-detached house into a 7 bed HMO which obviously has the potential to add significantly to any on-street parking pressure and, in any event HMOs are not entitled to inclusion in the CPZ scheme.
- Whether by virtue of it being an HMO or by this application, either way, it should be refused from inclusion in the resident and visitor CPZ.

**Officer response**

9.6. In relation to private covenants, these are not material planning considerations and do not restrict what can be granted planning permission. They constitute a civil matter between the parties involved and fall outside of the planning system.

9.7. As noted in the description of works, the proposal is partly retrospective. The application is seeking approval for the existing extensions and alterations as built at the site however the sui generis HMO use has not started.

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Parking and highways safety
- Bin and bicycle storage



- Drainage
- Biodiversity
- Trees

#### **a. Principle of development**

- 10.2. As from 24<sup>th</sup> February 2012, planning permission has been required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4), due to the removal of permitted development rights under an Article 4 Direction.
- 10.3. Policy H6 of the Oxford Local Plan states that the change of use of a dwellinghouse to an HMO will only be granted where the proportion of building used in full or part as an HMO within 100m of street length either side of the application site, does not exceed 20%. This includes side roads and footpaths.
- 10.4. Within 100m either side of 75 Langley Close, there is a total of 45 buildings, including the host property. The proposal would result in 3 of these buildings being classed as a HMO. The HMO at 75 Langley Close would result in a total of 6.6%, well within the allowed 20%.
- 10.5. The proposal is therefore considered to comply with Policy H6 of the Oxford Local Plan and would maintain a balanced community.

#### **b. Design**

- 10.6. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1. Policies CIP1, CIP3, and GSP4 of the Headington Neighbourhood Plan seek to ensure that development respects the local character, protects the site setting, and uses innovative design where possible.
- 10.7. Langley Close is characterised by pairs of two storey semi-detached dwellings. The properties have hipped roofs, curved bay windows on the front elevations spanning both ground floor and first floor, and above these there are projecting pitched roof intrusions. The entrances to the dwellings are located on the front elevations next to the bay windows. Over time many of the dwellings have undertaken alterations, namely changing the hipped roofs to gables, and there are numerous extensions both at single storey and two storey scale. Nevertheless the original character of the close still prevails and the alterations undertaken to properties appear as ancillary and subservient additions to the host dwellings.
- 10.8. The extension proposed is very similar to what has already been granted planning permission under reference 22/00289/FUL. The only changes that are proposed to the built form in comparison to the previous approval is in relation to the single storey element to the front of the side extension. Under the previous application, this was approved with a flat roof with a height of 2.6m, however a

lean-to roof has been built at the site with a maximum height of 3m and eaves of 2.6m. Although this differs to what was originally approved, Officers consider the lean-to roof relates well to the property overall and is not out of character with the surroundings. Officers consider the lean-to roof is an improvement compared to the flat roof originally permitted, and overall this alteration is considered to be acceptable in design terms.

- 10.9. The other alteration is in relation to the width of the single storey element. It originally would have been 3.7m wide however it is now 4.2m. Although the property is located on a corner plot and in a prominent location in the close, given that the increase in width is fairly minor being 0.5m wider, coupled with the fact that it is at single storey scale only, Officers consider that the extension would not appear dominant in the streetscene and that it would still read as a subservient addition to the host dwelling. For reference, the host dwelling has a width of 6.3m and therefore the extension's width of 4.2m would not compete with it. Also a gap of 0.7m would be retained at ground floor between the side elevation of the single storey extension as built and the boundary of the site.
- 10.10. In relation to the porch, this is a new element that was not originally approved. Previously the property had an arched front entrance with the door inset from the front elevation. It is proposed to enclose this arched opening by installing a door flush with the front elevation and erecting a porch outside of this. This porch measures 2m in width, 0.6m in depth, and has a lean to roof with an eaves of 2.3m, and a maximum height of 2.9m. The porch does not have any walls, only two timber supports under the roof canopy. This is considered to appear as a subservient addition to the property and would not appear overly prominent when viewed from the street scene. The lean-to roof is considered to result in an appropriate visual relationship with the rest of the house, and also in particular with the side extension which has the same roof tiles for its roof. Many other properties within Langley Close benefit from front porches or arches that have been infilled and therefore this element of the scheme would not appear out of character with its surroundings.
- 10.11. The part two storey extension proposed remains as approved previously and as such is acceptable in design terms.
- 10.12. Overall the proposal as built is considered to be of an acceptable design and would not detract from the character and appearance of the host dwelling or area in general, in accordance with Policy DH1 of the Oxford Local Plan and Policies GSP3, CIP1 and CIP3 of the Headington Neighbourhood Plan.

