

Agenda



Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 12 December 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.

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

Agenda

Pages

Planning applications - background papers and additional information

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

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 23/02166/FUL: BMW UK Manufacturing Ltd, Garsington Road, Oxford, OX4 6NL

13 - 54

Site Address: BMW UK Manufacturing Ltd, Garsington Road

Proposal: Demolition of Buildings 30.5 and 31.5, extension of Integrated Logistics Centre (Building 80.0) and Body-in-White/Logistics building (Building 31.0/31.3), provision of new lorry parking area, expansion of external waste storage area, realignment of internal road and installation of associated landscaping, delivery decks, canopies, shutter doors, windows, plant and equipment and all other associated works

Reason at Committee: The application is a major development

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report

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subject to the required planning conditions set out in section 12 of this report and the satisfactory outcome of the archaeological trial trenching to ensure the proposal would accord with policy DH4 of the Local Plan 2036 and subject also to:-

- the satisfactory completion of a legal agreement or unilateral undertaking 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 and Regulatory Services to:

- finalise the recommended conditions as set out in this report including any conditions that are required to mitigate any impact on archaeology including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary;
- finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
- complete/receive the section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

4 22/03076/FUL: 135-137 Botley Road, Oxford

55 - 134

Site Address: 135 - 137 Botley Road, Oxford

Proposal: Demolition of existing buildings and replacement with new building comprising R&D, office and cafe space (Use Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of

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enclosure, utilities, and associated works.
(Amended plans and additional information)

Reason at Committee: The application 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 the 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 the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory 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 the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and
 - on receipt of the completed section 106 legal agreement referred to above issue the planning permission.

5 23/02423/FUL: 38 Stile Road, Oxford OX3 8AQ

135 - 148

Site Address: 38 Stile Road, Oxford OX3 8AQ

Proposal: Raise roof height, formation of 1no dormer and 1no rooflight to north-west roofslope, formation of 3no rooflights to south-east roofslope in association with loft conversion. Insertion of 1no window to front and 2no

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windows to rear elevation. Re-render external walls. Removal of chimney stack.

Reason at Committee: The applicant is a member of staff within the Planning and Regulatory Services team of Oxford City Council.

Recommendation:

The Oxford City Planning Committee is recommended to:

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

6 Minutes

149 - 158

Recommendation: to approve the minutes of the meeting held on 21 November 2023 as a true and accurate record.

7 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.

22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	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
23/01198/FUL: Unit 1, Ozone Leisure Park, Grenoble Road, Oxford	Major

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23/01003/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/01482/FUL: 13-15 Oxenford House, Magdalen Street, Oxford OX1 3AE	Major
23/02114/FUL: John Radcliffe Hospital, Headley Way, Oxford OX3 9DU	Major
23/02148/FUL: 2 Sutton Road, Oxford OX3 9RB	Called-in
23/02411/FUL: Land North of Charlbury Road, Oxford, Oxfordshire	Major
22/00409/FUL: Green Templeton College, Woodstock Road, OX2 6HG	Major

8 Dates of future meetings

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

23 January 2024

20 February 2024

19 March 2024

23 April 2024

21 May 2024

25 June 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

12th December 2023

Application number: 23/02166/FUL

Decision due by 21st December 2023

Extension of time To be agreed

Proposal Demolition of Buildings 30.5 and 31.5, extension of Integrated Logistics Centre (Building 80.0) and Body-in-White/Logistics building (Building 31.0/31.3), provision of new lorry parking area, expansion of external waste storage area, realignment of internal road and installation of associated landscaping, delivery decks, canopies, shutter doors, windows, plant and equipment and all other associated works.

Site address BMW UK Manufacturing Ltd, Garsington Road

Ward Blackbird Leys Ward

Case officer Tobias Fett

Agent: David Lock **Applicant:** C/O Agent
Associates

Reason at Committee This is a major application

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report and the satisfactory outcome of the archaeological trial trenching to ensure the proposal would accord with policy DH4 of the Local Plan 2036 and subject also to:-

- the satisfactory completion of a legal agreement or unilateral undertaking 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 and Regulatory Services to:

- finalise the recommended conditions as set out in this report including any conditions that are required to mitigate any impact on archaeology including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably

necessary;

- finalise the recommended legal agreement or Unilateral Undertaking 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 and Regulatory Services considers reasonably necessary; and
- complete/receive the section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the application to approve substantial upgrades to the existing BMW Cowley plant. The works represent a very significant investment by the multinational brand into the home of the Mini brand. The proposed works would include major new additions, upgrades, and minor demolitions and associated works to enable the plant to prepare for the sole production of the new electric Mini models, and thus futureproofing the viability of the brand, but also the plant and its place within the Oxfordshire and regional economy. This development has also been supported by significant support through the UK central government due to the significance of the plant to the UK economy.
- 2.2. The proposal directly supports the UK government agenda to support economic development as well as the drive to net zero carbon emissions by enabling the production of fully electric vehicles to meet local and government targets, including reducing reliance on fossil fuels
- 2.3. The physical extensions and alterations would be contained within the curtilage of the existing plant, and only a new trailer park proposed outside the existing built-up area. The works would increase the floor space by 29,002 m² in the case of the proposed extensions, 1,248 m² from the additional canopies and docks, and a new trailer park area of 17,085m².
- 2.4. While the proposal includes a substantial increase in new floor space it also represents a change in how BMW would use various aspects of the site and would include changes to the existing facilities in a manner that maintains the economic viability of the plant while minimising the impact on the locality and wider area. The proposed development would therefore not only help BMW move to a fully electric vehicle production, secure employment for local people as well as create a more environmentally resilient site.
- 2.5. The report sets out how the development is considered to accord with the relevant policies of the National Planning Policy Framework, Oxford Local Plan 2036 and other material considerations.

3. LEGAL AGREEMENT

3.1. This application will require the applicant to enter into a unilateral undertaking to secure the travel plan monitoring payment.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL at an amount of £832,421.14.

5. SITE AND SURROUNDINGS

5.1. The site is located within the existing MINI Plant to the east of Oxford. It is bound to the north by Horspath Road, to the west by the A4142 Eastern By-Pass Road, to the south by the B480 Garsington Road, and to the east by Roman Way and the Unipart Group site.

5.2. The plant is accessed from all sides via a network of roadways, with the main arterial route being the A4142 [Eastern By-Pass Road] to the west. Five main gates provide access to different portions of the site depending on the visitor / staff / delivery entering those points.

5.3. The rail freight access from the south-west serves the site diagonally providing a central location for deliveries in and transport of completed vehicles out.

5.4. The main car park between Gates 06 and 09, are linked by a landscaped corridor, providing the main pedestrian route into the site, with individuals finding their own way to specific areas via the network of smaller routes into the site

5.5. The BMW site as a whole forms part of a distinct cluster of business, industrial and retail areas which lie either side of the bypass with a small number of residential properties present around the site's edges.

5.6. The area to the north has the Pony Road industrial estate and further industrial and retail estates are located to the south and southeast of the application site. The ring road is the plant's western boundary, with residential areas beyond being part of the wider Cowley and Headington districts. The area to the northeast and east are sports facilities and the countryside gap between the urban Oxford and the village of Horspath, which is located in South Oxfordshire.

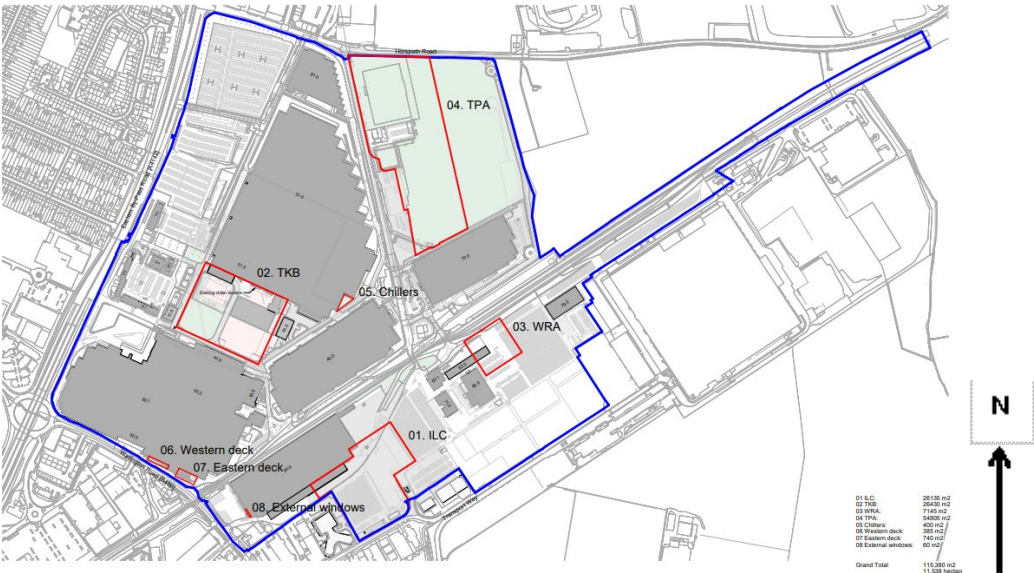
5.7. The site has a very long and established history as a car manufacturing plant and is home to the iconic Mini, which is now owned and manufactured by the BMW Group. Also connected to the site is the fact that the first 'Bullnose' Morris rolled off the line in 1913.

5.8. In 1912 Morris Motors bought the former Oxford Military College and began to mass produce vehicles in the UK. Great Western Rail opened the Morris Cowley station to service the workers travelling to the site.

5.9. The original yard for deliveries and haulage is still in use today. Between the 1920s-1960s Cowley became a significant industrial centre, resulting in the local area's population to boom. The original Morris plant has since been demolished and replaced by the Oxford Business Park, however the adjoining Pressed Steel Fisher, body manufacturing site is now home to BMW Mini producing 1000+ cars a day.

- 5.10. The established character of the site clearly reflects its industrial use and the mix of mainly commercial and existing buildings (with a large number of buildings in a variety of sizes and styles from the last 100 years), is a characteristic of the area.
- 5.11. There is also a train track and former railway sidings running from the south towards the south-eastern part of the side, with a tunnel and level crossing at the centre of the southern part of the site. The line is currently used for BMW freight only and is in BMW's ownership.
- 5.12. The site is reasonably flat but has several level changes, around the rail tracks with a gentle slope running north to south.
- 5.13. The application site relates to smaller plots within the wider BMW plant site.
- 5.14. The building of note for this application is the large Body-in-White building, which is located to the northeast, adjacent to a large section of Roman Way. On the other side of the Roman Way is a vacant field that is relevant for the proposed trailer parking area.
- 5.15. South of the Body-in-White-building and at the very centre of the plant's area is a modular logistics hall and a small landscaped area.
- 5.16. The other two larger sites subject to this application are the Integrated Logistics centre and adjacent surface storage area to the south of the site (and south of the rail tracks) as well as the existing waste storage area to the south east of the site and adjacent to the internal level rail way crossing.

5.17. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the demolition of two buildings 30.5 and 31.5 to the centre of the site, and the erection of extensions to the Body-in-White/Logistics Building (TKB/TLO, Building 31.0/31.3) as well as a new extension to the Integrated Logistics Centre (ILC, Building 80.0). It is also proposed to create a new lorry/trailer parking area (TPA), expansion of the existing external waste storage area, the realignment of internal roads, installation of canopies, shutter doors, plant and associated works and landscaping.

6.2. The red lines of the site subject to the application cover only some parts of the wider manufacturing site, which are relevant to the proposed works.

6.3. The proposed floor areas:

Site	Floor area	Maximum heights
ILC	13,980m ²	15.295m
TKB	14,980m ²	18.825m
WRA (covered extension)	340m ²	9.014m
TPA (inspection office)	42m ²	7.606m
TPA (external area)	17,085m ²	7.606m
Chiller relocation area	518 m ² ,	Below adjacent building height
Delivery decks	390 m ²	Below attached building height

6.4. The proposal includes the demolition of the modal logistics hall (MLH) at the centre of the site (south of the Body-In-White) and the erection of a large scale extension (TKB) in its place and the alignment of the internal service road.

6.5. The vacant field to the northeast of the site would see a trailer parking area installed with an external parking area of 17,085m² alongside an inspection office as well as landscaping, drainage pools and other associated works. The access would be provided by Roman Way as well as linked to existing parking infrastructure in this location.

6.6. To the south of the plant site near the business to the north of Transport Way, would be the extension of the ILC on an existing parking area. This would also involve creating and realigning the service road to surround the new extension, well within the BMW site.

6.7. The existing waste and recycling storage facilities to the southeast of the site would also be extended towards the east where there is additional hardstanding that would be utilised to enable this extension.

6.8. There are also smaller areas for chiller units, as well as some external alterations to fenestration, doors, and associated works, along the southern edge of the site.

7. RELEVANT PLANNING HISTORY

7.1. The BMW Plant has an extensive planning history, not all of which are relevant to this proposal. The following table contains the most recent planning permissions

<p>20/03011/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 20/00897/FUL (Roofing alterations to assembly hall to include replacing metal cladding and glazing, and installing 10 air handling units, access walkways and staircases.) to allow relocation of the AHUs and installation of flues and air-intake ducts and the installation of balanced concentric flues and air-intake weather louvres the southern, western, and eastern external elevations and formation of 7no. galvanised steel cat ladders and fall restraint.. Permission granted, 1st March 2021.</p>
<p>20/03012/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 20/00897/FUL (Roofing alterations to assembly hall to include replacing metal cladding and glazing, and installing 10 air handling units, access walkways and staircases.) to allow relocation of the AHUs and installation of two extract terminals, installation of eight grilles, four on the western wall and four on the eastern wall of the building and formation of 7no. galvanised steel cat ladders and fall restraint. Permission granted, 1st March 2021.</p>
<p>23/00764/FUL - Erection of a canopy to the north of Building 32.0. Erection of steel structure to north side. Installation of cladding to east side of existing folk lift zone. Installation of 4no. roller shutter doors and ambient air curtains to existing logistics bay. Alterations to existing boundary treatments.. Permission granted 21st June 2023.</p>

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	RE1 - Sustainable design and construction DH1 - High quality design and placemaking DH7 - External servicing features and stores	

Conservation/Heritage	184-202	DH2 - Views and building heights DH4 - Archaeological remains	
Housing	59-76		
Commercial	170-183	E1 - Employment sites - intensify of uses	
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Social and community	102-111	S2 - Developer contributions RE5 - Health, wellbeing, and Health Impact Assessment	
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	S1 - Sustainable development RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
Miscellaneous	7-12	V8 - Utilities SP8 - MINI Plant Oxford	External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 27th September 2023 and an advertisement was published in The Oxford Times newspaper on 28th September 2023.

9.2. The following consultation responses have been submitted in relation to the application and are summarised below. Full copies can be found on the Council's public access website.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. A response has been received, supporting the proposal subject to a number of conditions as well as concerns which would be addressed as part of a S278 agreement directly with the County Council as Highway Authority.
- 9.4. The County Council considers the main issues for this development to be the increase in HGV traffic as well as the increase and changes to staff travel requirements. As well as the impact of the development.
- 9.5. The above issues are proposed to be dealt with by conditions requiring a travel plan and a separate traffic construction management plan to manage the impact of the development on traffic and the road network.
- 9.6. The County also considered that the impact of the development on traffic and the road network as well as access would be able to be dealt with under a S278 agreement which the developer would negotiate directly with the Highway Authority to address any changes to access nodes with the road network.
- 9.7. Any monitoring fees would be required via a unilateral undertaking with the County Council.

Oxfordshire County Council (Flooding)

- 9.8. The County Council, as Lead Local Flood Authority (LLFA) has requested conditions to be imposed to implement the submitted SuDS strategy as well as a condition to require further maintenance details for the strategy.
- 9.9. The County Council has provided a request for another condition to address the site's water surface flooding issues, after the applicant has submitted revised modelling data.
- 9.10. There is no objection on drainage and flooding grounds, as they could be mitigated by the three conditions requested.

Oxfordshire County Council (Estates)

- 9.11. The County Council is a landowner of part of the strategic site allocation within the South Oxfordshire Local Plan and endorses the Stantec concerns in regard to Air Quality, Noise and Lighting.

Environment Agency (EA)

- 9.12. The EA has been consulted and responded with a revised letter of no objection but requires the addition of four conditions to any planning consent.
- 9.13. The proposed development would present a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A. The proposed development would be acceptable if a planning condition is included requiring submission and subsequent agreement of further details by condition.
- 9.14. The EA also found there to be insufficient information in regard to piling/boreholes/tunnel shafts/ground source heating and cooling systems,

however this would be able to be adequately mitigated by condition as well as the decommissioning of the boreholes.

- 9.15. An additional two conditions would relate to the potential of finding unexpected contamination and managing the use of infiltration measures.

Historic England

- 9.16. Historic England was consulted. They have provided their standard advice for Councils which means there is no specific comments or objection, and that it would be up to local officers in accordance with local and national policies.

Natural England

- 9.17. Comments were received that outlined that the proposal would be acceptable, and no objection is raised.

Thames Water Utilities Limited (TW)

- 9.18. TW raised no objection on waste grounds, surface water and foul water grounds. Two conditions are requested to address capacity issues and restrictions around water provision and strategic water mains.

Oxfordshire Fire and Rescue

- 9.19. This consultee has provided the following comment: "It is taken that suitable fire service access will be provided in line with B5 of Building Regulations. 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 The Building Regulations 2010."

Thames Valley Police (TVP)

- 9.20. No objection. TVP recommend the applicant consults the guidance of Secured by Design - Commercial 2023 to ensure all specifications provide sufficient protection to the new development.

Active Travel England (ATE)

- 9.21. ATE was consulted. They have provided their standard advice for Councils which means there is no specific comments or objection, and that it would be up to local officers in accordance with local and national policies.

Public representations

- 9.22. In response to the statutory consultation letters of comment were received from the following

- 9.23. Ward Councillor: Requested improvements to cycle infrastructure.

- 9.24. Headington Heritage: Objects on the basis that there is an under use of cycle provision on site. As such infrastructure improvements must be made to make

routes from Cowley and Littlemore attractive and safe. There is also a need to ensure that existing and future surface water run off from the development does not result in further flooding of the Oxford Sewage Treatment works.

9.25. Cyclox: The organisation is supporting of the proposals to improve the cycle / pedestrian provision at each of the plant entrances and has provided suggestions to improve the provision. These include the use of fully continuous footway / cycle tracks at entrances, with proper prioritisation given to cyclists. Ensuring that kerbs are in compliance with LTN1/20. Appropriate visibility is provided, along with signage. The Watlington Road and Horspath Road should be reduced to 20 mph.

9.26. L&Q Estates and Brasenose College: Do not object to the application but consider that proper consideration should be given to the impact of the development upon the SODC site allocation for housing (Strat 12) at Northfield, particularly in relation to lighting, air quality and noise.

Officer response

9.27. The strategic land allocation site in the South Oxfordshire Local Plan known as 'Land at Northfield' (policy STRAT12) has been considered as part of the officers' assessment. Although this site is allocated for development, the proposal at the BMW plant is coming ahead of any development of the Strat 12 site allocation and as such the proposal cannot consider the potential impacts on an unknown development.

9.28. The land allocated does not directly abut the application site, but the wider area is in similar industrial uses, and the proposal would not be considered out of character. Furthermore the proposed development is considered acceptable in principle due to the activities and use of the site already existing, and any development of the land subject to the STRAT12 designation of the South Oxfordshire Local Plan would have to adhere to and address the existing site context, which the proposal subject to this application would not change. Any assessment and mitigation proposed would therefore be considered acceptable for this matter.

9.29. All other issues are addressed as part of the below report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Design
- c. Impact on Heritage Assets
- d. Highways
- e. Managing the Impact of the Development
- f. Trees

- g. Flooding and Drainage
- h. Energy and Sustainability
- i. Biodiversity
- j. Archaeology
- k. Air Quality
- l. Land Quality
- m. Health Impact Assessment

a. Principle of development

- 10.2. Policy S1 of the Oxford Local Plan 2036 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.
- 10.3. Policy E1 of the OLP 2036 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development allows for higher-density development that seeks to make the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.
- 10.4. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.
- 10.5. The proposal is for multiple extensions and alterations of the existing BMW manufacturing plant to enable the company to produce fully electric vehicles.
- 10.6. The application site is already in use as a car manufacturing plant. The proposed changes would therefore be compatible with the site and the existing context.
- 10.7. The site is allocated under Policy SP8 in the Oxford Local Plan adopted in 2020, and is designated as a Category 1 employment site, recognising its important employment use.