### **c. Impact on neighbouring amenity**

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

- 10.14. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.
- 10.15. 73 Langley Close is a two storey semi-detached property located to the south of the application site and adjoins 75 Langley Close.
- 10.16. The 45 degree angle test has been applied to the ground floor front fenestration serving the neighbouring property and the porch would not contravene this angle. The alterations to the extension do not result in extending beyond the existing front elevation of the host dwelling of the application site and as such the development would not detrimentally impact upon the daylight afforded to this property.
- 10.17. The porch would only extend beyond the bay window of the host dwelling by 0.25m, and as noted above, the alterations to the extension do not result in extending beyond the existing front elevation of the host dwelling of the application site. As such, the development would not detrimentally impact upon the outlook afforded to this property, nor would it be considered overbearing.
- 10.18. The porch does not have any openings facing the neighbouring property and therefore it is considered that the development would not detrimentally impact upon the privacy afforded to this property.
- 10.19. As the proposed extensions remain as previously approved in all other respects, the impact on amenity remains the same and would not adversely affect neighbouring or nearby properties.
- 10.20. All other properties are considered to be located at a sufficient distance away from the property so as not to be affected by the current proposals.
- 10.21. Overall the development would not harm residential amenity and is considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

#### **d. Parking and highways safety**

- 10.22. Policy M3 states that in Controlled Parking Zones (CPZs) where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. Policy M3 also states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.
- 10.23. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.
- 10.24. The application site is located within the Headington Central Controlled Parking Zone. The property is located within 800m of a shop and 400m of a frequent bus service and therefore is eligible to be a car-free development.

- 10.25. There is currently a garage located within the rear garden of the site and it is proposed for this to be demolished. Officers note that the existing garage at the site measures 5.6m in length, and 2.8m in width, and therefore does not meet the 6.0m x 3.0m minimum size requirements of a garage in current standards. Due to the garage not meeting this size requirement, Officers consider that this garage would not class as an existing parking space. With regard to the hardstanding in front of this garage, a standard parking space must have a minimum length of 5.0m to meet the minimum size requirement, and the hardstanding fails to meet this requirement at 4.8m in length. Therefore due to the hardstanding not meeting this size requirement, Officers consider that it would not be considered as an existing parking space.
- 10.26. No off-street parking is proposed as a result of the proposal. This is considered to be acceptable due to the property being located in a highly sustainable location, with good access to public transport and local amenities.
- 10.27. Due to the property being located within a CPZ and given the proposed use as a sui generis HMO, to ensure that the proposal does not result in demand for on-street parking, a condition has been recommended to prohibit occupation as a HMO until the Road Traffic Order has been varied to remove any eligibility for future parking permits for the HMO.
- 10.28. Subject to the recommended condition, the proposal would be considered to comply with Policies M3 and RE7 of the Oxford Local Plan 2036.

**e. Bin and bicycle storage**

- 10.29. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. For a HMO, at least 1 space per occupant is required. Policy M5 also states bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.
- 10.30. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.
- 10.31. Bicycle storage is proposed to be located in two stores; one in the rear garden and one in the front garden. The store in the rear garden is proposed to accommodate six bicycles and the store in the front garden is proposed to accommodate four bicycles. When the case officer visited the site, it was noted that the construction of the store in the front garden has already commenced with two Sheffield stands and four timber posts in situ. Officers consider that the front of the site would not be a suitable location for bicycle storage; the store proposed due to its height, width and depth would be a prominent addition in the streetscene. Although there is a hedge located at the front of the site, the height of the structure would be higher than this. As noted previously in this report, the application site sits in a prominent position in the close on a corner plot. Officers consider that the store proposed would be incongruous and would detract from the character and appearance of the property and the street scene. Officers

consider that there is sufficient space in the rear garden for a store to accommodate all 10 bicycles. As such, a condition has been recommended for the existing store at the front of the site to be removed, and for further details of a store to accommodate 10 bicycles in the rear garden to be submitted for approval. The condition would also ensure that the approved store would have to be installed on site prior to occupation of the HMO and be retained for bicycle storage thereafter.

10.32. No details have been submitted with the application in relation to bin storage. Officers consider however that there is sufficient space at the site, either within the front garden or the rear garden for a store. A condition has therefore been recommended for further details of a store to accommodate bins to be submitted for approval. The condition would also ensure that the approved store would have to be installed on site prior to occupation of the HMO and be retained for bin storage thereafter.

10.33. Based on the recommended conditions, the proposal would be considered to comply with Policies M5 and DH7 of the Oxford Local Plan.

#### **f. Drainage**

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

10.35. The development is located within flood zone 1 and is not at significant risk of flooding from any sources.

10.36. The previous application was subject to a condition requiring that the site should be drained by Sustainable Drainage Systems (SuDS).

10.37. Although the extension has already been completed at the site, it would be necessary to carry over the same condition onto this permission to ensure that the porch would not impact upon the drainage of the site.

10.38. Subject to condition, the proposal would comply with Policy RE4 of the Oxford Local Plan 2036.

#### **g. Biodiversity**

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

10.40. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended).

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

- 10.42. Oxford City Council, as the Local Planning Authority, can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on protected species and thus meet the requirements of the National Planning Policy Framework (July 2021) and the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.43. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. Paragraph 99 of the Circular states: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."
- 10.44. The Council's internal biodiversity and ecology officer was consulted on the previous application and they did not believe there was a reasonable likelihood of bats roosting within the building. Therefore they did not request a preliminary roost assessment (PRA) in support of the planning application. Given the extension has already been erected on site, there is no need to consider the impact upon bats any further.
- 10.45. As such, the proposed development would comply with Policy G2 of the Oxford Local Plan 2036, the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended).

#### **h. Trees**

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

- 10.47. There is a cherry tree located near to the northern boundary of the site, within a small grass verge between the footpath which is adjacent to the site and the road.
- 10.48. The previous permission at the site for the extension approved under reference 22/00289/FUL was accompanied with an arboricultural impact assessment and the application was then approved subject to conditions relating to foundation design, underground services (tree roots), arboricultural method statement and an arboricultural monitoring programme. All four conditions were discharged and approved under reference 22/00289/CND.
- 10.49. Given that the extension and external alterations proposed have already been completed at the site, it would not be necessary to carry over these conditions onto this permission as the proposed change of use to a sui generis HMO would not impact upon the tree.
- 10.50. As such the proposal would be considered to comply with Policy G7 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 consideration indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decision apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

### *Compliance with development plan policies*

- 11.4. In summary the proposed development would make efficient use of an existing site to deliver multi-occupancy housing and is supported by the overall objectives of the Oxford Local Plan 2036. The development would not result in any harm to the character of the surrounding area and would be in accordance with Policy H6. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for

Houses in Multiple Occupation. The proposed development is acceptable in respect of its design and would not cause any detrimental harm upon the character and appearance of Langley Close nor the host dwelling. The extension would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts with respect to drainage, biodiversity and trees, subject to the recommended conditions. The development would be car free due to its sustainable location within a controlled parking zone and would be suitable to provide good quality bin storage and bicycle parking, subject to conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, the Headington Neighbourhood Plan and the NPPF.