- 10.8. The proposed development is required to enable the plant to secure car manufacturing for the future. The development would create the space as well as enable the technology and the capacity to change over from the remaining fossil fuel-based models to fully electric car models. This would in turn provide substantial benefits for the city and the wider region through securing jobs and employment at the plant as well as associated business and services industries.
- 10.9. The proposal would therefore meet site specific requirements of the policy by ensuring this vital employment site continues to deliver substantial economic benefits, outputs and employment for people in the local area.
- 10.10. The works would therefore represent a modernisation and regeneration of the existing facilities and make the most efficient use of the land, which would be in line with the above mentioned policies of the Oxford Local Plan 2036 policies and National Planning Policy Framework and would therefore be acceptable in principle.

b. Design

- 10.11. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.12. Policy DH2 of the Oxford Local Plan 2036 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will be granted for developments of appropriate height or massing, as demonstrated by a range of criteria including design choices regarding height and massing; regard had to the High Buildings Study Technical Advice Note, in particular impact on skyline, competition and change of character should be explained, and demonstrating how proposals have been designed to have a positive impact with the relation of the building to the street and the potential impact on important views to the historic skyline and out towards Oxford's green setting.
- 10.13. The site does not sit in the view cone of the historic skyline from Elsfield, but has been assessed on impact on views from Elsfield. It is also not a site within 1200m of the Historic Core Area.
- 10.14. Guidance is contained in the Oxford High Buildings Study about the design of high buildings and in the High Buildings Study Technical Advice Note.
- 10.15. Each development site is constrained within the existing fabric of the car plant infrastructure whether this is adjacent buildings, roads or existing hard standing. Each of these proposed buildings has different site constraints and considerations and is split and summarised as set out below:

TKB Building

10.16. The TKB Site has an existing Modular Logistics Hall building on the site which is proposed to be demolished. There is an existing yard to the north and vacant space to the south-west end of the site.

10.17. A main road for the plant access is located to the west boundary and the south. To the east there is an existing building 40.0. The existing roadway access alongside this building is to be retained as well as the adjacent turning area. The north boundary comprises the existing building of which part of the gable will integrate and join with the new building.

Integrated Logistics Centre (ILC)

10.18. This site is bounded to the north-west corner by the existing ILC Building. The proposed building would break through into the existing. The current logistics parking area would form much of the proposed footprint of the new building. To the west is an existing unloading deck and associated canopy. The flow of HGVs would remain uninterrupted with an alternative circulation route to track the south end of the new building and meet with the existing roadway.

Waste Recycling Area Storage (WRA)

10.19. The waste management canopy is part of an existing facility that has additional space to the east end. Access is and would be controlled via an entrance to the west, with existing waste bays along the route to the new extension site. This would enable a new waste bay to the east end, with an HGV route around the top part of the site and around the new structure. A new fence line would continue the current site containment from the adjacent areas.

Trailer Parking Area (TPA)

10.20. The proposed site for the trailer park is the land adjacent to the existing roadway at Gate 8. To the east of here is the new proposed location, with a road tracking the south-east corner and open ground to the north. Existing HGV parking bays and yard space is to the south edge of the site. The required area is dictated by the tracking and spacing required for suitable navigation of HGVs and trailers along the site for access to the bays and inspection building.

Other works

10.21. Alongside the proposed extensions to the plant, development works in the existing areas on site are to be carried out. Most of the works are planned for building 50 but works for buildings 80 and 30 are also planned (TKB and ILC respectively).

10.22. These developments plan to better accommodate the proposed extensions and to bring the existing buildings in the plant up to a contemporary standard, these include:

- General floor refurbishment

- Three Chiller areas
- Delivery deck extensions
- Improved rest area / staff welfare areas
- Relocation and improvement to existing office spaces
- A new high voltage battery store for electric car production
- New mezzanine infrastructure

Appearance & materials

- 10.23. The existing appearance of the site has inspired the design language of the new buildings and extensions. A vertical trapezoidal metal cladding profile has been primarily proposed, occasionally swapped for a flat metal profile of the same colour.
- 10.24. The general form and massing of the proposed buildings are designed to follow existing building heights. The new building facades will be maintained in line with the current BMW cleaning strategy. This involves a specialist cleaning contractor power washing the facades once a year.
- 10.25. The vertical trapezoidal metal cladding would be colour grey RAL9006. Insulation would be non-combustable mineral wool type to meet energy performance requirements.
- 10.26. The flat sheet metal cladding, a grey colour RAL9006 would also be insulated with a non-combustable mineral wool type to meet energy performance requirements.
- 10.27. The above materials, colours and design would be considered high quality and in line with the prevailing industrial character of the site. The proposal would reflect the existing material and colour palette and as such would be acceptable as this would accord with policy DH1 of the OLP 2036.

c. Impact on heritage assets and views

- 10.28. The NPPF requires proposals which are likely to have an impact upon designated heritage assets to be based upon an informed analysis of the significance of all affected heritage assets and be sufficient to understand the potential impact of the proposal on their significance (paragraph 194). Local Planning Authorities should identify and assess the particular significance of any heritage asset affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 195).
- 10.29. 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 (para 199). Paragraph 202 of the NPPF advises that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.30. In considering whether to grant planning permission for development which affects a listed building, conservation area or their setting, section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building and conservation areas or its setting or any features of special architectural or historic interest which it possesses. It is accepted that this is a higher duty.
- 10.31. Policy DH3 of the Oxford Local Plan states planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions great weight will be given to the conservation of that asset. An application for planning permission which would or may affect the significance of any designated heritage asset, should be accompanied by a heritage assessment that includes a description of the asset and its significance and assessment of the impact of the development proposed on the asset's significance. It goes on to state that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.
- 10.32. The site does not lie within a conservation area, and neither are there any listed buildings within close proximity. That said the application is supported by a heritage, landscape and view assessment which has given consideration to whether any of the proposed works would have an impact on the significant views of the city from a range of viewpoints that may impact on the setting of the Central Conservation Area.
- 10.33. The assessment has reviewed a variety of views from within the city centre towards the application site as well as view cones and views from nearby villages to the application site. It has demonstrated that there are no significant impacts on any these views, and where there is visibility of the new buildings, the development would not protrude beyond the extent of existing built form and would be seen and experienced – at a large distance – as part of the industrial built form of the existing collection of plant buildings. In long range views from within the city centre, the extensions will not be at all visible.
- 10.34. The proposal is therefore considered acceptable in design terms and also with respect to the impact on views and as such there would be no conflict with Policy DH3 of the Oxford Local Plan 2036 and the National Planning Policy Framework.

d. Highways

- 10.35. Chapter 9 of the NPPF has regard to promoting sustainable transport and states that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice

of transport modes (paragraphs 110-113). The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

- 10.36. The Oxford Local Plan 2036 seeks to prioritise walking, cycling and public transport and states in policy M1 that planning permission will only be granted for development that minimises the need to travel. Policy M2 requires Transport Assessments to be submitted for development that is likely to generate significant amounts of movement, assessing the multi-modal impacts of development proposals and demonstrate the transport measures which would be used to mitigate the development impact. Policy M3 assesses motor vehicle parking for different types of development and whether located in a CPZ or not, assessing proposals against the standards in Appendix 7.3. Policy M4 assesses the provision of electric charging points for additional parking needs. Policy M5 assesses bicycle parking against the standards in Appendix 7.3

Traffic Impact

- 10.37. The application site is already associated with vast traffic movements (by road and rail); the increase in 49 two-way HGV trips is not unusual and would be able to be absorbed by the traffic network. Whilst this increase is material, it is considered proportionate to the activities of the plant. Furthermore, the impact of this would be able to be mitigated by improvements to the access junctions, that would be subject to a separate section 278 with the Local Highways Authority.
- 10.38. There is not expected to be a significant impact on the highway network as a result of the development, and although there are an additional 31 staff, there is to be a reduction in car parking bays and the improvement to the accesses for active travel users would likely result in a reduction of staff driving to site.
- 10.39. Additionally, due to insufficient space for HGV's within the existing site, the B480 does experience some congestion at certain times from vehicles. It is anticipated that the proposals will remove this situation through the improvements to the internal infrastructure. Therefore, whilst there may be an increase in HGV movements in total, it is considered appropriate to focus on improving the site accesses for the safety of staff rather than focusing on any highway capacity schemes.

Changes to Access Junctions

- 10.40. Due to the increase in HGV movements to the site and the concerns around pedestrian and cycle safety at the various accesses to the plant, improvements have been proposed which are welcomed by the County Council. Along with improving safety and convenience for staff and local residents, this would also assist with modal shift for staff and help achieve targets within the Local Transport and Connectivity Plan (LTCP). Whilst welcoming the changes to the accesses, the County Council feel that further improvements could be made which would further improve safety and facilitate

modal shift. As a S278 Agreement would be required in order to undertake these works the applicant would be able to achieve further changes through that process with the Local Highways Authority.

Construction Traffic Management

10.41. A comprehensive Construction Traffic Management Plan would be required and is conditioned. This should follow Oxfordshire County Council's template and state that no delivery's shall take place during peak times (i.e. 07:30-09:30 & 16:30-18:30). All construction traffic should arrive via the Oxford ring road (A40/A4142) from either direction be that A40(east side) or the A34. Entrance to site via Horspath Road. There should not be any requirement to use the B480. No traffic should come via Garsington or Horspath.

Travel Plan

10.42. The increase in HGV spaces would result in a decrease in the car parking spaces available to staff. It is therefore important that a robust travel plan is in place to ensure that alternative travel modes are highlighted and promoted to reduce car use whenever possible and to avoid any increase in off-site car parking.

10.43. A full travel plan is required prior to occupation of the new development. However, as the site is already operating and currently has an on-site community this document could be produced, and the actions progressed at any point prior to this as proposed by the attached conditions. The document should then be updated within three months of the new elements of the site being operational and the additional staff employed. Further information regarding the required criteria can be found within the OCC guidance document 'Transport for New Developments – Transport Assessments and Travel Plans March 2014'.

10.44. A travel plan has been submitted with this application, but further information would be required before it meets OCC criteria. It is advised that the applicant consults appendix 5 of the aforementioned guidance before revising and resubmitting to ensure all criteria have been met as part of the imposed condition.

10.45. A travel plan monitoring fee of £3,110 (RPI index linked) would be required to enable the travel plan to be monitored for a period of five years. This would be achieved via a unilateral undertaking with Oxfordshire County Council as the Local Highways Authority.

Highways Conclusion

10.46. The proposed improvements to the junction access would be dealt with directly with the Local Highways Authority under a section 278 agreement for such proposals.

10.47. Some comments have been received in regard to improvements to local cycle infrastructure, which have been considered by the County Council, which confirmed, that there are plans to address this separately. Furthermore any

such improvements would be outside the red line boundary of the current proposed application.

- 10.48. The proposed upgrades and extensions to the existing car manufacturing site would not lead to unacceptable impacts on the local highway network or to the community. Any impacts would be mitigated by the proposed conditions. The proposal would therefore be acceptable as it would accord with policies M1, M2, M3 and M5 of the Oxford Local Plan 2036.

Cycle parking

- 10.49. The Transport Statement (paragraph 3.3.19) refers to the fact that the current cycle parking provision is underutilised, and so no additional spaces are required at this time. However, this should be further explored as part of the above conditioned Travel Plan as there are concerns that the current set up may be due to the stands being in the wrong locations, not secure or a type of cycle parking that staff are not confident in using such as two-tier cycle parking. However, officers consider that this can be dealt with by condition.

e. Managing the Impact of the Development

- 10.50. Policy RE7 states that planning permissions will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected and that does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network, and provides mitigation measures where necessary.
- 10.51. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.52. A noise impact assessment has been submitted for the proposed development at the existing MINI Plant in Oxford, OX4 6NL.
- 10.53. The assessment proposes that operational plant, site activity and movement of heavy goods vehicles (HGVs) on site would be assessed in accordance with BS 4142. Plant noise rating levels would be set equal to the typical representative background noise level at the nearest noise-sensitive receptors. It should be noted that only noise from new fixed plant, processes or HGV movements would be assessed against the prevailing noise levels on site and at the nearest sensitive receptors. The BS 4142 assessment would not include assessment of all existing noise sources on site.

- 10.54. Appropriate noise guidelines have been followed within the submitted report such as 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.
- 10.55. Noisy construction work is proposed to be undertaken within daytime hours, between 07.30 and 18.00, Monday to Friday and 08.00 and 13.00 on Saturdays. No work should be undertaken on Sundays or Bank Holidays. If work is required to extend into other periods beyond the core daytime hours, reduced threshold noise levels would apply and separate authorisation would need to be sought from the local authority.
- 10.56. The construction noise assessment identifies that the predicted construction noise levels do not exceed the Lowest-Observed-Adverse-Effect Level (LOAEL) or Significant Observed Adverse Effect Level (SOAEL) at any of the identified receptors except R4 Windrush Court Commercial.
- 10.57. It is reasonably assumed that during substructure and superstructure works the SOAEL would be exceeded, however, it should be noted that the noise levels in the construction model are very much worst-case, assuming all plant items associated with each scenario are all running simultaneously, which in practice this may not be the case.
- 10.58. Within the submitted assessment, vibration levels exceed the SOAEL and could be sufficient to cause complaint. However, BS 5228-2 states that vibration levels around 1.0mm/s can be tolerable with prior warning. Again this would be the worst-case level where the vibratory compaction occurs at its nearest point to the receptor. For the majority of the compaction works it is expected that experience of vibration levels would be less than the level stated above.
- 10.59. The residual effect of the vibratory compaction could be lowered through means of prior notice or carrying out works outside of office hours (08:00 – 18:00). Therefore, no significant effects are predicted due to construction vibration. Proposed plant noise level criteria have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.
- 10.60. Officers are satisfied that the submitted acoustic submission and design criteria would meet our local plan guidelines in policies RE7 and RE8 given appropriate design choice of plant and mitigation measures and therefore acceptable in environmental health terms and would be supported by the proposed conditions.

f. Trees

- 10.61. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as

hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

- 10.62. Policy G8 states development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features such as hedgerow, trees and small public green spaces.
- 10.63. The proportion of canopy cover on the whole site is very low and of the proposed areas for development only plots referenced 04.TPA and 0.2TRKB have any soft ground surface, and only 04.TPA has trees, most of which are constituted by a rectangular cypress shelter belt feature.
- 10.64. The application is supported by landscape proposals, which include references to the translocation of trees within the site (from the 'northern deck': which has been approved and the subject of application reference: 23/00764/FUL), as well as some new tree planting augmenting other native herb layer, shrub, and hedgerow planting around 04.TPA, and three specimen lime trees within the 0.2TRKB plot.
- 10.65. Additional and revised details have been received and officers are satisfied with the details submitted. The AIA identifies 26 trees to be removed and 416m² of canopy area to be removed under the scheme, tree protection measures (can be adequately captured in the Construction Environmental Management Plan general detail as risks are low) and mitigation landscaping is set out in sufficient detail, subject to a landscape tree species condition proposed to ensure more longevity species are chosen.
- 10.66. The expanded Tree Canopy Cover Assessment methodology and figures generated support the conclusion that no-net loss (in fact, a net gain) is achieved at 25 years post development at 28m².
- 10.67. In reference to proposed landscape and canopy cover mitigations, the details are acceptable. The use of native birch and Scots pine in 04.TPA is acceptable, but details should include longer lived species than birch, e.g. common oak (as specimens); this is the enlarged semi-natural landscape area to the northwest of the trailer parking. This can be secured through condition.
- 10.68. The proposal is therefore acceptable as it has provided sufficient details to show low harm on Arboricultural matters and compliance with OLP 2036 policies G7 and G8, and any impact can be mitigated by the conditions proposed.

g. Flooding and Drainage

- 10.69. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted that would lead to increased flood risk elsewhere, or where the occupants or users would not be safe from flooding.

- 10.70. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 10.71. The BMW Mini Plant site lies in Flood Zone 1, and therefore is at Very Low risk of fluvial flooding (less than 1 in 1000 probability of flooding in any given year). Parts of the site are at High risk of surface water flooding (greater than 1 in 30 probability of flooding in any given year). Groundwater flood risk is considered to be low, and recent ground investigation (undertaken by Ramboll in March 2023) encountered groundwater at depths between 8.95m and 13.46m below ground level.
- 10.72. The applicant has provided revised evidence that includes an updated baseline and as developed surface water flood modelling outputs, which introduce a site-specific topographic survey and represent existing flood levels. These indicate significantly reduced flood extents and depths within the footprint of the proposed TLO TKB building when compared against the Environment Agency Risk of Flooding from Surface Water flood mapping, due to the removal of the glass wall around some of the existing buildings e.g. Assembly.
- 10.73. The City and County Councils' concern relate to whether the new TLO TKB building could flood/ floodwater could be accommodated within the building footprint to avoid the need for compensation elsewhere. If this is not considered viable, a condition is imposed to ensure the applicant provides evidence as to what compensation means could potentially be incorporated in the scheme to offset any loss of surface water floodplain volume, and/or demonstrate that any impacts would be negligible and not have any off site impacts.
- 10.74. The revised modelling and evidence enable a revised flooding and drainage strategy. Officers are confident that these details can be conditioned, as the principle of development and the design would not be impacted. The extent of the site, its location and layout together with the flood data provided enable opportunities to comply with the imposed conditions and to enable a satisfactory outcome, in accordance with policies RE3 and RE4 of the OLP2036.

h. Energy and Sustainability

- 10.75. Policy RE1 of the Oxford Local Plan states planning permission will only be granted where it can be demonstrated that the building complies with sustainable design and construction principles. In addition, an Energy Statement must be submitted that demonstrates a 40% carbon reduction in

carbon emissions, as well as evidence that for non-residential development of over 1000sqm, the development will meet BREEAM Excellent standard.

- 10.76. The submission includes a revised sustainability statement this also includes stage 3 modelling reports for the ILC, TKB and TLO buildings.
- 10.77. The applicant has demonstrated that the proposal is targeting BREEAM excellent in their submission. An Excellent rating under BREEAM requires a score of at least 70% be achieved – based on the design stage review it is anticipated that a compliance score of 87% from the BMW Sustainable Construction Tool would be achievable for the scheme, therefore this provides sufficient equivalence to a BREEAM Excellent score.
- 10.78. The proposal also includes evidence that it would be able to achieve 40% increase in carbon reductions as well as efficient water usage. Other sustainability requirements such as water conservation, responsible material use, biodiversity enhancements and sustainable waste management are also embedded within the proposed development.
- 10.79. The sole means of achieving the above is by the substantial use of solar panels attached to the roofs of the ILC, TLO and TKB buildings, which would also help reduce carbon emission as well as cover some energy use.
- 10.80. The proposal would meet the requirements of policy RE1 of the OLP 2036 and would thereof be acceptable. A condition would be imposed to ensure compliance with the hereby approved details.

i. Biodiversity

- 10.81. Policy G2 of the Local Plan states development that results in a net loss of sites and species of ecological values will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity.
- 10.82. The buildings within the application site were assessed to be of negligible suitability for roosting bats and no further survey work was recommended. A single pond was identified within 500m of the site and an eDNA survey undertaken by the project ecologist found great crested newts were absent. The proposed development is therefore unlikely to harm an European Protected Species.
- 10.83. The Ecological Impact Assessment (EclA) identifies potential impacts on general populations of breeding birds, reptiles, amphibians, and mammals, through vegetation clearance. Avoidance and mitigation measures are proposed for the construction period.
- 10.84. These are broadly acceptable, with the exception that the existing grassland within the TPA development area would be cleared within the reptile active season “where possible” and that otherwise supervision by an Ecological Clerk of Works would be required.

- 10.85. This may be appropriate where small amounts of suitable habitat are present in the application site, but clearing large swathes of grassland suitable for reptiles overwinter is not appropriate. In those circumstances clearance should entail a phased cut in the reptile active season. This should be clarified in a Construction Environmental Management Plan (CEMP) for Biodiversity, secured via planning condition.
- 10.86. The applicant has submitted a Biodiversity Metric 4.0 that indicates the proposed development would result in a net loss of 3.21 habitat units onsite (-22.96%) and a net gain of 0.32 hedgerow units (+14.93%). The applicant is proposing to enhance an area of off-site grassland to account for the shortfall in habitat units onsite. The submitted metric indicates that this would improve the position of the proposed development to a net gain of 1.08 habitat units (+7.77%).
- 10.87. An addendum to the EclA has been submitted by the applicant to address some points of clarification from officers. The existing grassland within the TPA development area, the largest area of semi-natural habitat within the application site, has now been surveyed and officers are satisfied that a robust assessment of its value has been made.
- 10.88. The applicant is proposing to achieve the increase in hedgerow units onsite by enhancing an existing native hedgerow through improved management to close existing gaps at its base and along its length. The offsite grassland to be enhanced has a very low baseline value. The applicant proposes to increase this by overseeding and adopting an ecologically beneficial management regime.
- 10.89. Officers note that the project ecologist has assessed the proposed grassland enhancements using the wrong condition criteria, and the submitted addendum therefore does not support the submitted biodiversity metric. Ideally, this would be corrected prior to determination. However, officers are confident that what is proposed can be delivered at this location, and that a detailed management plan, secured by condition, can correct the mistake.
- 10.90. The project ecologist proposes achieving this via a Habitat Management Plan, which officers suggest takes the form of a Landscape and Ecological Management Plan (LEMP) secured via planning condition.
- 10.91. Therefore it is considered that the proposals would deliver a biodiversity net gain greater than the 5% required by Policy G2 of the Oxford Local Plan 2036. Appropriate management of the onsite and offsite habitats would be secured for a minimum of 30 years.

j. Archaeology

- 10.92. DH4 of the Local Plan has regard to archaeology and the historic environment.
- 10.93. The site is located in an area that contains a Roman Road (now Roman Way) and the local area demonstrates a high potential for Iron Age and

Roman settlement and pottery production. On the earliest available maps (dating from the late 18th century) the site appears as in agricultural use and may have been so since the early medieval period. In the late 19th century, a railway line was constructed in the south part of the site.

- 10.94. Since the early 20th century, the site has been a car manufacturing plant, and has been subject to several phases of building construction and demolition. The site has been subject to substantial previous impacts including quarrying in the north and centre of the site (as seen in historic maps) and building construction and demolition throughout the 20th century due to the development and expansion of the car plant. These activities will have had a negative impact on archaeological features and artefacts. Geotechnical survey and ground investigations conducted within the site shows Made Ground to a variable depth throughout much of the site.
- 10.95. The proposed ILC, Waste Recycling Area, TLO/TKB buildings and other integration works would be situated in the central and southern part of the site. As part of the proposed development buildings 30.5 and 31.5, in the vicinity of the proposed TLO/TKB building, would be demolished.
- 10.96. The areas of the ILC, Waste Recycling and TLO/TKB buildings have been subject to substantial previous ground disturbance and are covered by up to 2.95m of made ground. This previous disturbance is likely to have truncated or removed any archaeological features present.
- 10.97. The proposed foundations for the new buildings are unlikely to extend below the depth of made ground, and therefore their impact upon unknown archaeology would likely be low or negligible.
- 10.98. It is possible that archaeological monitoring of building demolition, clearance and construction activities might be required to record any residual archaeological features or deposits in these areas. East of Roman Way, in the north-east portion of the site, there is a medium potential for previously unidentified Iron Age and Roman evidence. Ground investigations in this area suggest the presence of made ground overlying natural geology. Due to the ephemeral nature of the planned development, it is unlikely that groundworks will extend below the depth of made ground in this part of the site. Accordingly, the proposed development in this area would have a low impact on any archaeology remains present. An archaeological watching brief may be required, in any areas where the proposed development may extend below the established depth of made ground. This includes, but is not limited to, the excavation of canopy structure foundations.
- 10.99. This application is of interest because it involves ground works adjacent to the Dorchester-Alchester Roman Road located within a landscape with significant potential for prehistoric and Roman remains. Roman remains are recorded to the north and south of the BMW plant and to the east at the Oxford Road sports pitches, providing evidence for dispersed burial areas and settlement activity along the road, which was also the focus of an extensive landscape of dispersed pottery manufacturing compounds.

- 10.100. In this instance the area of greatest proposed disturbance in the area of the lorry park has been subject to an evaluation by KDK Archaeology which failed to identify any significant remains, and therefore, given the various small-scale impact proposed and the assessment of impact set out in the Oxford Archaeology report, a condition to secure an archaeological watching brief would be appropriate.
- 10.101. A desk based archaeological assessment has been submitted for this area. The applicant has agreed to carry out some further trial trenching to explore the potential for below ground archaeology on parts of the site. The trial trenching is to take place prior to committee, which officers will verbally update at the meeting if available. A condition would also be proposed for the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 10.102. The determination of the application should be subject to the completion and reviewed outcome of the trial trenching. This will enable the Council to react to any potential findings appropriately in line with local plan policy DH4.

k. Air Quality

- 10.103. Policy RE6 of the Oxford Local Plan has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced.
- 10.104. The baseline assessment submitted shows that the application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO).
- 10.105. The air quality baseline desk assessment shows air quality conditions for future users of the proposed development have been shown to be acceptable, with concentrations measured at nearby roadside monitors consistently below the air quality objectives in recent years, including those before the pandemic. Therefore, the location of the application site is considered beforehand suitable for its intended use.
- 10.106. The design and access statement shows that the new site would all be built within the grounds of the Mini Plant, and far away from a major emission source, traffic route and far away from the location of any sensitive receptor/residential area.
- 10.107. The energy statement for the Proposed Development indicates that on site renewables are proposed in the form of solar photovoltaic panels. There would be no centralised combustion plant and thus no significant point sources of emissions within the proposed development.
- 10.108. BMW is estimating a 10% increase in HGVs with the development proposals, and an increase of 31 members of staff, which are expected to result in 70 additional vehicle daily trips. The highway impact assessment concludes that

the impact of the development on the local highway network is expected to be negligible during the AM, PM and daily (07:00 – 19:00) periods. According to the site's Air Quality Assessment, the traffic data used in this assessment were provided by the appointed Transport Consultant, Ridge.

- 10.109. No car parking is expected to be built on-site as a result of this new development, so local plan policy M4 with regards to EV charging points does not apply.
- 10.110. Operational Phase: A detailed dispersion modelling assessment was undertaken using the ADMS-Roads V5 dispersion model. The traffic modelling has used 2022 background data, monitoring data, meteorological data, and traffic data to verify the model. This was the latest year with full monitoring results available. NO₂ annual mean, NO₂ one-hour mean, PM₁₀ and PM_{2.5} annual mean and PM₁₀ 24-hour mean concentrations are expected to meet the NAQOs in 2025 at all receptors when the proposed development is operational.
- 10.111. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, which identified that the development is a low-risk site for dust soiling as a result of only one property having been identified within 100m of the site. The sensitivity of the area to human health impacts is low. However, it is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable/negligible level. Provided these measures are implemented and included within a dust management plan, the residual impacts are not significant, and this would be mitigated by a condition to ensure acceptability.
- 10.112. An accompanying Framework Travel Plan has been prepared to support the planning application to encourage sustainable transport choices by members of staff. Several surveys followed by Monitoring reports will be conducted and issued in years 1, 3 and 5 by the appointed travel plan coordinator to the transport authority with the aim of accessing the effectiveness of the measures contained in the travel plan. If the initial measures are not effective in meeting the targets and the local authority raise concerns regarding the results of the monitoring, discussions would be held to establish whether further measures and monitoring are required.
- 10.113. A review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. The results of the assessment also indicated that pollution levels were below the relevant criteria at all locations across the development. As such, the site is considered suitable for the proposed use from an air quality perspective.
- 10.114. Based on the information above, it is considered that air quality should not be viewed as a constraint to planning, and the proposed development conforms to the air quality principles of National Planning Policy Framework and the OLP 2036 policy RE6 as it can be mitigated by the proposed condition.

I. Land Quality

- 10.115. Policy RE9 of the Oxford Local Plan 2036 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.
- 10.116. A wide-ranging intrusive investigation involving the installation of boreholes and the conducting of soil, groundwater and ground gas sampling has been conducted in those areas of the BMW site where new development is proposed. The only exception to this are the small areas proposed at the western and eastern deck locations which have not been investigated.
- 10.117. The results of the investigations demonstrate that major sub-surface ground contamination risks to human health, buildings and the surrounding environment do not appear to be present at those locations tested when measured against the relevant contaminant assessment criteria for a commercial end-use. However, sample results did indicate the fairly widespread presence of minor asbestos fibre contamination within made ground at the site which will need careful management to avoid potential risks to construction workers and employees during the proposed development works.
- 10.118. Significant groundwater contamination has been discounted across the proposed development areas within the submitted reports. However, it is considered that the elevated levels of BTEX contamination within soils at sample location BH07 within the TKB area, together with elevated PID readings, need to be investigated further. It is notable that no groundwater results have been obtained at this location and this should be rectified. Only 3 groundwater samples have been taken across the entire proposed development areas and none were taken within the TKB area near to the location of ground contamination in BH07. Samples from BH08 and BH09 should be obtained if possible to understand the groundwater chemistry in this area - especially as this is the location of former fuel tanks.
- 10.119. The environment agency has initially objected on the above basis due to potential ground water contamination. However additional information was provided by the applicant to satisfy both EA and council officers that this is able to be resolved by a reasonable condition.
- 10.120. This Council considered that the risk could be appropriately managed by means of imposing a standard condition, that would ensure further boreholes would be dug and samples assessed prior to relevant works taking place on site.
- 10.121. The EA furthermore considers it necessary to manage the need for new boreholes and the decommissioning on those boreholes by condition as well as the to ensure the SUDS strategy is reasonably implemented and maintained as well as any potential infiltration to be managed.

- 10.122. Although soil contamination levels (with the exception of asbestos) is largely below commercial end-use assessment limits across the site, depending on landscaping proposals, there will be a need to mitigate against potential phytotoxic risks to plant growth from heavy metals within existing site soils. In this regard further information is required to confirm the proposed risk mitigation approach within landscaped areas of the new development.
- 10.123. The slight asbestos contamination identified across the site will need to be mitigated through the provision of a robust asbestos management plan for site construction workers and nearby employees, together with details of the proposed hardstanding and/or capping of the more significantly impacted soils. Elevated asbestos at sample location WS06 (0.012% by mass) was above the limit in soils generally considered acceptable for human health. Any open landscaped areas cannot retain asbestos contaminated soils unless capped appropriately.
- 10.124. Further ground gas monitoring is required to demonstrate and confirm the provisional ground gas risk assessment rating for the site as CS1 (low risk). One monitoring round is not considered sufficient to demonstrate absence of risk.
- 10.125. A remediation plan will need to be provided in accordance with the proposed further investigation planning condition recommended below to ensure that the site is rendered suitable for use post development.
- 10.126. Considering the above the proposal would be able to be mitigated by several conditions imposed, which would be able to address the above concerns. The proposal would therefore be acceptable as it would meet the requirements of OLP 2036 policy RE9.

m. Health Impact Assessment

- 10.127. Policy RE5 of the Oxford Local Plan states that Oxford seeks to promote strong vibrant and healthy communities. For major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include details of implementation, and monitoring.
- 10.128. A Health Impact Assessment (HIA) has been submitted alongside an explanatory statement.
- 10.129. The Health Impact Assessment submitted for the application meets the council's requirements. The document is a well-informed evidence-based piece of work and the findings of the study have been translated into actions within design where possible. The site is one serving an economic function and therefore officers are satisfied with the steps that have been taken (where possible) to ensure that the site is of benefit to the local community.
- 10.130. The proposal meets the requirements of S1 and RE5 of the Oxford Local Plan 2036 and therefore acceptable.

11. CONCLUSION

- 11.1.1. 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 proposal represents sustainable development in accordance with paragraphs 8-11 of the NPPF and the Oxford Local Plan 2036, by providing upgrades to an existing large industrial site, which would ensure the longevity of this vital economic site, ensuring employment for the region.
- 11.3. The proposed development can be adequately mitigated by several conditions to ensure there is no harm to the local community and the wider built and natural environment.
- 11.4. The report has identified that the proposal relates to some substantial changes to an already large industrial site, but officers consider that the development would be achieved in the most sensitive way possible, minimising harmful impacts while providing substantial public benefits to the City of Oxford, the surrounding county and the wider UK economy at large.
- 11.5. The proposed development would therefore not only enable BMW move to a fully electric vehicle production, secure employment for local people as well as create a more environmentally resilient site due to further investigations and mitigation works as well as enhanced natural environment by improving the tree and ecology base line.
- 11.6. 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 and subject also to the satisfactory completion (under authority delegated to the Head of Planning and Regulatory Services) of a Unilateral Undertaking or legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

12. CONDITIONS

Time limit

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

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

Approved plans

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

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

Approved plans

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

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

Air Quality

- 4 No development shall take place until the complete list of site-specific dust mitigation measures and recommendations that are identified on Table 8-1 (pages 26 and 27) of the Air Quality Assessment that was submitted with this application (AQA Oxford Mini Plant -September 2023), are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these details

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.

Energy and Sustainability

- 5 Development shall be carried out in accordance with the BMW Sustainable Design & Construction Statement, Version 3, dated 23.10.2023, the Stage 3 Energy Modelling Report - PO4 with the reference 5021404-RDG-STS-XX-T-ME-8401 TLO and TKB Buildings by Ridge from October 2023 and the Stage 3 Energy Modelling Report ILC Building - PO2 from Ridge, dated October 2023. Only the hereby approved details shall be implemented. Any changes shall be agreed in writing with the Local Planning Authority.

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

External Lighting

- 6 External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting shall be minimised and glare and sky glow

shall be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting.

Noise

- 7 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 maintained as such.

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."

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise.

Construction Traffic Management Plan

- 8 A Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of works. This should identify:
- The CTMP shall be appropriately titled, include the site and planning permission 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 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 development shall be carried out in accordance with the approved Construction Traffic Management Plan

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.

Cycle Parking

- 9 Prior to first use of the hereby approved scheme a cycle parking strategy shall be submitted and approved in writing by the Local Planning Authority. The approved strategy shall be implemented on site before first use of the development.

Reasons: To ensure sustainable methods of transport are provided in accordance with M1 and M5 of the OLP 2036.

Demolition and Construction Management

- 10 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 18:00 Monday to Friday daily, 08:00 - 13:00 Saturdays and no works to be undertaken on Sundays or bank holidays and advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site

Highways S278 Agreement

- 11 No development shall commence until an agreement made pursuant to section 278 of the Highways Act 1980 has been entered into with the Local Highway Authority for the works on the public highway associated with the changes to the vehicular accesses. This shall detail which works need to be completed and the timing they need to be completed by. The works are primarily to address safety concerns of pedestrians and cyclists and shall comply with LTN 1/20 and the Highway Code.

Reason: In the interests of Highway Safety.

Travel Plan

- 12 Prior to first occupation a travel plan shall be submitted to and be approved in writing by the Local Planning Authority. Only the approved details shall be implemented and any changes shall be agreed in writing by the Local Planning Authority.

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

Contamination Risk Assessment

- 13 Prior to the commencement of the development a further element of site investigation and contamination risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. The updated risk assessment shall demonstrate that the risks posed by this development can be satisfactorily managed and shall be accompanied by a formal remediation and validation plan and submitted in writing and approved in writing by the Local Planning Authority.

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

Remedial works and validation report

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

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

Unexpected Contamination

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

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

Scheme to protect groundwater

- 16 The development hereby permitted shall not commence until such time as a scheme to protect groundwater from existing contaminant has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the approved details, or in accordance with any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework of the 'The Environment Agency's approach to groundwater protection'.

Borehole Management

- 17 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and Position Statement A8 - Building and decommissioning of structures of 'The Environment Agency's approach to groundwater protection'.

Piling/Investigating Boreholes

- 18 Piling/investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed Piling/investigation boreholes and geotechnical investigation, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework and Position Statement N- Groundwater Resources of the 'The Environment Agency's approach to groundwater protection'.

Sustainable Urban Drainage Systems (SuDS)

- 19 Prior to the use of the hereby approved first building the approved drainage system shall be implemented in accordance with the approved Detailed Design: Document; Flood Risk Assessment & Drainage Strategy Reference: 5021404-RDG-OXF-XX-T-C-0501 Dated 12 September 2023.

Reason: To ensure sustainable drainage in accordance with policy RE4 of the OLP 2036.

Surface Water Drainage

- 20 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. This shall confirm mitigation measures to be implemented and demonstrate flood risk is suitably managed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
 - Detailed design drainage layout drawings of the SuDS proposals including 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 development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF), OLP 2036 policy RE3 and National Standards.

SuDS As Built and Maintenance Details

- 21 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 sustainable drainage in accordance with policy RE4 of the OLP 2036.

Infiltration

- 22 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems shall be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

Archaeology

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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).

Landscape Plan

- 24 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas,

and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

Landscape Implementation

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

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

Arboricultural Information

- 26 A tree survey and Arboricultural Implications Assessment carried out in accordance with the BS.5837:2012 shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. This shall include a tree cover canopy assessment as well as a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. The approved tree survey and Arboricultural Implications Assessment shall be implemented on site before development commences.

Reason: In the interests of visual amenity in accordance with policies S1, G1, G7 and G8 of the Adopted Local Plan 2016-2036.

Construction Environmental Management Plan (Biodiversity)

- 27 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
- h) Use of protective fences, exclusion barriers and warning signs;

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

Reason: 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.

Landscape and Ecological Management Plan

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

The content of the LEMP shall include the following:

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

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

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

Reason: The facilitate the delivery of biodiversity net gain in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036 and to ensure compliance with the Wildlife and Countryside Act 1981.

Ecological Enhancements

- 29 Prior to occupation of the development, details of ecological enhancement measures including at least two bat roosting devices and two bird nesting devices shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing shall include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework.

Biodiversity Net Gains (BNG)

- 30 The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment Report prepared by Ramboll and dated September 2023, to ensure that there is a minimum 7.77% net gain in habitat units and 14.93% net gain in hedgerow units.

No development shall commence until a Habitat Management and Monitoring Plan (HMMP) that ensures the specified net gains will be achieved in accordance with the Biodiversity Net Gain Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Local Planning Authority during Years 2, 5, 10, 20 and 30 from the commencement of development, unless otherwise agreed in the HMMP, demonstrating how the BNG is progressing towards achieving its objectives and identifying any rectifying measures needed.

Reason: To ensure the delivery of biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan 2036 and the paragraphs 174 and 180 of the National Planning Policy Framework.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the

opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 3 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 5 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in

some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at the site.

Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing the site remediation. Ground water permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 6 The archaeological investigation should consist of a watching brief during significant ground works and should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

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

November 2023

Application number: 22/03076/FUL

Decision due by 29th March 2023

Extension of time 9th February 2024

Proposal Demolition of existing buildings and replacement with new building comprising R&D, office and cafe space (Use Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities, and associated works. (Amended plans and additional information)

Site address 135 - 137 Botley Road, Oxford – see **Appendix 1** for site plan

Ward Osney And St. Thomas Ward

Case officer Felicity Byrne

Agent: Mr Andrew Winter **Applicant:** BGO Spires II PropCo Ltd

Reason at Committee Major Development

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 and Regulatory 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 and Regulatory Services considers reasonably necessary; and

- on receipt of the completed section 106 legal agreement referred to above issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of existing retail warehouses and construction of a new building to provide Research & Development and office use with ancillary café, car and cycle parking and hard and soft landscaping. The site lies within the existing Botley Road Retail Park to the west of the City Centre. It is in a highly sustainable location within walking distance of the railway station and Seacourt Park & Ride. The site lies within Flood Zone 3.
- 2.2. The development would make best and most efficient use of the site and provide a high quality and sustainable development. The principle of the use on this site in this location is acceptable. It would provide increased employment and meet the demand for high quality laboratories for life sciences and contribute towards Oxford's post-pandemic growth and global reputation. The development would positively enhance the character and appearance of the area through contemporary design and new public landscaped area to the front with Botley Road. The building would be visible in long distance views from St George's Tower and result in a moderate level of less than substantial harm to the setting of the Central Conservation Area. However, it is considered that the high level of public benefits derived from the development would outweigh the harm in this case. Whilst the building would also be visible from other surrounding views the effect would not be significant when taking into account visibility of the existing warehouse buildings.
- 2.3. The proposed use is acceptable within Flood Zone 3 and the development would maintain the existing flood water storage area, would not contribute towards flooding of the area and acceptable flood mitigation and drainage including sustainable drainage systems would be provided. Part of the site is contaminated however subject to conditions requiring further investigation and remediation this would not result in contamination of ground or controlled waters.
- 2.4. There would be a large reduction in car parking and no adverse impact on the highway in terms of traffic generation subject to conditions and contribution towards Botley Road highways improvements. Adequate cycle parking would be provided. A new publicly accessible cycle route and footpath north/south would be provided. Car club and electric vehicles spaces would be provided for staff, visitors and Earl Street residents.
- 2.5. In terms of impact on residential amenity, there would be no direct overlooking to Earl Street and loss of privacy. Whilst there would be a feeling of being overlooked from high level windows, on balance this would be satisfactorily mitigated by the distance between buildings, automated internal roller blinds and new tree planting. The development would not have a detrimental overbearing impact on Earl Street

due to the distance, design, materiality and tree planting proposed, and when taking into account the impact of the existing building. There would be no detrimental effect on sunlight or daylight to Earl Street properties and their gardens. The development would cause a loss of winter sunlight to two first floor windows in the first floor flat at 165-167 Botley Road. However, they would still maintain sufficient annual sunlight. As such the room would still have sufficient sunlight and daylight and no significant adverse impact as a result of the development.