11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

#### *Material considerations*

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

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

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

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

## **12. CONDITIONS**

### **Time limit**

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

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

### **Development in accordance with approved plans**



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

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

### **Materials - matching**

3. The materials to be used in the external elevations of the new development shall match those of the existing building.

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

### **SuDS**

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

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

### **Variation to Road Traffic Order**

5. The development hereby permitted shall not be occupied until the Order governing parking at 75 Langley Close has been varied by the Oxfordshire County Council as highway authority to exclude the site, the subject of this permission, from eligibility for residents' and visitor parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the car free nature of the development and to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with Policy M3 of the Oxford Local Plan 2036.

### **Bicycle storage**

6. Notwithstanding the approved plans, the existing bicycle store located within the front garden shall be removed from the site within 3 months from the date of this

permission.

In addition, prior to the occupation of the HMO hereby approved, details of a covered, secure and convenient bicycle storage for at least one space per occupant within the rear garden, shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall then be provided on site prior to the first occupation of the HMO and retained thereafter for the purposes of cycle storage only.

Reason: In the interests of the character and appearance of the site and promotion of sustainable modes of transport in accordance with Policies M5 and DH7 of the Oxford Local Plan 2036.

### **Bin storage**

7. Prior to occupation of the dwelling as an HMO, details of a covered and convenient bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall then be provided on site prior to the first occupation of the HMO and retained thereafter for the purposes of bin storage only.

Reason: In the interests of the character and appearance of the site in accordance with Policy DH7 of the Oxford Local Plan 2036.

### **INFORMATIVES :-**

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 This permission relates only to the granting of planning permission. The use of the property as an HMO also requires a separate Houses in Multiple Occupation Licence.
- 3 With respect to condition 4, Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning).

### **13. HUMAN RIGHTS ACT 1998**

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

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

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

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

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## Oxford City Planning Committee

15<sup>th</sup> August 2023

<b>Application number:</b>	23/00990/FUL		
<b>Decision due by</b>	8th September 2023		
<b>Extension of time</b>	N/A		
<b>Proposal</b>	Erection of security fencing to perimeter of the site.		
<b>Site address</b>	Parkway Court , John Smith Drive, Oxford, Oxfordshire – see <b>Appendix 1</b> for block plan		
<b>Ward</b>	Temple Cowley Ward		
<b>Case officer</b>	Nia George		
<b>Agent:</b>	Mrs Rachael Martin	<b>Applicant:</b>	Pure Offices Ltd
<b>Reason at Committee</b>	The application constitutes major development.		

---

## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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.

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to erect security fencing to the perimeter of the site. The proposed mesh fencing would be 1.5m in height.

2.2. This report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Trees
- Land Quality

- 2.3. The proposed development is acceptable in respect of its design and would not cause any detrimental harm to the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The fence would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts with regard to trees and land quality, subject to the recommended conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.
- 2.4. Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and recommend the grant of planning permission.