- 2.6. The development would not result in a detrimental loss of daylight, sunlight and overshadowing or overbearing effect on other neighbouring residential properties.
- 2.7. Public amenity afforded by existing trees would be maintained and there would be a net gain in biodiversity as a result of new tree and other soft landscape planting. The potential presence of protected habitats and species has been given due regard and there would be no harm as a result of the development.
- 2.8. Subject to conditions the development would be acceptable in terms of air quality, sustainable design and construction, contamination, lighting, and noise and vibration.
- 2.9. In conclusion, through the imposition of suitably worded conditions and a completed legal agreement, the proposal would accord with the policies of the Oxford Local Plan 2036, the NPPF and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to cover a contributions towards active travel improvement works for pedestrian and cyclists on the Botley Road and Travel Plan Monitoring, totalling £249,313, and entering into a s278 agreement for the works with the County Council, and to secure the public right of access through the site on foot or bicycle and a Community Employment Plan with the City Council

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

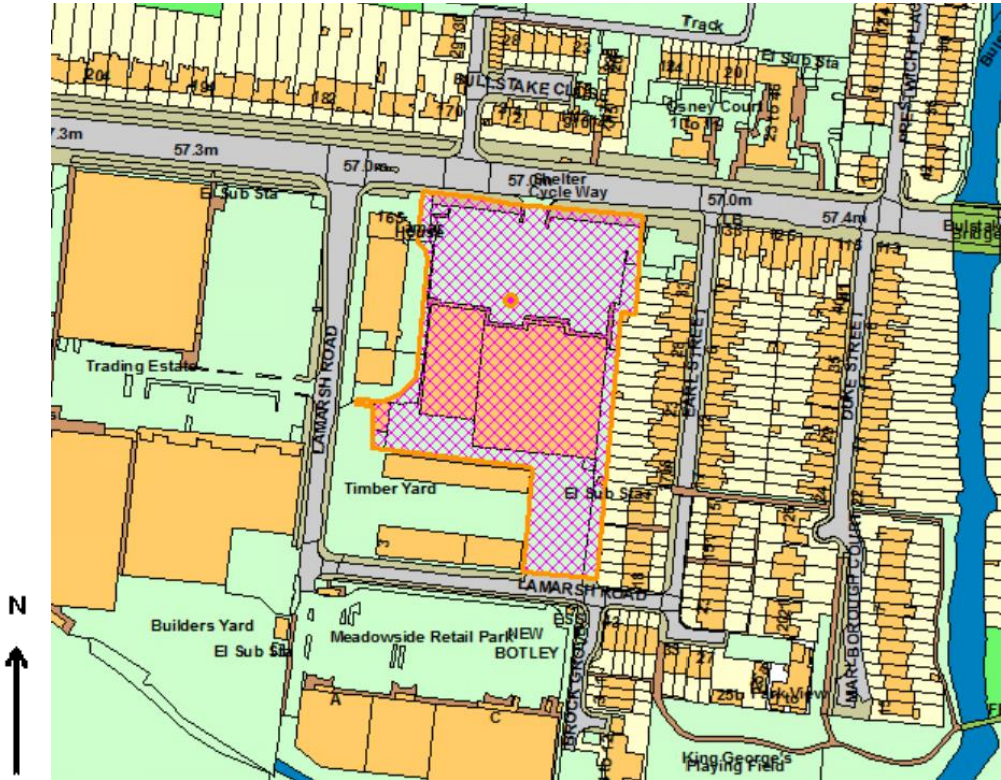
- 4.1. The proposal is liable for CIL amounting to £437,797.06.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Botley Road retail park on the eastern edge of the City Centre and consists of two joined retail warehouses, currently used by Carpetright and DFS. To the south and west of the site lies the rest of the retail park and associated commercial uses along Lamarsh Road. To the north and east of the site are residential properties on the Botley Road and Earl Street respectively. The site is in a highly sustainable location with good public transport into and out of the city, within walking distance of the railway station and Seacourt Park and Ride. It is also located within Flood Zones 3a and 3b, and lies to the west of Bulstake Stream, which is a main river.

5.2. The existing buildings on site were constructed in the late 1990s and have a gross external area footprint of 3,494 sqm. They are single storey of portal frame construction with hipped roofs measuring approximately 9.8m to the ridge and 7m to eaves. They are set back from the Botley Road with a large expanse of car parking to the front providing 158 spaces, interspersed with a few poor quality trees and planting along the boundaries. The existing building lies approximately 4.8m away from the joint boundary fences with the Earl Street properties and 11m to the warehouses on Lamarsh Road to the west.

5.3. See Figure 1 site plan below:



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Ordnance Survey 100019348

Figure 1: Existing site plan

6. PROPOSAL

6.1. The application proposes the demolition of existing buildings and replacement with new a building totalling 17,930m2 floorspace over four and five floors to provide research and development (R&D) laboratories and offices with an ancillary cafe (Use Class E). The café would be open to the public and a new publicly accessible landscaped area would be provided to the front along Botley Road with increased tree and soft planting throughout the site. The development also includes ramped access to the building, service bay, bin storage, car and cycle parking, altered vehicular access onto Botley Road, a pedestrian and cycle path through the site, means of enclosure, utilities, and other associated works. Figure 2 below shows the proposed block plan.

6.2. The new building is speculative and would provide a 60:40 laboratory to office ratio, with the flexibility to adjust to future changes in scientific and technological research. It is proposed to be of the highest quality in both architecture and sustainability and to institutional standards for world class research. The flexibility of the internal layout means that it could be occupied by a single tenant or several, thereby providing increased opportunity for a range of R&D potential occupants. The internal layout has also been designed to foster collaboration and chance encounters.

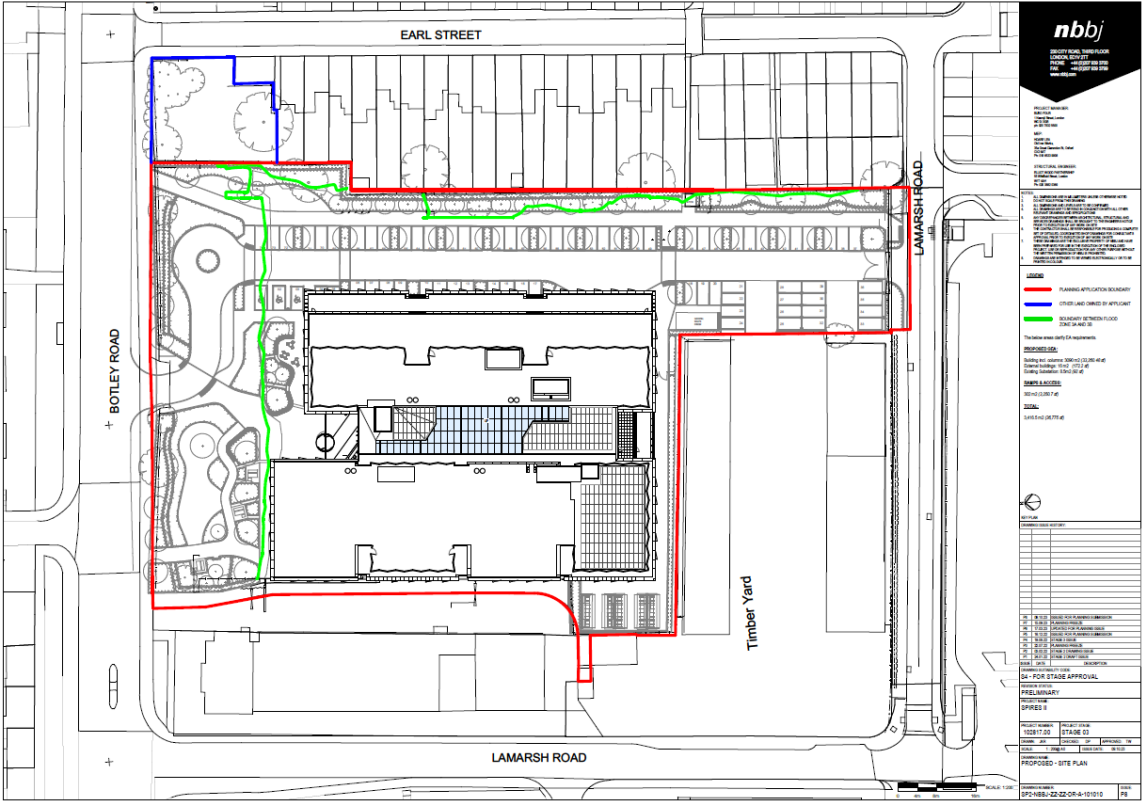


Figure 2 proposed block plan – red site boundary/ blue – land owned by applicant/ green – flood zone 3b

6.3. An Environmental Impact Assessment Screening Opinion was submitted by the applicant for the proposed development prior to submission. It was determined that the proposed development was not EIA Development and that an Environmental Impact Assessment was not be required to accompany the planning application.

6.4. The development was presented to the Oxford Design Review Panel (ODRP) at pre-application stage and their letter of advice is appended at Appendix 2. ODRP advised:

- that the building should not add to the Oxford skyline and the Landscape and Visual Impact Assessment and view cone policy should be reviewed again;
- the scale and massing should be considered as part of a holistic strategy for movement and townscape;

- the impact on nearby properties and architectural treatment should be reconsidered;
- the Botley Road frontage and the north-eastern corner should be redesigned to create a sense of arrival that prioritises cyclists and pedestrians.
- the café should be opened up more to the community;
- encourage active travel by locating the cycling facilities at the front of the building and reducing the car parking provision; and develop the architecture and elevational treatment further to reflect the innovation that is happening inside the building.

6.5.Changes were made to respond to the Panels comments including reduction in height, scale, massing and detailing of the façade, materiality and palette, and increasing the distance to Earl Street.

6.6.During the application process further information and amended plans were provided to address concerns raised by the Highways Authority Officers and public consultation. The key amendments are:

- Reduction in height of the eastern block (closest to Earl St) to 13.4m
- Set back of the third floor of the eastern block to reduce the massing and eliminate overlooking from fourth floor windows
- New soft landscape planting at third floor terrace
- Obscure glazing to 1.65m high (from internal FFL) of first and second floor windows facing Earl St to prevent overlooking.
- Changes to the eastern façade of the eastern block including widening of the recess between the projecting bays and darker main façade material at upper floors to reduce to reduce any impact on long distance views
- Plant level and flue colours have been darkened to reduce to reduce any impact on long distance views
- Highway issues Technical Response including evidence to support operational car parking numbers and types of cycle parking stands proposed.

7. RELEVANT PLANNING HISTORY

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

95/01449/NO - Demolition of existing commercial buildings. Outline application to erect buildings for retail and residential use, including details of means of access via new traffic light controlled junction at Lamarsh Road. (Land at Botley Road/Lamarsh Road). Allowed on Appeal 22nd March 1996.

96/01611/NO - Demolition of all buildings. Outline application (seeking approval for access _ siting only) for 2 retail warehouses (non-food) & associated development at rear accessed off Earl St and Duke Street. (Land at Botley Road/Lamarsh Road). Allowed on Appeal 21st March 1997.

98/00565/NF - Demolition of existing car showroom. 3358sq m non-food retail warehousing in 2 units. Cycle parking, 137 customer parking spaces, 7 for people with disabilities, 56 for staff. 10 parking spaces for Earl Street residents.. Approved 15th October 1998.

98/01886/NF - Widening of vehicular access onto Botley Road (Amended plans). Approved 11th May 1999.

16/00882/FUL - Erection of a two storey retail unit (Use Class A1) and reconfiguration of existing car park. Refused 14th March 2017.

16/00882/NMA - Non-Material amendment to planning permission 16/00882/FUL to allow reduction in the height of the building and remove the mezzanine floor and associated access. Approved 19th December 2019.

20/02685/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 16/00882/FUL (Erection of a two storey retail unit (Use Class A1) and reconfiguration of existing car park.) to allow increase to storm water storage volume and increase the height of the ground floor level.. Refused. 18th March 2021.

23/00249/SCREEN The Town and Country Planning (Environmental Impact Assessment) Regulation 2017 (as amended) - Request for a screening opinion in accordance with Regulation 6 for the proposed development on land at 135-137 Botley Road. Development would include the demolition of existing buildings and replacement with new building, comprising research and development (R&D), office and cafe space (Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities and associated works. Decision: It is determined that the proposed development is not EIA Development and that an Environmental Impact Assessment is not therefore required to accompany a planning application in accordance with the details supplied, dated 3rd 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		

		DH1 - High quality design and placemaking RE1 - Sustainable design and construction		
Conservation/ Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Commercial	81-91	E1 - Employment sites - intensify of uses		
Natural environment	91-101, 174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD	
Environmental	152, 169-183-184	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the	Energy Statement TAN	

		impact of development RE8 - Noise and vibration RE9 - Land Quality		
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment		

8.2. Other relevant documents and considerations:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Note 3: 'The Setting of Heritage Assets (Second Edition)'
- Technical Advice Notes (TAN) 17 'Botley Road Retail Park Development Brief' supports the Adopted Plan 2036. The TAN is not an adopted policy document. It provides technical advice and guidance.
- The new Draft Local Plan 2040 was approved by Cabinet on 18th October 2023 and is currently out for public consultation until 5th January 2024. The draft local plan has very limited weight given its stage in the process.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 19th January, 18th April and 17th October 2023 and an advertisement was published in The Oxford Times newspaper on 12th January, 20th April and 19th October 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. First and second round consultation response summarised as:

- The site is in a highly sustainable location with good access to frequent bus and train services and under 400m to Seacourt Park & Ride. There is a

scheme for improved pedestrian, cycle and bus provision along Botley Road, some of which has already been completed with the remaining sections to be completed along with the Oxford Train Station redevelopment.

- The access arrangements are accepted. This utilises both of the existing access points with the main staff access being via Lamarsh Road. The existing Botley Road access will be for visitors and larger delivery/serving vehicles exiting the site. It would be a good opportunity to remove the Botley Road access altogether so even though we are not objecting to the use of the existing access, we would strongly encourage the applicant to reconsider the arrangements.
- The pedestrian/cycle accesses connect to the Botley Road and Lamarsh Road cycle routes, these offer good permeability for staff and are accepted.
- 74 car parking spaces are proposed which includes 3 disabled bays and 8 visitor bays, the remaining bays will all be for staff. 63 staff parking bays equates to approximately 10% of spaces according to the applicant's calculations. However, as discussed within the TA and above, the site is located in an extremely sustainable location. The P&R and train station offer good options for staff travelling from further away, the highly frequent services which stop nearby offer good service for staff living in the city and wider county and the pedestrian and cycle routes are all of a high quality to encourage active travel. It is considered that in this location the site should be car-free other than for disabled and visitor parking, an objection has therefore been raised on car parking grounds.
- 224 cycle spaces will be provided which is above the standard within the Oxford Local Plan 2036 which is welcomed. 8 Sheffield stands will also be located near the entrance to the building for visitors which is also considered beneficial. However, 160 of the cycle parking spaces are in the form of 'double stackers' which Oxfordshire County Council do not support as stated in the recently adopted Parking Standards. As such an objection has been raised on cycle parking grounds until these have been redesigned.
- The proposal for delivery and servicing has been well thought out and is considered appropriate. A Delivery and Servicing Management Plan will need to be conditioned that specifies the arrangements and times of deliveries which must be out of peak times.
- Providing the above cycle and car parking objections can be overcome a full Travel Plan and Construction Traffic Management Plan (CTMP) will be required.

9.3. Second round consultation comments:

- Insufficient justification for the parking levels proposed. Evidence based justification is required.
- It is not deemed necessary for the applicant to undertake a parking survey of Seacourt P&R
- The provision of 55 spaces over the local plan standard is welcomed, however, we would still like to see a greater percentage of Sheffield Stands as double stackers are underutilised. Gas powered double stackers might

mitigate the users difficulty.

- Oxfordshire County Council have agreed to the use of the Botley Road/Lamarsh Road junction, it is not considered necessary to make any improvements to this junction at the current time. However, we would like to see the access directly into the site from Botley Road closed up to allow for a safer environment for pedestrians and cyclists.

9.4. Following further information submitted:

- Following the submission of further information regarding car parking, the number of parking bays proposed is now accepted and as such the previous objection on highways grounds is removed.
- With the agreement to the parking bays and use of the existing access onto Botley Road there will be an intensification of use at peak times when pedestrians/cyclists using Botley Road are at the highest levels. As such it is considered necessary to collect contributions towards the Botley Road corridor works which will make it safer and more convenient for the high number of staff which will need to travel sustainably to site: £246,750 toward Active Travel Infrastructure and £2,563 towards Travel Plan monitoring. Conditions should be imposed securing a Travel Plan, details of cycle parking areas, a Construction Traffic Management Plan, a Delivery and Servicing Management Plan, and full details of the means of access between the land and the highway [Botley Road].

9.5. No further comments made on third round of consultation.

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

9.6. First Round consultation response summarised as:

- Provide surface water catchment plan.
- Drainage plan to be detailed.
- Provide surface water flood exceedance plan.
- Provide SuDS construction details drawing.
- Discharge rate should be based on 1:1 year or Qbar greenfield run off rate.

9.7. Second round consultation comments:

No objection subject to conditions:

- Drainage system shall be implemented in accordance with the approved design;
- A record of the installed SuDS and site wide drainage scheme to be submitted

9.8. No further comments made on third round of consultation.

Building Control Liaison & Fire Safety Inspector

9.9. 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 The Building Regulations 2010.

Thames Water Utilities Limited

9.10. Waste Comments: 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. 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.

9.11. Regarding the surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.12. Regarding the foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.13. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

9.14. Water Comments - On the basis of the information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend 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. There are water mains crossing or close to the development.

Environment Agency

9.15. The development site lies within an area of high flood risk and on land which is designated as a sensitive aquifer which must be kept safe from pollution. The previous industrial uses and garages present a risk of contamination that could be mobilised during construction. This could pollute the water environment if not properly managed. Groundwater at this site is within a Secondary A aquifer and water levels are known to be shallow at around 1 – 3 metres below ground level.

This makes the environment vulnerable to the impact of the development. The submitted geotechnical report states that there is strong evidence of visual and olfactory hydrocarbon contamination within the groundwater samples collected with a film of hydrocarbon based fluid sitting atop the groundwater. Also, a number of determinands within the water samples were found to be above limits set for either drinking water or for freshwater standards. Furthermore, the report confirms that further investigation may be required to determine whether the source of the high levels of TPHs with both the soil and water samples originate from the site, specifically from the tank noted on historical maps.

9.16. Based on these findings and recommendation, we endorse further investigation of the groundwater at this site. Contaminants should not be left in situ without sufficient detailed risk assessments that confirm there will be no environmental impact. The submitted geotechnical report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

9.17. The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment:

- The development shall be carried out in accordance with the submitted flood risk assessment,
- No commencement until a remediation strategy to deal with the risks associated with contamination of the site,
- Submission of a verification report,
- Dealing with unexpected contamination.
- No drainage systems for the infiltration of surface water into ground permitted
- Piling using penetrative methods shall not be carried out unless agreed first

Historic England:

9.18. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Thames Valley Police

9.19. It is not possible to provide full guidance for appropriate levels of security to be provided without knowing the tenant of the building or the holdings that may be contained within. Once tenants for the building are identified, it is recommended that a further Security Needs Assessment (SNA) is completed by a competent Suitably Qualified Security Specialist (SQSS). This assessment should then be used to inform the design and specification of access points and controls. Further consideration should be given to the building access and security including floor

layout and proposed uses; a secure line between the external envelope of the building and the lift core or stairs to upper floors, particularly from the cafe; a single point of pedestrian access through a staffed reception; a detailed security and access strategy done; management of out of hours post deliveries. The applicant should consult the guidance contained within Secured by Design – Commercial 2015 and ensure the required physical security standards within this guidance document are incorporated throughout the development.

Public representations

9.20. Comments on this application have been received from the following individuals, associations and companies:

- Abbey Walk: 6
- Duke Street: 26
- Earl St: 12, 13, 17A, 18, 20, 22, 26, 28, 31, 32
- Harley Road: 31
- Hazel Road: 24
- Lamarsh Road: 4, 10, 16, 23, 33, 41
- Montagu Road: 7
- Oxford Science Enterprises
- Riverside Road: 30
- DFS Trading Ltd
- Innovation, University Oxford
- Advanced Oxford
- Oxentia
- Oxford Preservation Trust

9.21. In summary, the main points raised were:

Objections: -

- Effect on adjoining properties/loss of privacy. Earl Street properties would be overlooked, not only into gardens but also kitchen and bedrooms, resulting in loss of privacy currently enjoyed by the residents
- Effect on character of area. Primarily a residential area, with a mix of small retail units, the proposed development, due to its size, is out of character for this part of Oxford. Set a precedent.
- Height of proposal. Concerns that the height is far too big for this area. five storey building will both set a precedent and change the character of the Botley Road. No justification to depart from the height guidance set out within TAN17

or green light to breach it. Development of even 17.3m will need to demonstrate a rigorous assessment of the potential impacts.

- Views. The Townscape and Visual Impact Assessment confirms that the development will be visible from the nearby Hinksey Meadows, above the tree tops that line the southern boundary of the Botley Retail Park. This will adversely impact on the character of these green spaces, which within a built up city provide an important resource for local residents. This changes the semi-rural feel of the area to a more urban feel
- View from St Georges Tower also needs testing to ensure there will be no detrimental impact
- Daylight/sunlight. The height of the building will block out the sunset to the residents of Earl Street. The daylight analysis for this development only takes into account the properties that directly border the development. However, the development blocks light from a much wider area. The total impact of this development on this area is very much understated.
- Does not adequately considered the impact this development will have on the surrounding properties
- Noise and disturbance. Concerns of noise and disturbance during the demolition of the existing building. Noise from constant humming from air conditioning units and extraction fans once built. The noise assessment document suggests that residents should close their windows to avoid noise, which is not a sufficient response
- Parking. Restrictions on parking in Oxford is being imposed on the residents, why is parking being allowed for this development; there are sufficient park and ride sites and local buses to travel to the site. The proposed development will add to more traffic to Botley Road, as well as the residential side streets, which are narrow and area used almost exclusively by residents
- Flooding. This part of Oxford is prone to flooding and the sewage system is overwhelmed with sewage discharging into gardens; The development will make the situation worse with a larger building than existing and more employees on site. The development will presumably require deeper foundations, this can be expected to raise the water table locally and increase the likelihood of flooding. This has not been addressed in the submitted flood risk document
- Waste Management plan. The document seems to suggest six pick ups of waste during 7.30am to 9pm, which will disturb residents at the start/end of the day
- Tree protection: Tree have important visual amenity and also ability to drain a significant amount of water from the ground, especially in winter, that makes a big difference, avoiding the gardens being flooded. We therefore require that an Arboricultural Monitoring Programme shall be requested as condition to the

planning permit, with a schedule of monitoring and reporting program in accordance with a Tree protection plan.

- Carbon. It is claimed a 25% reduction in comparison to the current site but there is no evidence to claim this, primarily due to the increase in size. No details on the carbon impact of journeys into the workplace
- Community engagement. The document submitted is misleading, resident's concerns have not been taken into account; very poor "consultation" with the developers. Community engagements were announced with very little time to prepare or to attend
- Local Community. The proposal will not benefit or serve no purpose to the local residents
- Use of the site. There is an assertion that "retail is in the wrong location" but this is not explained. Is it possible we currently have the wrong kind of retail. There are no small, local traders left in Botley Road – could the site not be used for community use, ie. market; park; woodland; meadow
- The replacement of retail stores by labs/offices has no conceivable community benefit and would be better accommodated on one of the science parks around the city. Housing is of a much greater need in Oxford
- Impact on neighbourhood. The proposal will have a huge impact on residents, both emotional and mental health
- It is notable that this area and site is not identified as an "area of greater potential" for high buildings in the City Council's high buildings technical advice note
- The building will not meet CABI's definition of good design. The building does not seem built to last; does not relate well to the place where it is proposed and will not fit in quietly due to its size and form
- Transport assessment. While the total number of car parking spaces might be reduced compared to the current development, the proposed development will clearly attract more car traffic than the current use of the space. At the same time, the proposed cycle facilities are located at the very back of the site and are only accessible through narrow access ways. This does not meet the Council's requirement that bicycle parking should be well-designed and well-located
- Drop bollards will be provided to the north of the site along the internal access road between the staff and visitor car park. The bollards will be controlled automatically by the onsite management and lowered when required. This implies site management will be present 24/7 – how will this be ensured?

- Clarity would be welcome about how the increased flow of traffic in Lamarsh Road will be managed, as this will coincide with staff entering the site, as well as local residents leaving for school or work etc
- There will be an increase in traffic turning off the Botley Road (mostly from west and thus turning right across the traffic into Lamarsh Road). How is this being managed?
- The windows from the new building should be designed not to look directly into the properties in Earl Street, also any rooftop terrace should be built so that they are not overlooking into properties, especially if the site is to operate on a 24/7 basis
- The proposed development contradicts Policy RE7 of the Oxford Local Plan, which states “Planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected”
- The development will involve heavy foundation work close to properties, concerns this may cause damage to properties. They need to be protected

Support:-

- Suitable workspace. The demand for this type of space currently outstrips the supply for quality research and innovation workspace in the city. Mission Street’s proposals will go a long way to help address this shortage while providing a whole range of additional benefits for the local community
- Location. Although much of the research and innovation space is out of the city centre, the demand for more urban, city centre locations is in demand because of its transport links; travel routes; close to shops and restaurants. Botley Road is a perfect location to address this demand
- Community engagement. Impressed by the way Mission Street have brought forward the application; engaging from the outset with the community and with stakeholders right across the city to help bring forward a proposal that is bespoke and beneficial for Oxford
- Sustainability, zero-carbon Oxford. Encouraging to see how carefully Mission Street has considered the wider impact of the scheme and what the development can bring by way of social value; commitment to the Oxford Living Wage and by prioritising decarbonisation
- Botley Road improvements. Welcome the enhancement this development would bring to the Botley Road and how it will provide a statement of Oxford’s commitment to science excellence
- Support the proposal except for the parking provisions. There is good bus and cycle access to the area and the park & ride site, no need for parking spaces. Botley Road is already congested, reconsider the proposed parking on site

- The 24/7 onsite security is a welcome to the site and will improve the look and tidiness of the local area – better than a decaying site with no management of problems
- Welcome Mission Street’s positive statement on facilitating out of hours access to parking and EV charging
- Developers to be commended for pledging to be the first building in the City to ensure the Oxford Living Wage; pledging to offer electric charging facilities to local residents; landscaping of the area in front of the building; commitment to work with local schools and science organisations and to contribute to civic society within Oxford and lastly, engaging with the local community
- The life sciences sector is a primary strength of this ecosystem, exemplified by the success of the Oxford-AstraZeneca COVID-19 vaccine, which is driving private investment in Oxford through both capital investment in University spinouts and through private companies desiring to co-locate near Oxford’s world-class academic institutions.
- Supporting these developments will ensure that Oxford remains synonymous with innovation, competitiveness in the sector, and life-changing research
- The proposed developments on Botley Road, with excellent transport links and proximity the city centre, will be able to attract and retain sector leaders as anchor tenants, which will further promote external investments
- The city needs a central space for a large tenant to move in and developers have shown careful consideration for which type of space was likely to be attractive given the existing research base and the projected sector drivers for the following decades
- If Oxford is to fulfil its ambitions to be a global player within the innovation economy and to continue to act as an engine room for ideas that can address global problems and challenges, there is a need to ensure that we have sufficient supply of workspace for innovation companies at all stages of their evolution
- The sustainability features of the building demonstrate a clear commitment to the climate agenda, net zero and the energy crisis, in line with Oxford City Council’s Oxford Economic Growth Strategy
- One of our concerns was the proposed height of the building but we note with pleasure that this has been reduced: lowering the eastern section of the building provides a better relationship to the neighbouring residential dwellings.
- We particularly liked the open colonnaded frontage of the main building which we observe from the final plans has been reorganized to provide a more accessible public area. This reorganization provides better views both into and out of the building.

- The proposed reduction of car parking spaces and increased cycle facilities will enhance the active travel features of this development
- Mission Street has brought the community and science ecosystem stakeholders into the process from the earliest stages – the quality of this dialogue is welcome and means the application benefits from good engagement. The application reflects what we and others have said we need
- The need for innovation space of the right quality and in the right locations – R&D development in the city is being limited both by a lack of supply, but also by a lack of choice including offering high-quality and well-connected workspace in the city centre. The city needs choice to serve the needs of different companies and occupiers
- The social value benefits – in addition to the physical workspace Oxford requires, the proposals include impressive commitments on social value. We are pleased to see the commitment to making the building Oxford's first 'Oxford Living Wage building'. We also note the wide-ranging education commitments including the school's programmes
- Oxford needs more R&D space. It will be a lot better and efficient use of space than its' current use.

9.22. Second round consultation responses where in addition or different to the above:

- Amendments are not an improvement.
- New chimneys do not resemble spires – unattractive and out of keeping and could harm air quality.

Officer response

9.23. Damage to neighbouring properties as a result of demolition or piling is a civil matter. Views have been provided from St George's Tower in a revised Visual Impact Assessment. All other issues are dealt with in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of Development:
- b) Design and Heritage
- c) Amenity
- d) Transport
- e) Flood Risk and Drainage
- f) Landscape and Trees

- g) Biodiversity
- h) Land quality
- i) Air Quality
- j) Archaeology
- k) Sustainable Design and Construction
- l) Noise
- m) Utilities

a. Principle of development

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Any proposal would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan.

10.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.

10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.

10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.6. Policy V1 of the Oxford Local Plan 2036 states that proposals for development of town centres uses outside a centre must demonstrate compliance with the 'sequential test'. Furthermore, planning applications for retail and leisure development outside centres which are 350m² (gross) or more, must be accompanied by an 'impact assessment' and as part of such an assessment, demonstrate with evidence that there will be no adverse impact on the vitality and

viability of the existing centres, and that good accessibility is available for walking, cycling and public transport.

- 10.7. The Council's policy approach to employment sites seeks to make the best use of all existing sites through intensification and modernisation to accommodate the forecast demand for new employment floorspace over the plan period.
- 10.8. The application site forms part of the wider retail park. It is not a protected employment site and does not have any designation or protection within the current OLP. A degree of employment is provided as part of the current retail use, a total of 40 jobs, which also sits outside the main City Centre retail area and Botley district shopping centre. R&D and office use now fall within the Class E use and therefore the current warehouse could be converted to this use without requiring planning permission. The Applicant has already done this to another unit within the retail park and therefore there is a realistic possibility that this could occur here. If this were to be the case then the current poor quality of the site including large expanse of hard standing to the front, the high number of car parking spaces which encourages unsustainable modes of transport, the poor quality tree planting and limited biodiversity, and poor public amenity would remain. This is a fall-back position which is a material consideration, and which is afforded a high level of weight. Whilst the site is currently not designated it is worth noting that the Botley Road Retail Park has been designated a Category 3 employment site within the new Draft Local Plan 2040. The draft local plan has very limited weight given its stage in the process. However, it signals the Council's intention towards future development of this whole area and the approach to intensification and modernisation of employment sites maintained. Furthermore the Council recently published a Development Brief to guide development within the Botley Road Retail Park area (Technical Advice Note 7 (TAN7)) which recognises changing retail trends and the need to support and manage new development in the area. It recognises the site has potential to add to the capacity to accommodate the demand for new R&D uses. This would be supported by the new allocation in the Draft Local Plan.
- 10.9. Oxford's Economic Strategy 2022-2032 states that a lack of R&D and flexible office space remains one of the biggest barriers to growth within Oxford. Provision of this use would contribute towards Oxford future growth and aim of being a leading innovation cluster. The application is supported by an Economic Statement by Bidwells which states that there is a strong demand for R&D and innovation space in Oxford. There is little available lab floorspace and a vacancy level of 2%. Recent approvals and current space are located out-of-town and there is no quality modern large floor space in the central Oxford and close to the City Centre such as this. Over the longer term, whilst there are site allocations within the West End and Osney Mead, these would not be delivered in a timescale that would meet current demand.
- 10.10. The development would provide a maximum of 620 jobs, and a net increase of 580, for Oxford and the economy as a whole once operational. Approximately 750 construction jobs are also anticipated over a 21month construction period (430 per annum equivalent), which would also contribute towards the local economy, secured within a Community Employment Plan. This could be secured via a S106 legal agreement.

- 10.11. Notwithstanding the Oxford's acute need for housing, the site is unsuitable for residential development due to the fact it lies within Flood Zone 3 which is considered unsuitable for such a high risk use. Employment uses are considered acceptable in this Flood Zone providing existing flood storage areas are maintained and further flood risk mitigated (see additional consideration of this in the Flood Risk and Drainage section in the report below).
- 10.12. Policy V1 seeks to direct town centre uses within Class E Use including office and retail, to defined centres in Oxford and proposals for development of town centre uses outside of a centre must demonstrate compliance with the 'sequential test'. As the development falls within Class E use class which now includes amongst other things retail and office use a sequential test is required. A Town Centre Use Statement was submitted with the application which states that national retail context has changed significantly in the last five years with more online shopping and impacts of the Covid pandemic, cost of living crisis and reduction in economic growth rates. Consequently there is limited demand for additional retail floorspace. The Oxford Retail and Leisure Study (ORLS) confirms an excess of retail floorspace until after 2032. As such the loss of this retail would not significantly reduce current provision within the retail park or impact on the City Centre retail provision. The sequential test concludes that based on the current proposal there are no alternative available and suitable sites within the City Centre or District Centres or other locations out of town that could accommodate the proposed development and that would be sequentially preferable to the application site. Officers concur with the findings.
- 10.13. In conclusion it is considered that the development would make best and most efficient use of the site and intensify the existing employment use. The development presents an opportunity to deliver high quality lab and innovation spaces and in a high sustainable location close to the City Centre. Noting the legal fall-back position and the Development Brief which supports this use, the sequential test and flood risk of the site, the principle of R&D is therefore considered acceptable on this site, subject to a s106 legal agreement to secure a Community Employment Plan and the development accords with Policies S1, SR2, RE2 and V1 of the OLP.

b. Design and Heritage

- 10.14. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities. New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being.
- 10.15. The NPPF provides that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its

alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 10.16. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm.
- 10.17. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use.
- 10.18. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Courts have found that decision makers must give considerable importance and weight to any finding of harm to a designated heritage asset when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations substantial enough to do so.
- 10.19. Policies DH1 and DH3 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 201-202 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.20. DH3 states that planning permission or listed building consent will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. Development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal.

- 10.21. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.22. 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.
- 10.23. 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.
- 10.24. In addition to the Local Plan, the Development Brief (DB) for the whole Botley Road Retail Park sets out parameters for any new development including guidance on constraints, overall heights, views and aspirations for change such enhanced public realm along Botley Road and more green spaces. In relation to this site specifically, the DB advises a building line setback from the Botley Road to allow new public realm opportunities, a 25m distance to the boundary with Earl Street, and maximum 17.3m height onto Botley Road, dropping down to 13.2m parallel to Earl Street.

Heritage significance

- 10.25. Oxford City itself is nationally important and a significant heritage asset. The rural setting of Oxford is considered to make an important contribution to its historical significance. In views to and from the western hills, landscape rises to Botley and Boars Hill, with the famed view over the city that inspired the poet Matthew Arnold to first write of Oxford's 'dreaming spires', which are contained within the Central Conservation Area. The Thames, its tributaries and bifurcated streams are identified within this westerly view by the appearance of its riparian or river edge of trees and green that courses through the suburban edge and the river meadows of Hinksey. As such the rural green edge forms part of the landscape setting of Oxford. Elevated viewpoints from designated and non-heritage assets within the historic centre contribute to heritage significance by providing opportunities to experience and appreciate the historic character of central Oxford and the architecture of individual historic buildings in short range views; and by illustrating the historic relationship between the city and its rural setting. The Castle Mound and St George's Tower, a Scheduled Ancient Monument (SAM), were historically built to provide the high level views out to the west and over the land and river crossings and as such the western suburb and views form part of

their setting. The arrival of the railway in the 1840s spurred development of Osney Island and industrial, commercial and other residential development to the west of the City. The opening of the canal and later development of the railway station at Frideswide Square made the western area of the City an important point of arrival on the City's edge.

- 10.26. The site itself is a 20th Century warehouse building which is typical of the retail park in which it sits and characteristic of the industrial and commercial area around Osney and the western fringes. The Osney Conservation Area sits to the east of the site, however, the existing building does not in itself contribute to the heritage significance of the Osney CA, other than forming part of its wider setting. To the west lies the North Hinksey Conservation Areas and again the site does not contribute to its significance.
- 10.27. NPPF para 130 seeks that development amongst other things will “add to the overall quality of an area”; be “visually attractive as a result of good architecture”; and be “sympathetic to local character and history, including the surrounding built environment and landscape setting. The contribution of the landscape setting of Oxford to understanding the evolution of the settlement (historical value) as well as the contribution that it has and continues to make to the cultural life of the city (art, literature) is important.
- 10.28. Historic England advise that “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.” (HE GPA3).

Design and appearance and Heritage impact

- 10.29. The proposed development is of a contemporary architectural style and reflects similar R&D development in Oxford. Fronting the Botley Road the new building would read as two separate ‘blocks’ (providing flexible office and lab space) joined by a central glazed atrium (providing core facilities; staircases/ lifts / toilets etc), see fig 2 below showing the front elevation. Flues and plant would be incorporated at roof level. The building has been set back on the Botley Road to align with the properties on Earl Street and would sit behind Nos.165-167 Botley road to the west. It also sits outside Flood Zone 3b and incorporates a new landscaped public realm which would be floodable.
- 10.30. The main entrance would be located within the central glazed atrium accessed via the landscaped public realm to the front. The massing of the building is broken down within the façade through the use of glazed elements recessed within an articulated cladding, which frames the glazing. These glazed vertical bands are further broken down through horizontally articulated metal louvres. Chamfered fins adjacent to these glazed elements add further texture to the facade through their 3-dimensional form. These would also assist with shading and building cooling by preventing internal glare. The ground floor would for the most part be glazed with buff brick, underneath a colonnade which supports the upper floors.



Figure 2: Proposed front (north) elevation to Botley Road

10.31. The eastern 'block' would measure approximately 17.1m high to parapet and 19.65m high to the top of the louvered plant screen. Parallel to Earl Street, the third floor of this block is set back by approximately 3.9m and thus would measure approximately 13.3m high to top of the second floor parapet. The massing of the east elevation is further broken down through the use of bays projecting from the main darker materiality of this façade. At third floor the vertical glazing is in smaller bands which reduces the scale and massing and planting on the second floor roof would soften the impact and provide screening. The east elevation would be approximately 20.5m to the boundary with Earl Street and approximately 34.5m to 40.5m to the rear elevations of Earl Street properties (closest outrigger extension and main rear façade respectively). The louvered plant screen would be constructed in a zig-zag pattern to provide articulation. Flues are set back in the building close to the atrium. Figure 3 below shows the proposed east elevation of the building.



Figure 3 Proposed side (east) elevation

10.32. The western 'block' measures approximately 23.3m high (maximum) to parapet. The massing of the western façade of the building and the horizontality at roof level has been broken up again through the similar use of bays and varying the heights and slant of their parapets. The western elevation would be approximately 11m to the side /rear elevations of the adjacent Lamarsh Road properties (west) as existing and the rear access road to between the buildings would remain. To the rear, the elevation reflects the front elevation and overlooks the existing depot. Figures 4 and 5 below show the proposed side (west) and rear (south) elevations of the building.