### **3. LEGAL AGREEMENT**

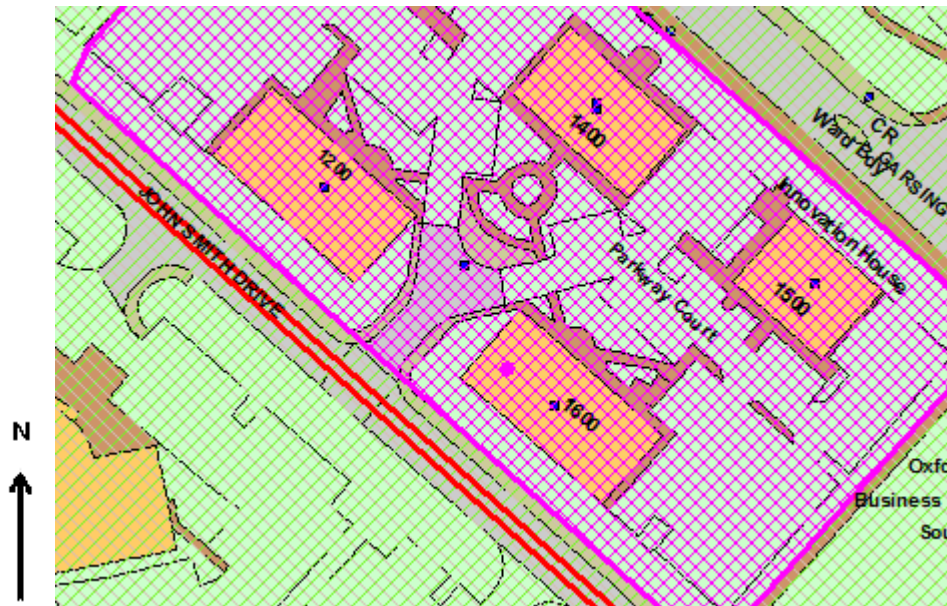
- 3.1. This application is not subject to a legal agreement.

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

- 4.1. The proposal is not liable for CIL.

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

- 5.1. The application site comprises of a group of five detached two storey buildings, located on the north eastern side of John Smith Drive within the Oxford Business Park. The site backs onto Garsington Road which runs along the north of the site, and other than to the south east of the site where there is undeveloped land within the Business Park, the rest of the site's surroundings comprise of other buildings within the Business Park.
- 5.2. Within Parkway Court other than the five detached buildings, the site comprises of a mixture of hard surfaces for vehicular parking and vehicular access, and soft landscaping which is largely situated along the boundary of the site.
- 5.3. See block plan below:



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## 6. PROPOSAL

6.1. The application proposes to erect security fencing to the perimeter of the site. The proposed mesh fencing would be 1.5m in height.

## 7. RELEVANT PLANNING HISTORY

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

91/01303/NO - Demolition of all buildings. Construction of buildings for B1 business use (125,023 square metres) & a hotel (10,451 square metres) incl. new roads, car parking, infrastructure & landscaping (Amended Plans) (Oxford Business Park, Garsington Road). Approved 27th November 1992.

93/00706/NR - Details of access and landscaping on Garsington Road and some internal site roads. Details of landscaping on Eastern By-pass (part reserved matters of outline approval NO/1303/91). Approved 2nd February 1994.

93/00709/NR - Erection of 5 two storey buildings for business purposes (3826sq.m.) 192 parking spaces, access and landscaping (part reserved matters of outline approval NO/1303/91) (amended plans). Approved 11th November 1993.

12/01424/EXT - Extension to the outline planning permission 91/01303/NO for Class B1 business use, hotel, associated roads, car parking, infrastructure and landscaping. Approved 13th December 2012.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	126-136	<b>DH1</b> – High quality design and placemaking
Natural environment	174-188	<b>G7</b> – Protection of existing Green Infrastructure features
Environmental	174-188	<b>RE7</b> – Managing the impact of development <b>RE9</b> – Land quality
Miscellaneous	7-14	<b>S1</b> – Sustainable development <b>SP10</b> – Oxford Business Park

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 29th June 2023 and an advertisement was published in The Oxford Times newspaper on 22nd June 2023.

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

Oxfordshire County Council (Highways)

9.2. No objection

Oxfordshire County Council (Flooding)

9.3. No objection

Internal Land Quality

9.4. No objection

Internal Biodiversity

9.5. No objection

Internal Trees

9.6. No objection, subject to condition

Internal Archaeology



9.7. No objection

Historic England

9.8. No objection

Thames Valley Police

9.9 Comments neither objecting to or supporting the planning application. Notes this fence is proposed to increase security for the site, but unable to confirm that the proposed fence is certificated to any approved security standard. In addition, the height of 1.5m is below what would be recommended when specifying a fence for security purposes. For demarcation only, the proposed fence is fine but if it is to enhance security, the fence should be of a minimum 2m up to 2.4m in height and certificated to a recognised standard.

### **Public representations**

9.9. No representations were received.

*Officer response:*

9.10. It would not be reasonable for Officers to refuse the application based upon the height of the fence being considered too low to be of adequate security. The height of the fence is what the applicant considers to be sufficient to act as a deterrent and as such Officers must assess what is proposed before them.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Trees
- Land Quality

### **a. Principle of development**

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan

and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Policy SP10 states that planning permission will be granted for B1 and B2 employment uses at Oxford Business Park. Other complementary uses will be considered on their merits. Opportunities should be sought to enhance and promote more sustainable travel modes to the business park.
- 10.4. No changes to the use of the site are proposed and whilst the proposal would not enhance sustainable travel modes to the business park, it would not be reasonable to request this given that the proposal is for a fence only.
- 10.5. As such the proposals would align with the aims of Policy SP10 and would be acceptable in principle.

#### **b. Design**

- 10.6. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.7. The proposed fence would measure 1.5m in height and would have a depth of 60mm. The siting of the fence would span nearly the full boundary of the site, with the exception of three gaps to the south west of the boundary; allowing for the access into the court to be retained and the two buildings at the south of the park are located up to the boundary; and as such already form a boundary to the site.
- 10.8. The type of fence proposed comprises of pre-galvanized steel mesh panels. This type of fence would be considered to have a softer appearance when compared to a closed boundary treatment; and as such would still afford views in and out of the site.
- 10.9. It is considered that the size of the fence would be appropriate for the scale of the site and that although this would extend around the majority of the boundary, that the mesh style of fence would not detract from the wider character and appearance of the Business Park. It is noted that the boundary of the site and the wider business park has a green character and therefore to preserve this, a condition has been recommended for the colour of the fence to be green to help blend in with its surroundings.
- 10.10. Whilst it is appreciated that the majority of units on the Business Park do not have fencing and have opted for soft boundary treatments with a combination of hedging, plants and trees, it is noted that the proposed fence would be located inside the soft boundaries and therefore from outside of the site the vegetation would still be apparent and prominent. Furthermore the mesh style of fence proposed would have gaps in and therefore would not appear as a hard or harsh form of boundary. This style of fence is also not uncommon in the wider area as the Oxford Biomedica site to the north of the Business Park features mesh

fencing, and the western boundary of the Business Park near to Boswell Road and Barns Road also features mesh fencing.

10.11. Overall subject to the recommended condition, the proposal would not cause any detrimental harm to the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The proposals are considered acceptable in design terms and would not harm visual amenity, in accordance with Policy DH1 of the Oxford Local Plan 2036.

### **c. Impact on neighbouring amenity**

10.12. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes.

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

10.14. As noted previously in this report the north eastern boundary of the site is bounded by Garsington Road and the south eastern boundary is bounded by undeveloped land within the Business Park. To the south west and north west of the site there are other buildings located within the Business Park. As a result of the site surroundings coupled with the small scale of the fence at 1.5m in height and 60mm in depth, Officers consider that the proposal would not cause any detrimental impacts in relation to neighbouring occupiers.

10.15. The proposal would be considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

### **d. Trees**

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

10.17. The boundary of the site is surrounded by soft landscaping and there is a mixture of both young and mature trees. The proposed fence is proposed to be installed around the boundary of the site near to these trees.

- 10.18. The Council's internal tree officer was consulted on the proposal and they noted that while they have no objection to this application, they do have some concerns about the implications if the fence is not implemented carefully on site with regard to considering tree roots. Therefore they requested that a pre-commencement condition is placed on any consent, so that the Council can control issues such as positioning of post holes in proximity to trees, concrete leachate and spillage, and any necessary access pruning.
- 10.19. The wording of this condition was relayed to the agent who agreed for this to be added to any future permission being granted.
- 10.20. Subject to the recommended condition, the proposal would be considered to comply with Policy DH7 of the Oxford Local Plan 2036.