Figure 4 – Proposed side (west) elevation



Figure 5 – image of rear (south) elevation

10.33. This development would be the first new R&D building to come forward on the retail park and represents a new typology which is supported by the TAN and as such necessitates a step-change in type, scale and quality of development in order to achieve this. The building would be a high quality contemporary design that would improve the existing character and appearance of this part of the City and would provide an appropriate gateway building into the retail park when travelling from the City Centre. The proposed materiality of brick, glass, aluminium, light and dark coloured cladding is considered acceptable in this location and could be secured by condition. Details of external lighting, CCTV and secure by design issues could also be secured by conditions.

10.34. The submitted Health Impact Assessment demonstrates the development would have positive health outcomes in regard to access to physical activity, active travel, crime and anti-social behaviour, economy and employment, education and skills and local natural environment and access to green spaces in accordance with RE5 of the OLP.

10.35. The height of the proposed building would rise above the height guidance within the Botley Retail Park DB, however this has been influenced by several determining factors. The Environment Agency has stipulated that any new building within FZ3 must not have a larger footprint than the existing building on site. This has restricted the overall footprint of the building and significantly constrained the amount of developable space within the red line boundary. Secondly, the overall footprint has been further dictated by the requirement to maintain a sufficient separation distance from the adjacent Earl Street properties in order to prevent an overbearing effect. In addition, R&D requires a minimum floor to ceiling height of 4m in order to provide the required ventilation and plant within the rooms necessary for the building to function and meet other health, safety and operational legislation. Finally, the quantum needed to bring forward the development of this

particular site for development, rather than conversion and extension of the existing warehouses.

10.36. Whilst it is acknowledged that the height of this building goes above the guidance set out in the DB, each site must be considered on its merits and the material considerations and constraints of the site. In this case the requirement of the EA and restriction on footprint is significant constraint and material consideration. So too is the need for an appropriate distance from the Earl Street properties. Officers are satisfied that the internal floor to ceiling heights have been reduced as much as possible to provide a good working environment internally within the overall viability of the scheme. As such it is considered that the design is justified and the height and massing of the building is sufficiently broken down through articulation and materiality. On balance therefore, it is considered that the height and massing of the building is acceptable in this case.

Views

10.37. Whilst the site is outside the designated view cones in Policy DH2, the development would be visible from closer views within the surrounding streets and in the long-range views looking west from high view points within the City Centre; Carfax Tower, St Michael's of the Northgate, Castle Mound and St George's Tower. A Townscape and Visual Impact Assessment (TVIA) and addendums, Heritage Statement and addendums, and summer and winter verified views have been submitted with the application. These show winter views which demonstrate the worst case scenario.

10.38. The TVIA concludes that the recesses and sculptural forms of the eastern elevation help to articulate this façade into three varied volumes, which combined with the setback on the third floor and sawtooth profiles in the roofscape create a reduced sense of scale, bulk and mass. This assists in the longer distance views whereby the horizontal breadth of the built form is disrupted to instead appear as a less prominent or broad structure in the wider setting to Oxford City centre. On balance it is considered that the development would make a positive contribution to the townscape and meets the principles of the Botley Road Retail Park DB, responding to local distinctiveness and setting the benchmark for future development in the area.

10.39. The key high level view in which the building would be most visible is from St George's Tower. In the winter view, the development would be visible within the existing suburban roofscape to the left of Seacourt Tower and against the more rural green backdrop. It would sit well below the skyline of the western hills and above the tree line which follows the River Thames but it would disrupt the trees along the Hinksey stream behind it, which form part of the landscape setting of the city and wider surroundings of the Central Conservation Area. It would not compete or distract from Seacourt Tower or other taller buildings within the view nor would it alter the character of the view. The materiality and colour palette, together with the articulation, varying roof heights breakdown the massing and scale and appearance within the view, including the flues. Green planting on the roof of the second floor of the east elevation would soften the visual impact and mitigate the disruption of the trees along the Hinksey stream by still visually linking the green across the building. Within summer views the existing trees within this view

soften and reduce the visual impact. The proposals would result in a moderate change to this view.

- 10.40. From Castle Mound the development in this view is heavily filtered and screened by the existing mature planting within the middle-ground of the view, even in the winter view, and would only just be glimpsed above the existing roofscape. It would not appear visually prominent, nor would it detract from the historic roofscape of the city or landscape backdrop of the western hills. The proposal would result in a very minor change to this view.
- 10.41. The development from Carfax Tower would be barely perceptible above the existing buildings which dominate the foreground of this view. It would sit in the distance against the backdrop of the hills, but below the skyline. The proposal would result in a very minor change to this view.
- 10.42. In both the summer and winter views from St Michael in the Northgate, the development would be just visible in the backdrop to the left of the copper spire of the Said Business School and below the Premier Inn building which sits on the horizon. The visibility of the proposed development is reduced owing to the darker material palette and the greater layering of the eastern elevation following the setting back of the third floor. As such the building would not be visually prominent and would not compete with nor distract from the Said Business School spire. It is considered that there would be a relatively minor change to the view.
- 10.43. Within closer range views, the building would be seen from the southern end of Hinksey Meadows in winter above and behind the existing retail warehouses. Views from Willow Walk are screened by the existing trees and shrubs. Whilst the building would be visible it would not significantly change the character of the view as a result. The articulation, materials and palette would help minimise the visual impact in this view and help it sit within the existing composition of the view. During summer the existing warehouses are not visible behind tree screening and these trees would help soften the visual impact during summer. As such it is considered that the proposals would result in a minor change to this view.
- 10.44. From Oatlands Recreation Ground, the development would result in a slight increase in the amount of built form above the existing houses that can be seen through the trees in winter. During summer this would be completely screened. The proposals would not significantly change the current view and therefore result in a minor change.
- 10.45. From the Botley Road, approaching from either direction along the Botley Road the development would be filtered by existing buildings and street trees along the road. These views are kinetic and the building would appear and recess or disappear depending on where you stand and the existing buildings and trees in front. The composition of the view would not change and the materiality, palette and articulation break down the massing and help it sit within the views. In close proximity, the scale change between the domestic scale buildings either side would be evident. Whilst this is would be a significant change to the street scene, it is considered that the position of the building (set back from the road and over 40m distance to the properties both east and north), together with the new tree and landscape planting would soften and filter views would mitigate the visual impact

of the building with the street scene. The development would result in an overall moderate change to views from the Botley Road and due to the high quality appearance and landscaping it is considered this would overall be a beneficial change.

10.46. There would be a glimpsed view of the building in the gap between the end of the terrace on Earl Street (No.17a) and No.7 Lamarsh Road adjacent. Whilst the new building would be visible, the existing trees in the garden of No.17a would help to screen this view.

10.47. From Brock Grove, the southern & western parts of Lamarsh Road and Botley Road Retail Park, the building would result in an increase in built form replacing the current warehouse in views and would be noticeably visible above the existing boundary enclosures and buildings. The composition of the views would not change as a result and due to the high quality appearance and landscaping it is considered this would be a moderate and beneficial change to these views.

Impact on significance

10.48. In terms of the Osney Town and North Hinksey Conservation Areas, it is considered that they would not be affected by the proposed development due to both the distance from the site itself and its lack of contribution to their significance, but also that their settings are well defined and include built form of scale on industrial sites along the Botley Road.

10.49. Due to the height and massing and visibility of the building to the west and within the views, the building would be evident within the landscape setting of Oxford and the setting of the Central CA (towers and spires) and to the setting of the Castle SAM (Mound and St George's Tower). Whilst the building would sit below the enfolding hills and within rural backdrop, by disrupting the views of the trees along the Hinksey River it consequently interrupts and removes the visible evidence that permits the observer to read and understand the contribution that the landscape makes to the significance of the Oxford, and the part that river and its tributaries play in the evolution of Oxford and as such cause harm to Oxford's landscape setting. It also would cause harm to the setting of Oxford's historic 'skyline' (dreaming spires) and the heritage assets that sit within the Central CA and which signals the location of the historic core of the city in its landscape setting. It would also harm the setting of the Castle and its topographic and historical setting and the views it gives to the west of the City. As such it is considered that the development would cause a moderate level of less-than-substantial harm to the landscape setting of Oxford, the setting of the Central CA and the setting of the Castle SAM. The level of harm would be to the lower rather than higher end of moderate.

Public Benefits

10.50. 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.

10.51. 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.

10.52. Officers consider that the development would result in the following public benefits:

- Provision of 620 jobs, a net increase of 580 on site, contributing towards Oxfordshire's wider economic vision and strategy and towards Oxford economic growth. A moderate level of weight is afforded to this;
- Provision of high quality research and development lab and offices contributing towards global Oxford as an attractive location for life sciences and Oxford's contribution to global problem solving. Flexible floorspace for a range of companies including home-grown spin out businesses on the back of the existing research capabilities, university graduates and the clustering effect of organisations with close ties in the City and in Oxfordshire. A moderate level of weight is afforded to this;
- Improvement to the character and appearance of the Botley Road as a result of the high quality architecture, signalling the regeneration of the Botley Road Retail Park and its connection to the West End and Osney Mead areas of change. A high level of weight is afforded;
- Provision of a new public open space with significant tree planting and overall increase in blue and green infrastructure within the development improving mental health and wellbeing. A high level of weight is afforded to this;
- Increased biodiversity of the City Centre and the retail park through new trees and soft planting to which a moderate level of weight is afforded;
- Provision of a contribution towards Botley Road improvements that would improve the junctions of the Botley Road with Lamarsh Road, Earl Street, Duke Street and the site access for pedestrians and cyclists and would benefit not only the site and occupants but wider road users travelling to and from the City Centre. A high level of weight is afforded to this;
- New pedestrian and cycleway access through the site. A moderate level of weight is afforded to this;
- The provision of car club spaces for use by staff and residents would reduce the use more sustainable travel, A moderate level of weight is afforded to this;

- Provision of EV charging for use by staff and residents helping to reduce air pollution in the City. A moderate level of weight is afforded to this.

10.53. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that clear and convincing justification for the design of the building has been provided and the less-than-substantial harm to setting of the Central Conservation Area would be outweighed by the overall level of public benefits derived from the development.

Summary

10.54. The development would result in a high quality development including high quality design, appearance and landscaping, that would enhance the appearance of the street scene and Botley Road public realm and signal the regeneration of the Botley Road Retail Park. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving the setting of listed buildings and important protected views. Any harm caused has been clearly and convincingly justified. It is considered that the level of less than substantial harm that would be caused by the proposed development would be outweighed by the high level of public benefits that would result. As such the development would be in accord with the NPPF and Policies DH1 and DH3 of the OLP and the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

c. Amenity

10.55. Policy RE7, as set out above, seeks to ensure a standard of amenity and make sure that development protects amenity and would not result in unacceptable impact on neighbours. The nearest neighbours are the residential properties to the east on Earl Street and Nos.4-18 Lamarsh Rd, to the west is a first floor flat at Nos.165-167 Botley Road and opposite on Botley Road.

Privacy

10.56. As set out above, the east elevation would be approximately 20.5m to the joint boundary with Earl Street and approximately 34.5m to 40.5m to the rear elevations of Earl Street properties (closest outrigger extension and main rear façade respectively). Currently, the existing warehouse building sits approximately 4.8m from the joint boundary and has no windows in the east elevation. As such, the increased separation distance between the existing residential properties and building would represent a significant improvement compared to the existing arrangement. Amendments have been made during the course of the application to set back the third floor along the eastern elevation facing Earl Street. As a result, there would be no ability from this floor to see down over the second floor roof parapet (and planting) into Earl Street properties. Other windows at first and second floors in this façade would be obscure glazed using a ceramic frit which would appear a dense white up to 1.65m high from internal finish floor level to prevent direct overlooking but still allow sufficient light inside. Above the fritting would be clear glass that essentially would be a high level window. To further mitigate any impact automated blinds would also be installed that would drop at

dusk to reduce light spill and sense of overlooking at night time. Both the obscure glazing and automated blinds could be secured by condition. Externally, new tree planting along the boundary and in the car park is proposed to supplement and provide additional screening over and above the existing trees on site and those within Earl Street gardens, also secured by condition.

10.57. It is acknowledged that the development may result in a perceived feeling of being overlooked by virtue of the number of new windows where there are currently none to the rear. It is considered on balance that the proposed mitigation measures together with the obscure glazing and overall distance from the rear façades of the Earl Street Houses of between 34m – 40m and 20.5m to the joint boundary, would be sufficient to mitigate the impact of the development such that refusal of the application is not warranted in this case. The obscure glazing, automated blinds and tree planting could all be secured by condition. As such there would be no significant adverse impact on Earl Street properties.

10.58. The western block of the building would be set back from the rear façade of Nos.165-167 Botley Road and approximately 11.5m distance to the closest side point. The first floor flat is a House of Multiple Occupation (HMO). Floor plans of this HMO show that the rear windows are to a small bathroom (closest to the development) and two windows to a bedroom. There is a shared kitchen and separate sitting room on the western side of the flat. The outlook and daylight to this bedroom is already compromised by the existing pitched roof to the warehouse building that sits in very close proximity (approx.1m) to the rear of the property along Lamarsh Road.

10.59. Whilst there would be windows in the west elevation of the building, the existing roof of the Lamarsh Road warehouse building would shield views towards these windows. In addition, the new building would be perpendicular and thus restrict views towards the Nos.167-167. It is considered therefore that there would be no direct overlooking or loss of privacy as a result.

10.60. Given the separation distance across the Botley Road and public realm, it is considered that the new development would not result in a overlooking or loss of privacy to these properties.

Overbearing

10.61. The existing warehouse building measures approximately 9.8m to ridge and 7m to eaves and stands approximately 4.8m away from the joint boundary with Nos.17a - 27 Earl street. It thus has an overbearing effect and creates an enclosed sense of space to the Earl Street properties. Some properties have trees in their gardens which mitigate the effect.

10.62. The proposed development would be approximately 20.5m away from the joint Earl Street boundary with Nos.18-32 Earl St, an increase of 15.7m. It would measure 13.3m high to the top of the second floor which would be an increase of approximately 3.5m. The third floor is set back a further 3.9m and would be 17.1m high, a further 3.8m higher. The articulation and materiality of the facades would serve to break down the massing and visual impact. Supplemental tree planting along the boundary would visually soften and provide further mitigation.

- 10.63. Although the new building would be higher and larger façade than existing , it would also be moved almost 16m further away from the joint boundary and provide a distance of between 34m–40m to the rear facades of Nos.18-32 Earl Street. When the height, proximity and overbearing impact of the existing building is taken into account it is considered on balance that the new building would not lead to a significant increase in overbearing effect and enclosure than currently exists to those properties the building currently effects. The flues would be sufficiently set back to restrict and mitigate views of them. The articulation, materiality and supplemental tree planting would sufficiently mitigate the effect further. As such it is considered that the development would not result in a significantly overbearing effect such would warrant refusal in this case.
- 10.64. In relation to Nos.29-32 Earl Street it is considered that whilst there would be a change in outlook, the distance, articulation, materiality and mitigation measures mean that again the development would not result in a significant overbearing effect such that refusal is warranted in this case.
- 10.65. In respect of Nos.4-18 Lamarsh Road, again the new building would be higher but would be moved away. Together with articulation, materiality and supplemental tree planting it is considered on balance that the new building would not lead to a significant overbearing effect on these properties.
- 10.66. To the west of the site, due to the existing warehouse buildings on that part of Lamarsh Road and the relationship between the new building and Nos.165-167, it is considered that there would be no significant overbearing effect as a result.
- 10.67. Given the distance and relationship of the new building to both the Botley Road properties and to Nos.165-167, it is considered that the new development would not result in an overbearing effect as a result.

Daylight/sunlight

- 10.68. A daylight and sunlight report and addendum have been submitted with the application. The impact of sunlight, daylight and overshadowing to gardens has been assessed using standard Building Research Establishment (BRE) Guidelines. For daylight this assesses both direct sunlight on an overcast day and distribution of daylight within a room. Any proportional reduction greater than 20% would result in a noticeable effect. In addition, the average daylight factor assesses the overall amount of diffuse daylight within a room accounting for external obstructions, the number of windows and their size in relation to the size of the room, the window transmittance and the reflectance of the internal walls, floor, and ceiling. For sunlight, annual probable sunlight hours is assessed, and again any proportional reduction greater than 20% would be noticeable. In all cases habitable rooms are considered more important than non-habitable.
- 10.69. For gardens overshadowing is considered in terms of adequate sunlight. This is taken to be at least half of a garden having at least two hours of sunlight throughout the course of the year or on 21st March (equinox). If this primary criterion is not met then the area that can receive two hours or more of sun on 21st March and any proportional reduction greater than 20% would be noticeable.

Daylight and sunlight

- 10.70. In relation to Nos.17a-34b Earl Street the development would not result in a noticeable reduction in daylight and adequate provision would be maintained. In addition, all properties would still receive adequate sunlight.
- 10.71. However, the development would result in a reduction in daylight distribution to two ground floor rooms within Nos. 21 and 27 Earl Street respectively. The reduction to No.27 is only just over the 20% and when taken together with fully compliant direct daylight the effect is not considered significant such that in practice it would be noticeable.
- 10.72. At No.21 the ground floor room is under an external glazed canopy and there are external extensions to both the property itself and neighbouring property that mean it currently receives no direct daylight. The development would reduce the distribution of daylight to the room by more than 20%. However, given the light is so poor, in practice it is considered that the impact is unlikely to be noticed by the occupants. It would also still receive adequate sunlight. On balance, therefore it is considered that the development would not result in a significant adverse impact on light to the room.
- 10.73. Opposite the development, ground floor side windows to Nos. 13 to 15 and 17 Bullstake Close would see a reduction daylight. However, these are underneath the first floor and recessed back therefore the impact is disproportionate and would in reality unlikely to be noticed. Adequate sunlight would remain to all windows facing the development. On balance, therefore, it is considered that the development would not result in a significant adverse impact on light to these rooms.
- 10.74. To the west, two windows to the first floor flat at Nos. 165-167 would be affected. They would receive adequate daylight. However, whilst winter sunlight would be reduced, overall the windows would receive the recommended annual level of sunlight and as such good sunlight amenity. On balance therefore it is considered that the development would not result in a significant adverse impact on light to these rooms.
- 10.75. There would be no adverse impact on daylight or sunlight to other surrounding residential properties.
- 10.76. In terms of overshadowing and loss of garden amenity, all the Earl Street properties' gardens would receive at least 2 hours sunlight as a result of the development. For Nos. 29-33 Earl Street the development would result in a very small percentage reduction in sunlight of between 1-6%, which is well below the 20% reduction and therefore would not noticeable. Other gardens would not be affected at all. As such the development would not have an adverse impact on garden amenity as a result.

Light spill

- 10.77. A Lighting Assessment has been submitted. Any light visible from within the building to residents on Earl Street would be mitigated by mature trees within their

gardens and new planting, sensor lighting and automated blinds. External lighting proposed would have precise optical control and a shielded downward light distribution on the new cycle path in close proximity with the east site boundary and the car park to avoid glare and light trespass. Other architectural lighting elements such as facade accent lighting and landscape accent lighting (if any) could be dimmable to enable the luminance of illuminated surfaces to be carefully controlled to avoid potential nuisance to neighbours in close proximity to the site. The details could be secured by conditions and as such there would be no significant adverse impact on residents.

Conclusion

10.78. It is concluded that whilst there would be some impact on amenity as a result of the development subject to conditions, it is considered that it would not result in an effect that would warrant refusal in this case and as such it accords with policies H14 and RE7 of the OLP.

d. Transport

Transport sustainability

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

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

10.81. Policy M5 and Appendix 7 sets out minimum cycle parking standards and for R&D uses this would be 1 space per 5 staff. Policy DH7 of the OLP sets out design requirements for bike & bin stores and external servicing features. These should be considered from the start of the design process.

10.82. The site is considered to be in a highly sustainable location with good access to public transport in and out of the City and within approximately 20 minutes walking distance of the railway station and Seacourt Park and Ride. A Transport Assessment (TA) and addendums have been submitted with the application.

Access

- 10.83. The application proposes to use two the existing access points into the site. The existing primary access from Botley Road would still be utilised but only for visitors and delivery/servicing vehicles exiting the site. All staff would use the Lamarsh Road access. There would therefore be relatively few movements from this access. The County Highways Authority (HA) advises that whilst it would prefer to see it closed there is no objection to the continued use of this access.
- 10.84. The Lamarsh Road access would become the primary vehicular access, used by staff and delivery/servicing vehicles entering the site. It is also expected that Lamarsh Road would become a busier as a cycle route, given the new pedestrian/cycle route through the site and the HA request improved visibility splays in order to ensure protection of cyclists, secured by condition.

Traffic Generation

- 10.85. The existing car park is not used to capacity. The TA shows there would be an additional 6 servicing and delivery vehicles in the peak hours as a result of the development. When considering the growth factors and looking at the existing retail use, the development equates to an additional 1.1% and 1.7% traffic in the AM and PM peak hour respectively. The HA advise that the development is therefore unlikely to cause a severe impact on the local highway network as a result and raise no objection.

Car parking

- 10.86. Currently there are 158 car parking spaces on site and the proposal would result in a reduction of 84 spaces to 74 (3 disabled, 8 visitor bays and 63 for staff). This is a large reduction and equates to car parking for approximately 10% of on-site staff. 28 would have electric vehicle charging points including for visitors. Club spaces (minimum of 2 up to 5) would be provided. Both EV visitor spaces and car club spaces would also be made available for use by Earl Street residents. Parking on site would be restricted by permits or ANPR system and enforced by the on-site management team.
- 10.87. Policy M3 does not provide a car parking standard for R&D and each site is considered on its merits and on the basis of the TA. Further information within the TA addendum demonstrated that in comparison with other edge of town centre sites a 10% car parking provision is lower than all other comparable sites locations including within Oxford and elsewhere in England. Further, for a maximum of 620 staff on site there would be a proportion of vulnerable staff who could or would not want to walk to the Park & Ride or Railway station, for example those who work early or late hours, or those who would need to travel to other campus or research labs during the day. On the basis of the information provided the HA is a satisfied that a 10% car parking provision (63 spaces) is the absolute minimum car parking necessary to support the operation and function of the development and no objection is raised to the level of car parking.

- 10.88. For a development of this size a full Travel Plan would be required and secured by condition, together with a contribution towards future monitoring by the County Council.
- 10.89. The development would intensify the use of Lamarsh Road and existing access by staff and visitors at peak times when pedestrians/cyclists using Botley Road are at the highest levels. The Lamarsh Road junction has a history of accidents involving cyclists. There is expected to be approximately 620 staff on site and only 74 parking spaces, 9 of which are for visitors. The remaining staff (approximately 557) would need to travel by active and sustainable modes. A significant proportion of these are likely to walk and cycle and as such the infrastructure should be improved to make travelling by these modes safe and attractive. The County Council has therefore requested an Active Travel contribution towards the Botley Road corridor improvement works which would make it safer and more convenient for the high number of staff who need to travel sustainably to site as set out in the TA. Based on the Botley Road Corridor Scheme the figure requested is £246,750 (index-linked to January 2023) secured via a S106 agreement.
- 10.90. The active travel contribution relates solely to the south side of Phase 1.4 of the Botley Road Corridor Works, and essentially enable the works along the frontage of the site plus Lamarsh Road, Earl Street and Dukes Street junctions either side. The TA picks up on the fact there have been a lot of collisions involving cyclists and even points to the fact that priority is confusing on Lamarsh Road which these works will resolve. The works would also partly act as the sites access works with the applicant only needing to do the area within their site. This section of the Botley Road is possibly the most challenging for cyclists presently with poor visibility, confusion over priority and placement and lack of space so the improvement would improve the situation and tie-in to what has already been delivered to the west.
- 10.91. Other sites coming forward in the area will also be expected to contribute towards other phases of the corridor works based on size of development.
- 10.92. It is considered that given that the TA points to these works being important and beneficial to their site and their sustainable and active travel, and without contributions coming forward from all the developments in the area that the improvement work will not be finished and the wider public benefits lost. It is therefore important that contributions are secured to mitigate the impact of the development. As such the contribution is considered to meet all of the planning obligation tests being necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The Applicant has agreed to this contribution.
- 10.93. The provision of 28 electric vehicle charging points is in excess of the 25% provision requirement and as such accords with Policy M4, details of these could be secured by condition including use by Earl Street residents. The allocated car club spaces and use by residents could also be secured by condition. These would both provide a public benefit from the development.

Cycle parking

10.94. It is estimated that the proposed building would be occupied by a maximum of 620 members of staff. Cycle parking for 224 bikes is to be provided on site plus an additional 8 Sheffield stands (16 bikes) near the entrance to the building for visitors. The provision also includes for bicycle trailers cargo and electric bicycles. This level is above the required standard within the OLP. 160 of these spaces would be in the form of double stackers. Further information submitted shows that 164 of these spaces are provided in the form of Sheffield stands and this therefore means the minimum standard is achieved at ground level and those at upper levels are additional. On this basis the County raise no objection. Details of the stand could be secured by condition.

Delivery and Servicing

10.95. Delivery and servicing arrangements have been carefully considered and the HA consider that they are acceptable in principle. Vehicles would enter via Lamarsh Road and exit onto the Botley Road, because turning within the site is not possible. Deliveries and servicing must be outside of the network peak hours and would need to be included in a Deliveries and Servicing Management Plan, which could be secured by condition. Similarly, a Construction Traffic Management Plan (CTMP) would need to be conditioned which should also specify mitigation measures such as delivery times and banksmen on both accesses.

10.96. Subject to conditions and the contributions therefore, it is considered that the development accords with policies M1 to M5 of the OLP.

e. Flood Risk and Drainage

10.97. Policy RE3 relates to flood risk management and states planning applications for development on sites larger than 1 ha in Flood Zone 1 must be accompanied by a site specific Flood Risk Assessment (FRA) to align with national policy.

10.98. Policy RE4 relates to sustainable and foul drainage, surface and groundwater flow, and states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SUDs) or techniques to limit run off and reduce the existing rate of run-off on previously developed sites. Surface water run off should be managed as close to its source as possible, in line with the stated drainage hierarchy.

Flood Risk

10.99. A Flood Risk Assessment has been submitted. The site lies within Flood Zone 3 (FZ3) with parts in FZ3a and parts in FZ3b and therefore at high risk of flooding. The Environment Agency (EA) advised at pre-app that any new development in FZ3 must not have a larger footprint than existing because it would not be possible to provide flood compensation on a level for level basis across the site. This has been done as part of the proposed development.

10.100. The development use is classified as 'less vulnerable' and passes the sequential test for development within FZ3. The finished ground floor level has been modelled for the 1 in 100yr +26% climate change (EA standard) and 130mm above existing levels, therefore the risk of flooding at ground floor is low over the

duration of the building's life. In peak flood events occupants would be able to take refuge in the upper floors of the building. The site would be accessible to emergency services, based on expected depths and flow of water. As a result of the development there would be an increase in flood storage in times of flood of approximately 353m cubed, as the proposed footprint is smaller than existing. To mitigate any residual flood risk mitigations measures such as raised electrical circuits, concrete ground floor slab and flood resilient materials are proposed, together with occupants signing up to the EA flood warning system too allow early warning and evacuation.

- 10.101. Based on the information within the FRA, the EA has raised no objection to the development on flood risk grounds, subject to conditions, and as such the development accords with Policy RE3 and the NPPF.

Drainage

- 10.102. A Drainage Strategy Report and addendum report and Foul Sewer Assessment have been submitted with the application. The Lead Local Flood Authority (LLFA) has raised no objection subject to conditions (para 9.3 above).
- 10.103. The building would connect into existing sewer and water infrastructure and Thames Water has also raised no objection to this. The development would incorporate sustainable drainage (SuDs) measures including attenuation features including two blue roof systems, permeable paving for parking bays and hard landscaping, and two rainwater gardens to the north of the site fronting Botley Road.
- 10.104. Residents have raised a concern that the development may result in sewer flooding of gardens, which sometimes occurs to the adjacent properties. The Drainage Strategy sets out that the new SuDS blue roofs would hold surface water run-off and release it at a restricted rate into the existing sewer to prevent water surge. The roofs have been designed to accommodate the 1 in 100year storm plus 40% climate change without flooding. The rainwater gardens would also attenuate surface water and restricts its release to the below ground drainage network. Surface water falling on permeable paving would be attenuated in a porous sub-base and elsewhere surface water would be captured in a channel drain which also feeds in the porous subbase. The discharge water release would then be restricted and again it has been designed to accommodate the 1 in 100year storm plus 40% climate change without flooding.
- 10.105. Thames Water advise that the scale of the proposed development would not materially affect the sewer network (see paras.9.11-13) and the LLFA raised no objection to the proposed drainage strategy or SuDs including the roof attenuation and release into the sewer (paras. 9.6-9.9). The drainage has been designed to prevent surface water surging at time of flood into the sewers and takes account of climate change and whilst the residents' concern is understood, in the absence of any objection by either Thames Water or the LLFA it is considered that the proposed drainage strategy and SuDS are acceptable.

10.106. Subject to conditions securing the implementation and record of the Drainage Strategy and SuDS, the development accords with Policy RE1 of the OLP.

f. Landscape and Trees

10.107. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.108. The policy goes on to state that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances, that it can be demonstrated that the 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 canopy cover, and where loss of trees cannot be mitigated by tree planting on site then it should be demonstrated that alternative proposals for new green infrastructure will mitigate the loss of trees, such as green roofs or walls.

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

10.110. An indicative landscape scheme has been submitted together with a Tree Canopy Cover Assessment. The site has mixed species self-seeded scattered trees cover running along its northern and eastern boundaries, and individual planted trees in a rectilinear grid within the car park hard surfacing. The trees within the car park are small, poor in condition and quality, evidently suffering from the common problems of isolated trees in hard surfaces, where the ground was probably poorly prepared for tree planting and conditions are generally inhospitable. Trees along the eastern boundary are more of a mixed stock but without any significant quality trees present. The trees along the northern boundary face onto the Botley Road and stand within a narrow, but evidently quite effective, soft planting strip. These trees are semi-mature or early mature and include limes, which have the potential to continue and increase in size and value as elements of the Botley Road tree cover. Street trees are an important defining characteristic of the streetscape and provide public amenity.

10.111. It is proposed to remove the 11 poor quality trees in the car park, retain the trees along the Botley Road and create a new landscaped area to the front of the building. New trees would supplement existing trees along the eastern boundary with Earl Street with a further line of trees running parallel along the new pedestrian/cycle path and car parking that run parallel. Overall, an additional 52 trees would be planted together with new soft planting, including rains gardens with native and biodiverse species.

10.112. It is considered that the removal of the car park trees is fully justified in this case as they offer limited public amenity and are poor quality. The proposed landscape strategy would be high quality and would significantly enhance the existing landscaping, street scene and eastern boundary as a result. The development would increase tree canopy cover over 30 years and provide enhanced public amenity. It is important that new trees within the hard surface are appropriately planted and have enough space to grow and thrive. This could be ensured by condition requiring a finalised landscape scheme and planting pits. Whilst there may be an adjustment to the final number of trees planted, it would likely only be by a few need adjustment within the visitor car park area and there would still be a significant increase in number of trees planted than existing and the mitigation would still be sufficient. Furthermore, Officers consider it would be better to have trees that have appropriate more space to growth and survive in good quality and health than resulting in poor quality existing specimens. The indicative approach to tree species and mix of trees is acceptable and overall the tree and shrub planting would provide enhanced native species and for biodiversity interest, which could be secured by condition. Neighbouring trees could be safeguarded by conditions requiring tree protection measures and details of underground utilities, and hard standing within root protection zones.

10.113. Subject to conditions the development accords with Policies DH1, G2, G7 and G8 of the OLP.

g. Biodiversity

OLP policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain of 5% for biodiversity and for major development this should be demonstrated in a biodiversity calculator. Policy G8 requires new development that affects green infrastructure to demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

10.114. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.

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

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

10.116. The application site is located in an urban area of Oxford. An Ecological Appraisal and Lighting Assessment were submitted in support of the application. A total of two internationally designated sites were identified within a 10km radius of the site, with the closest being Oxford Meadows SAC / SSSI located 1.1km north-east of the site. Notably the proposed site does fall within a SSSI risk zone, for the Oxford Meadows SAC / SSSI. Three different classifications of non-statutory designated sites were found within the 1km search area – Oxford City (County) Wildlife Sites, Local Wildlife sites and Conservation Target Areas. Four CWSs were found within the search area, the closest of which being the Field North of Osney Mead, located 80m south of the Site.

10.117. The presence of protected and notable species has been properly considered, and the only evidence is of nesting birds in scrub to the south-eastern extent of the site. Officers are satisfied that a robust assessment has been undertaken and the potential presence of protected habitats and species has been given due regard.

10.118. The proposed development would result in a reduction in the number of car parking spaces within the application site compared to the baseline and on this basis Officers are satisfied there is no prospect of effects on the Oxford Meadows SAC arising from road traffic emissions, or any other pathways, and therefore that a Habitats Regulations Assessment is not required in this case.

10.119. The Ecological Appraisal identifies potential impacts on the locally designated sites to the south of the application site in the form of dust and noise pollution during the construction phase. It is proposed that mitigation measures are adopted in a Construction Environmental Management Plan (CEMP) for Biodiversity. Officers consider that this would be appropriate and that a CEMP for Biodiversity could be secured by condition.

10.120. The report also specifies that construction noise should be minimised during the Reed bunting breeding season, as the species breeds within the Osney Mead Local Wildlife Site. It identifies this season as running from April to mid-May. However, the species is known to breed as late as August, therefore it would be appropriate for any avoidance/mitigation measures to extend for the full breeding period, secured within the CEMP.

10.121. The Ecological Appraisal identifies several invasive species within the application site, including Snowberry, Butterfly bush and two Cotoneaster species.

It considered that all invasive species should be removed from the application site and that a plan for the control and eradication of all such species is required, secured by condition.

- 10.122. A biodiversity metric completed in support of the planning application indicates the proposed development would generate a net gain of 0.56 habitat units (+118.84%) and 0.79 hedgerow units (+234.36%) on site which exceeds the policy requirement of 5% net gain. It is considered this could be achieved and delivered through a suitable Landscape Scheme and Landscape Ecological Management Plan (LEMP), both secured by condition. The planting schedule should include species of value to native wildlife, including pollinators, and should exclude any invasive species.
- 10.123. The Ecological Appraisal also recommends a range of faunal enhancements including bat, bird and invertebrate boxes (on trees and buildings). These are considered appropriate and details could be required and secured by condition.
- 10.124. The Ecological Appraisal states that a sensitive external lighting scheme would be designed to minimise light spill onto retained and proposed habitats. There is an opportunity to preserve and enhance the connectivity to the west of the site with the adjacent residential gardens and proposed landscaping in that area. A full lighting strategy for biodiversity should be required and secured by condition.
- 10.125. Officers are satisfied that the potential presence of protected habitats and species has been given due regard, a net gain in biodiversity would be achieved and subject to conditions listed, the development would accord with G2 and G8 of the OLP. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

h. Land quality

- 10.126. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. Policy RE9 requires a land quality assessment report here proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.
- 10.127. The site lies within an area of high flood risk and on land which is designated as a sensitive aquifer which must be kept safe from pollution. Groundwater at this site is within a Secondary A aquifer and water levels are known to be shallow at around 1 – 3 metres below ground level.

- 10.128. A Geotechnical report has been submitted with the application. This identifies groundwater and water contamination. This contamination poses a potential risk to controlled waters and the aquifer as it is not far below the surface and to future occupiers as the water is not suitable for drinking. The report recommends further investigation to identify whether the source of the contamination is on site, particularly in view of an historic tank on site.
- 10.129. The EA has raised no objection to the development on the basis that the contamination can be further assessed and properly managed secured by conditions requiring further site investigation, remediation strategy and a verification report demonstrating the remediation has been undertaken.
- 10.130. Officers consider that further assessment of groundwater contamination should include a detailed quantitative risk assessment, further sampling for asbestos in made ground and ground vapour monitoring. Both the City Council and the EA should be informed as soon as the recommended further site investigation work has been completed on site.
- 10.131. Subject to the conditions is it considered that the development would accord with Policy RE9 and the NPPF.

i. Air Quality

- 10.132. Policy RE6 of the OLP has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced. The application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Policy M4 (Provision of Electric charge points) of the OLP 2036 requires a minimum of 25% of parking spaces to be provided with charging points on non-residential developments, and adequate ducting should be provided to all spaces to enable additional charging points in the future as demand requires.
- 10.133. The application has been submitted with an Air Quality Assessment (AQA). The air quality baseline desk assessment shows that current air quality levels at the application site are quite below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations. Therefore, the location of the application site is considered suitable for its intended use i.e. the introduction of future occupiers (new receptors) without mitigation.
- 10.134. The energy strategy states that the proposed development would be all-electric and not rely on the use of combustion sources as a primary energy supply including Air Source Heat Pumps (ASHP) and Photovoltaics (PV). Consequently, there would be no local air quality impacts anticipated.
- 10.135. According to the submitted Transport Statement, a total of 74 car parking spaces would be provided on site, resulting in a net decrease of 84 spaces, with 25% having EV charging infrastructure. There would be a net increase in light and heavy duty vehicles to the site. However, the AQA demonstrates the impact of the development on the local area would have an insignificant effect. The reduction in

parking spaces on-site and Travel Plan secured by condition would discourage car use and other more sustainable forms of transport contributing towards improved air quality. The EV charging infrastructure could be secured by condition.

10.136. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQA, which identified that there is a medium risk of dust soiling impacts due to the proximity of existing receptors to the proposed development. The sensitivity of the area for human health was classified as “low risk”. 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 and secured by condition, the residual impacts are considered to be not significant.

10.137. As such the development would accord with RE6 and M4 of the OLP, subject to conditions.

j. Archaeology

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

10.139. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3.

10.140. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.

10.141. The application proposal is of interest because it is located adjacent to a post-medieval causeway across the Thames floodplain in allocation that has general potential for floodplain archaeology (i.e. Neolithic/Bronze Age settlement activity between the beaded channels of the early Thames). The recent archaeological evaluation work for the Oxford Flood Alleviation Channel has demonstrated the dispersed character of prehistoric activity in the floodplain along

this section of the Thames, with Neolithic and Bronze Age activity sealed by Iron Age and later alluvial cover.

- 10.142. In this case, bearing in mind the scale of the proposed development, the site constraints and the development history of the site, it is considered that any below ground archaeology could be dealt with via a condition to secure a phased programme of works comprising controlled demolition followed by Stage 1: Post-demolition archaeological trial trenching and Stage 2: further mitigation by archaeological recording or design if required. As such the development would accord with Policy DH4 of the OLP and the NPPF.

k. Sustainable Design and Construction

- 10.143. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2022 Building Regulations compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.

- 10.144. An Energy and Sustainability Statement and two Addendums have been submitted with the application. These set out a building fabric first approach to construction with Air Source Heat Pumps (ASHP) providing heating, hot water and cooling and Photovoltaics (PV). Blue roofs are also provided. The development would achieve BREEAM 'excellent', which include a whole life carbon assessment and re-use of existing materials where possible. The information demonstrates a 42.2% carbon reduction over Building Regs Part L baseline. Subject to conditions securing the sustainable design and construction and further details of the PV, the development would accord with policy RE1 of the OLP.

I. Noise

- 10.145. The site is bound by Botley Road to the north and includes car parking provision to the north and south. The site is surrounded by commercial buildings to the west and south and existing residential dwellings to the north, east and west. The nearest noise sensitive receptors have been adequately identified as the residential dwellings located to the west and east of the site. Road Traffic and existing plant are dominant noise sources.

- 10.146. An acoustic assessment has been submitted to support the application. The proposed external rooftop plant comprises nine air handling units, three ASHP Chillers (to the west of site) and 2 x ASHPs (to the west of site) for hot water generation. Allowances have been made for tenant specific plant to the east and west of site.

- 10.147. It is considered that the plant noise levels have been adequately predicted as being below the existing background noise level at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. The Report suggests that mitigation is required to meet the plant noise limits and this may take the form

of screening and attenuators. All plant should be fitted with suitable vibration isolators, to prevent additional noise be caused through vibration.