#### **e. Land contamination**

- 10.21. Policy RE9 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment; and detailed mitigation measures.
- 10.22. Historical plans indicate that the application site is located on land that formed part of the former Morris Cowley vehicle manufacturing works. This manufacturing facility site was investigated for contamination and significant remediation work was completed as part of the re-development to the current Business Park and Offices on John Smith's Drive. However there remains the risk that some ground contamination could remain in areas of the site that weren't investigated or remediated to current standards.
- 10.23. The proposed development involves installation of security fencing which does not involve any major ground excavation work. This means the potential for exposure to any residual below ground contamination is considered to be low. It is therefore considered that the potential contamination risks at the site, based on the proposed development, are considered to be low. The Council's internal land quality officer was consulted on the proposal and they raised no objection to the proposal and no conditions, informatives or further investigations are required.
- 10.24. As such the proposal is considered to comply with Policy RE9 of the Oxford Local Plan 2036.

### **11. CONCLUSION**

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development.

This means approving development that 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 reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

#### *Compliance with development plan policies*

- 11.4. In summary the proposed development is acceptable with regard to its design and it would not cause any detrimental harm upon the character and appearance of Parkway Court nor the wider Business Park or surrounding area. The fence would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts with regard to trees and land quality, subject to the recommended conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.

- 11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

#### *Material considerations*

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

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

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

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

## **12. CONDITIONS**

### **Time limit**

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

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

### **Development in accordance with approved plans**

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

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

### **Fence colour**

3. Notwithstanding the approved plans and condition 2 above, the proposed fence shall be finished in green and retained as that colour. There shall be no variation of this colour without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance and camouflage of the new development in accordance with Policy DH1 of the Oxford Local Plan 2036.

### **Arboricultural Method Statement**

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

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

## **13. APPENDICES**

- **Appendix 1 – Block plan**

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

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

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

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

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## Appendix 1 – Proposed Block Plan – Parkway Court

Parkway Court, John Smith Drive, Oxford



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LANDMARK INFORMATION  
Plotted Scale - 1:1250. Paper Size – A4

Proposed Block Plan - Proposed fence shown in red.

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## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 18 July 2023



### Committee members present:

Councillor Clarkson (Chair)	Councillor Hollingsworth (Vice-Chair)
Councillor Altaf-Khan	Councillor Chapman
Councillor Fouweather	Councillor Kerr
Councillor Malik	Councillor Mundy
Councillor Railton	Councillor Rehman
Councillor Upton	

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

David Butler, Head of Planning Services  
Tobias Fett, Senior Planning Officer  
Jonathan Gentry, Planning Officer  
Louise Greene, Planning Lawyer  
Hayley Jeffery, Development Management Team Leader (East)  
Emma Lund, Committee and Member Services Officer

### Apologies:

No apologies were received.

## 16. Declarations of interest

### General

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

### 23/00842/FUL

**Councillor Chapman** stated that he had been a signatory to the call-in but was approaching the application with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

**Councillor Railton** stated that she was a member of Littlemore Parish Council, but had taken no part in any discussion of the application by the Parish Council and would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

## 17. 23/00272/FUL: 152 London Road, Headington, Oxford OX3 9ED

The Committee considered an application (23/00272/FUL) for demolition of the existing retail store (Use Class E); erection of new building at 1 to 4 storeys containing a retail store (Use Class E) and hotel (Use Class C1); service area, landscaping, cycle parking and drop off bays on Stile Road at 152 London Road, Headington, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The application had missed its statutory target decision date due to awaiting consultation responses and further information from the applicant, and the timing of committee dates. The applicant had decided to lodge an appeal for non-determination. This meant that the Council could no longer determine the application. Instead, the Committee was asked to give an indication of its likely decision, had it been in a position to determine the application, which officers could use in the Council's submission to the appeal.
- The application site was on the east side of London Road on the edge of the Headington District Centre, with Bury Knowle Park to the north and Stile Road, which was residential, to the west of the site. St Andrew's Primary School, a non-designated heritage asset, was situated to the east of the site.
- Planning permission was sought for the demolition of the existing single storey retail store which was currently occupied by the Co-Op, and erection of a part three, part four storey building containing a new hotel with a retail unit at the ground floor. There would be two operational parking spaces and manoeuvring spaces to the front of the development, and a service yard to the rear (accessed via Stile Road). The application also included some hard and soft landscaping.

Michael Dent and Bruce Huggett, Governors of St Andrew's Primary School, spoke against the application.

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

- Reasons why officers had reached a recommendation to refuse the application were set out in full in the report, and included some shortcomings and lack of information in the submitted application. Planning Officers considered that some of these may have been able to be addressed through conditions; however, the potential for this had been superseded by the commencement of the appeal process. Recommended conditions would be included within the Council's appeal statement.
- The applicant had sought to address privacy issues through the use of opaque glass on windows (including opaque corridor windows to avoid overlooking of St Andrew's School), which officers considered would cause loss of outlook to hotel residents.
- The site was inside the district centre, and the Local Plan included policies which encouraged increases in density and careful increases in height within district centres. There was therefore potential for a well-designed and respectful development on the site. However, it was not considered that this proposal met those criteria.

On being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation that had an appeal not been lodged, the application would have been refused for the reasons given in the report.

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

1. **agree** that if an appeal had not been lodged the application would have been refused for the reasons given in the report; and
2. **delegate authority** to the Head of Planning Services to:
  - finalise the recommended reasons for refusal in the report for the purposes of defending the appeal, including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

**18. 23/00842/FUL: 26 Alice Smith Square, Oxford OX4 4NF**

The Committee considered an application (23/00842/FUL) for the demolition of an existing garage; erection of a part single, part two storey side and rear extension with associated alterations to fenestration at 26 Alice Smith Square, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- The application site was on the southern side of Alice Smith Square, with neighbouring properties to most aspects of the site. The property was a two-storey semi-detached house.
- The application had been revised in order to overcome officer concerns relating to the design which had initially been proposed. The revised application was now considered by officers to be acceptable in design terms and not to adversely impact neighbouring amenity, and was also considered to be compliant in all other regards. It was therefore recommended for approval, subject to the required planning conditions set out in the report.

Moses Ekole (agent) spoke in favour of the application.

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

- A landscaping condition was proposed, setting out the landscaping requirements should the scheme be approved. Officers undertook to try to ensure that the existing hedge was retained as part of this condition. However, it was noted that a requirement to retain the hedge could not be enforced following a period of five years after first occupation of the development.
- Whilst there had been very few objections to the proposal, loss of light to neighbouring properties and overlooking / loss of privacy from the additional fenestration had been cited as a concern. Officers had considered this carefully when assessing the proposal, but were of the view that the revised proposal would not result in material amenity harm to any neighbouring properties in the proximity of the site.

- A concern had also been raised by an objector that the proposal would cause harm to the ‘open character’ of the corner plot. The Planning Officer confirmed that this had been a consideration when assessing the design proposal. Typically, corner plots were more sensitive when looking at the scale of development which they could accommodate. However, a key consideration in this instance was the degree of separation which would be retained between the extension area and the side boundary of the site. Officers had therefore concluded that this was not a concern sufficient to generate grounds to recommend refusal.

On being proposed, seconded and put to the vote, the Committee agreed with the officer’s recommendation to approve the application for the reasons set out in the report and subject to the required planning conditions set out in the report.

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

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. **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.

**19. Minutes**

The Committee resolved to approve the minutes of the meeting held on 20 June 2023 as a true and accurate record.

**20. Forthcoming applications**

The Committee noted the list of forthcoming applications.

**21. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6.00 pm and ended at 7.01 pm**

**Chair .....**

**Date: Tuesday 15 August 2023**

*When decisions take effect:*

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

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

*All other committees: immediately.*

*Details are in the Council’s Constitution.*