- 10.148. The calculations show that the noise criteria of the proposed plant strategy would meet the Local Authority criteria during the operating period with specified mitigation in place and should not have an adverse impact on the nearest sensitive receivers (residents). This mitigation could be secured by condition.
- 10.149. An assessment of vehicle noise has also been undertaken to ensure the provision of car parking would not give rise to unacceptable noise to the nearest residents to the east. Appropriate noise criteria have been used and mitigation measures have been taken into account. It should be noted that the assessment does not say that residents must close their windows to mitigate any noise impact. It assesses the impact of noise from vehicles with the windows closed and partially open. On the basis of the assessment, it is considered that the use of the car park would not result in an adverse impact on the amenity of the dwellings or the residential gardens during the daytime and night-time.
- 10.150. It is considered therefore subject to conditions the development would be acceptable in environmental health terms and not adversely affect neighbouring amenity in accordance with policies RE7 and RE8 of the OLP.

m. Utilities

- 10.151. Policy V8 seeks to ensure there is sufficient existing 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.
- 10.152. A Utilities Statement has been submitted with the application. The development would connect into existing utilities infrastructure. The existing electricity substation serving the site and neighbouring properties would be retained. However, it cannot support the development and a dedicated substation is required to serve the development. A new substation would be provided to the eastern side of the site which would provide the new transformers and also additional new below ground HV cabling, which would reinforce the local area network. Details of the details of the design and appearance could be secured by condition.
- 10.153. The whole development would be fully electric and no gas used. Any existing gas supply would be isolated and stripped out.
- 10.154. Water and sewer connections would be into the existing infrastructure. Thames Water advise that the scale of the proposed development would not materially affect the sewer network, and as such there is sufficient capacity. Regarding water, the development would provide a new main cold-water connection into the existing infrastructure. Thames water has advised there is sufficient water network infrastructure capacity.
- 10.155. The new development is proposed to be served by incoming connections from the infrastructure of a minimum of four (five proposed) telecommunications

network providers subject to availability in the broader area. Subject to confirmation by the telecoms providers, the development will be served by 'Fibre to The Premises' (FTTP) incoming connections. It is likely that new cabling would be required.

10.156. It is therefore considered that the development accords with Policy V8 of the OLP.

n. obligations

10.157. It is considered that the following matters should be secured through a section 106 legal agreement:

City Council

- Financial contribution £246,750 towards active travel road improvements to Botley Road in front of the site; and
- £2,563 for Travel Plan monitoring

City Council

- To allow the public to have access at all times to the new pedestrian and cycle route through the site from the Botley Road to Lamarsh Road from first occupation;
- Provision of a Community Employment Plan

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 development would make best and most efficient use of the site and provide a high quality and sustainable development. The principle of the use on this site in this location is acceptable. It would provide increased employment and meet the demand for high quality laboratories for life sciences and contribute towards Oxford's post-pandemic growth and global reputation. The development would positively enhance the character and appearance of the area through contemporary design and new public landscaped area to the front with Botley Road. Whilst visible in long distance views and result in a moderate level of less-than-substantial harm to the setting of the Central Conservation Area, this would be outweighed by the public benefits derived from the development.

11.3. The proposed use is acceptable within Flood Zone 3 and the development would have acceptable drainage scheme, including sustainable drainage measures, and not have an adverse impact on the functional flood plain or result in increased flood risk.

- 11.4. There would be a significant beneficial reduction in car parking, adequate cycle parking and no adverse impact on the highway. A contribution towards Botley Road improvements would be secured.
- 11.5. On balance, there would not be an adverse impact on neighbouring residential amenity from overlooking, overbearing, noise or light spill due to the proposed design, appearance and distance from properties and additional mitigation measures proposed and secured by conditions.
- 11.6. The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and subject to conditions listed in Section 12 below and delegate to Officers to issue the decision notice.

12. CONDITIONS

Time

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

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

Plans

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

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

Materials

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

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

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

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

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

Flood risk

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref 2210106 Rev 3) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 57.69 metres above Ordnance Datum (AOD)
- There is no increase in built footprint and compensatory storage shall be provided as shown in Section 7.3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to ensure the development is safe in accordance with RE3 of the Oxford Local Plan 2036 and the NPPF.

5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and

approved in writing by the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the prior desk study to provide more information for a detailed assessment of the risk to all receptors that may be affected, including those off-site and further assessment of groundwater contamination to include a detailed quantitative risk assessment, further sampling for asbestos in made ground and ground vapour monitoring;
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
3. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes that provides details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected;
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and 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.

6. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and 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.

7. If, during development, contamination not previously identified is found to be

present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

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.

8. Notwithstanding any other conditions to this Planning Permission no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The scheme shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the requirements of in accordance with Policies RE1, RE7 and RE9 of the Oxford Local Plan 2036 and the NPPF.

9. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036 and NPPF.

Drainage

10. The approved drainage system shall be implemented in accordance with the approved Detailed Drainage Design and Sustainable Drainage Measures listed below prior to the use of the building commencing:
 - Drainage Strategy Report Ref: 2210106 dated December 2022 and Drainage Addendum Ref: 2210106 Rev P1 dated March 2023 by ElliottWood
 - Proposed Below Ground Drainage General Arrangement (Sheet 1 of 2) Drawing No: 1001, Rev P4
 - Proposed Below Ground Drainage General Arrangement (Sheet 2 of 2) Drawing No: 1002, Rev P3
 - Proposed below ground drainage manhole schedule Drawing No: 1100, Rev P4
 - Typical below ground Drainage Details (Sheet 5) Drawing No: 3004, Rev

P1

- Ballasted Solar Panel Detail Drawing No: BR14 , Rev 1.02
- All relevant Hydraulic calculations produced via Microdrainage dated 09/03/2023

Reason: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

11. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information

Reason: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

Transport

12. Prior to first occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan or updated version as first agreed in writing with the Local Planning Authority shall be given to every employee and visitor and the development shall be occupied in accordance with the Travel Plan at all times thereafter.

Reason: To promote the use of sustainable transport and to ensure all employees and visitors are aware from the outset of the travel choices available to them and to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework and Policies M1 and M2 of the Oxford Local Plan 2036.

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

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

14. Prior to commencement of development including demolition and enabling works a Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works, and the works of demolition and constructions shall be carried out in accordance with the approved plan. This approved plan should include:

- The CTMP must be appropriately titled, include the site and planning permission 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 and undertaking to address complaints in a timely manner.
- 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 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.

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 Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

15. Prior to first occupation of the development a Delivery and Servicing Management Plan including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall set out how deliveries will be managed and demonstrate how impacts will be minimised including congestion, safety, noise and how zero or ultra-low emission and last mile opportunities will be considered. Delivery and Servicing shall not take place between the peak hours of 07:30-09:30 or 16:00-18:00 and vehicles must enter via Lamarsh Road and exit onto the Botley Road. The development shall be operated in accordance with the approved Plan from first occupation of the development and at all times thereafter.

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

16. Prior to the commencement of the development hereby approved, full details of the works to the Lamarsh Road access including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and thereafter retained.

Reason: In the interest of highway safety and provide adequate road infrastructure in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

17. Prior to first occupation of the development visibility splays measuring 25m by 2.4m shall be provided to each side of the access on Lamarsh Road. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level and shall be maintained as such for the lifetime of the development.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

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

- Plan identifying the location of EV charging points;
- A minimum of 28 electric car charging points within the whole car parking areas (staff and visitors) and at least 25% of the amount of permitted parking of the commercial development;
- Appropriate cable provision to prepare for increased demand in future years.
- A plan identifying spaces within the visitor car park area accessed from

Botley Road for use by Earl Street Residents.

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

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

19. Prior to the occupation of development excluding demolition and enabling works, details of the car club spaces within development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- A plan showing the location of car club spaces;
- A minimum of 1 and maximum of 5 car club spaces within the whole car parking areas for the development;
- A plan identifying spaces within the visitor car park area accessed from Botley Road for use by Earl Street Residents.
- Details of the car club operator and car club scheme.

The car club spaces shall be formed and laid out in accordance with these details before the development is first in operation and shall be retained of the lifetime of the development. The car club spaces shall be used in accordance with the agreed car club operators scheme on first occupation and thereafter for the duration of the development, or as may be updated and revised as necessary by the Local Planning Authority.

Reason: In order to ensure sustainable modes of transport and mitigate the impact of the development on the highway network in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

20. The Electric Vehicle charging points approved under condition 18 and the Car Club parking spaces approved under condition 19 shall be made available for use by Earl Street residential occupiers for the lifetime of the development in accordance with a management scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or any updated scheme as maybe approved by the Local Planning Authority, or as may be updated and revised as necessary by the Local Planning Authority. The scheme shall include details of how the spaces will be allocated (e.g. permit scheme), monitored, hours available for use by residents and details of person(s) or company who would manage their use.

Reason: In order to ensure sustainable modes of transport and mitigate the impact of the development on the highway network in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

21. No development shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority which shall include:
- the complete list of site specific dust mitigation measures and recommendations that are identified in Table C1 (pages 39-41) of the Air Quality Assessment submitted with this application.
 - Notification in writing to all occupiers surrounding the site at least 21 days prior to the commencement of any site works, including the nature and duration of works to be undertaken.
 - Local residents to be kept informed of significant demolition or construction works including those out of agreed hours or days of working at least 14 days in advance and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - All waste materials and rubbish associated with demolition and/or construction shall be contained on site in appropriate containers which, when full, shall be promptly removed to a licensed disposal site. No waste materials shall be burnt on site of the development hereby approved.

The development shall be completed in complete accordance at all times with the approved CEMP.

Reason: To ensure that the overall dust impacts during the demolition and construction phase of the proposed development will remain as “not significant” and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the results of the dust assessment and with Policies RE6 and RE7 of the new Oxford Local Plan 2036.

Noise

22. 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.”

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

23. All plant and ducting installed at the development or any replacement shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

24. 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.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from the building site in accordance with RE8 of the Oxford Local Plan 2036.

Secure by Design

25. Prior to first occupation a detailed security and access strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall demonstrate how building security will be managed to prevent unauthorised access. This strategy shall include details of secure lines and access control points, and how these will protect secure areas of the development. The strategy must demonstrate how the proposed approved layout of the building would be able to be adapted to securely accommodate any of the proposed uses. The approved strategy shall be implemented on first occupation and thereafter be maintained for the lifetime of the development unless an alternative scheme shall be approved in writing by the Local Planning Authority.

Reason: In the interest of Secure by Design in accordance with Policies RE7 and DH1 the Oxford Local Plan 2016-2036.

Design and appearance

26. Notwithstanding the submitted plans, prior to first occupation further details of the outside tables, seating, bollards, bins, gates, substation and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and there after retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality design and public realm in accordance with DH1 of the Oxford Local Plan 2036.

27. Prior to first occupation an external lighting and CCTV schemes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include siting (plans and elevations), luminance & spill of lights and technical specifications. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting, particularly around parking areas, promotes a secure environment and does not cause a nuisance to local residents in accordance with recommended lux levels by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding

luminaires, in accordance with the Guidance Notes. Consideration must be given to impact on biodiversity. The approved details shall be installed and maintained thereafter.

Reason: In the interests of Secure by Design, Biodiversity, and neighbouring amenity in accordance with Policies DH1, RE7 and G2 of the Oxford Local Plan 2036.

28. Notwithstanding the submitted details prior to commencement of development excluding demolition and enabling works, detailed plans at 1:50 shall be submitted to and approved in writing by the Local Planning Authority showing the permanent obscure fritting to windows at first and second floors of the eastern elevation facing Earl Street. The obscure glazing shall reach 1.65m above internal finished floor level. The development shall be completed in accordance with the approved details prior to first occupation of the development and shall be retained at all times thereafter, including replacement window glazing.

Reason: To prevent direct overlooking from the development in the interests of privacy and neighbouring amenity in accordance with Policies DH1 and RE7 of the Oxford Local Plan 2036.

29. Notwithstanding the submitted details, a scheme for the automated internal roller blinds to all windows including detailed plans at 1:50, technical specifications and long-term maintenance shall be submitted to and approved in writing by the Local Planning Authority. The blinds shall be installed prior to first occupation and retained at all times thereafter. The development shall be occupied and the blinds operated in accordance with the approved Scheme at all times.

Reason: To mitigate the impact of the from the development from light spill and feeling of being overlooked in the interests of neighbouring residential amenity in accordance with Policies DH1 and RE7 of the Oxford Local Plan 2036.

Archaeology

30. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI comprising Stage 1: archaeological trial trench evaluation and Stage 2: further mitigation by archaeological excavation or design if required, which shall include the statement of significance and research objectives, and;

- The programme and methodology of site investigation and recording [consisting of post-demolition trial trenching followed by further mitigation (i.e. open area excavation and/or a watching brief) as required] and the nomination of a competent person(s) or organisation to undertake the agreed works, working to a brief issued by the City Council;

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

Ecology

31. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of all Cotoneaster species, Snowberry and Butterfly bush on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To prevent the spread of cotoneaster species in accordance with the Wildlife and Countryside Act 1981 (as amended), and to remove all other invasive non-native species identified to enhance biodiversity in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

33. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall then be carried out and shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
- h) Use of protective fences, exclusion barriers and warning signs;

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

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

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

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

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

Reason: The prevention of harm to species and habitats within and outside the site, and the delivery of biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan 2036.

35. Prior to occupation of the development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include bat roosting and bird nesting devices, including boxes for building dependent bird species such as swift, in addition to invertebrate houses. The approved devices and houses shall be fully constructed prior to occupation of the approved development and retained as such thereafter, unless otherwise approved in writing by the local planning authority.

Reason: To enhance biodiversity in the City in accordance with the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

36. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in

accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended) and Policies G2 and RE7 of the Oxford Local Plan 2036.

Trees/Landscape

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

Reason: In the interests of visual amenity and residential amenity in accordance with policies DH14, RE7, G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

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

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

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

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

40. 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 be carried out as approved by the Local Planning Authority.

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

41. 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 on site and on adjoining land or neighbouring gardens 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 2036.

42. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11 NE 15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

43. 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.

44. 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

Sustainable Design and Construction

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

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

46. Notwithstanding condition 45 above, prior to construction of the development above slab level further details of the photovoltaics including siting, rake, number (including roof, elevations and section drawings) and technical specifications shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation.

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

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP letter

14. HUMAN RIGHTS ACT 1998

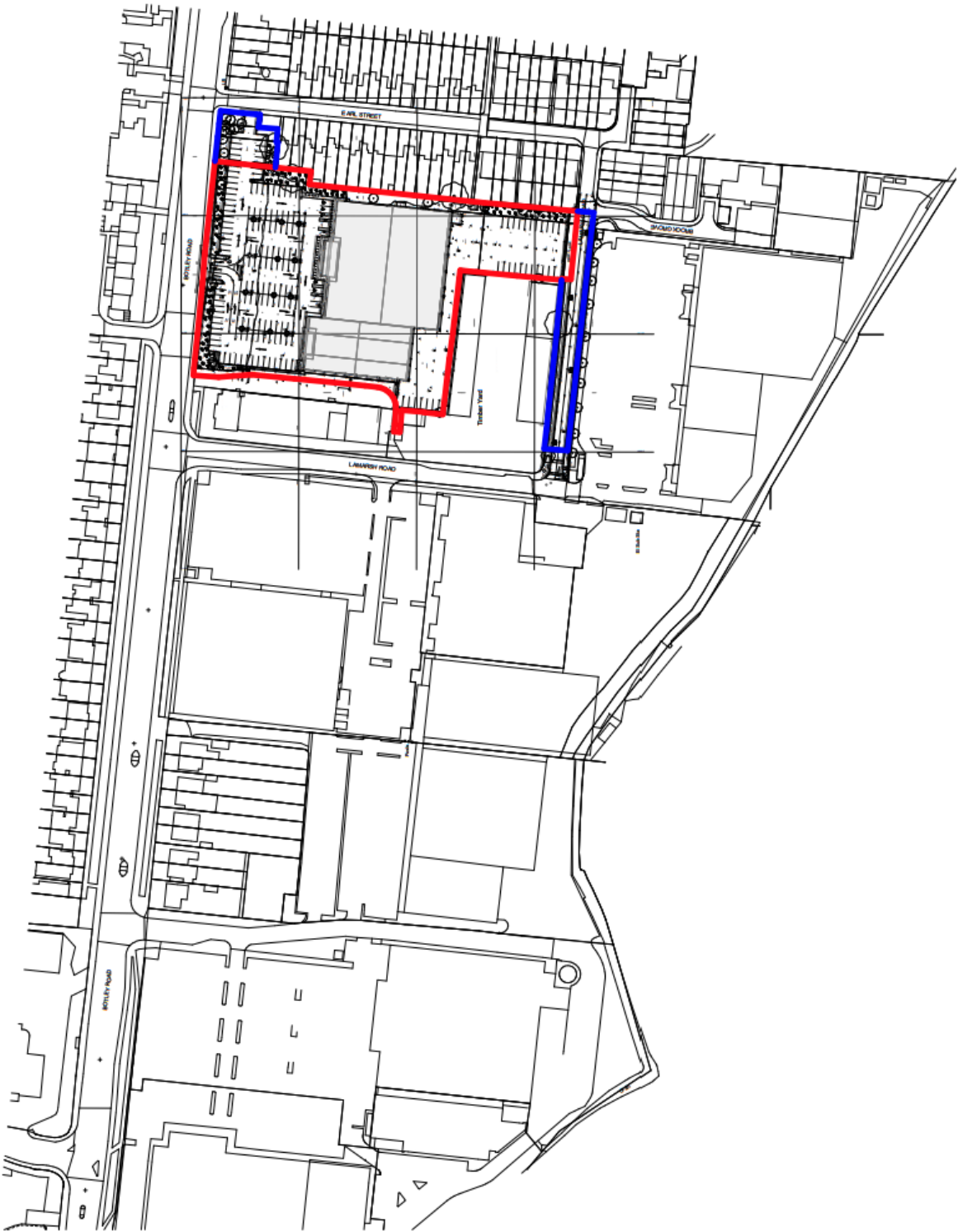
14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1

Location Plan



Taken from NBBJ Drawing No. SP2-NBBJ-ZZ-ZZ-DR-A-001001 P1

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Oxford Design
Review Panel



Design
South East

Appendix 2

Report of the Oxford Design Review Panel

135-137 Botley Road

27th July 2022

Introduction

This report is a summary of the design review held on the 14th July 2022 following the presentation of the proposed scheme to the panel. The proposal is for the redevelopment of the current DFS building to provide laboratory and R&D space.

The summary on the following page highlights the main items raised during the session. We then provide the key recommendations aimed at improving the design quality of the proposal. The detailed comments are presented under headings covering the main attributes of the scheme and we close with the details of the meeting (appendix A) and the scheme (appendix B).

Paragraph 133 of the National Planning Policy Framework (2021) states that *“local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”*

Summary

This site is the first part of the regeneration of the Botley Road Retail Park and the vision for this new neighbourhood of Oxford should link to the heritage and character of the city and the immediate context. However, the proposal misses the opportunities to embed the building into the urban grain and to set a robust vision for a new innovation district. All plots of the retail park should come forward in a holistic way to create a sustainable new neighbourhood.

The building itself appears monolithic and the architecture needs further refinement to reduce its impact to adjoining properties and the wider setting. Giving back to the local community should form part of the brief and should inform the way the ground floor uses and movement are arranged on site.

Key recommendations

The local authority should:

1. Develop a vision and masterplan for the retail park and conduct thorough consultation with the local community.

The applicant team should:

1. Revisit and review the Landscape and Visual Impact Assessment and view cone policy; this building should not add to the Oxford skyline.
2. Reconsider the scale and massing as part of a holistic strategy for movement, townscape, impact on nearby properties and architectural treatment.
3. Redesign the Botley Road frontage and the north-eastern corner to create a sense of arrival that prioritises cyclists and pedestrians. Open up the café more to the community.
4. Encourage active travel by locating the cycling facilities at the front of the building and reducing the car parking provision.
5. Develop the architecture and elevational treatment further to reflect the innovation that is happening inside the building.

Detailed comments and recommendations

1. Placemaking

- 1.1. Botley Road used to be a causeway from the city to the countryside; it was never developed because it was the lowest level of Oxford. Its transformation should form part of a strategic thinking around what this place will be, especially as the West End, Oxpens and Osney are being developed as masterplans. Doing the same for the retail park would ensure that the local community is consulted upon, and a vision is established.
- 1.2. The vision needs to be robust and incorporate the wider landscape, transport movements and land uses. Options for a mixed use area with a potential residential component should be explored. If the vision is about creating an innovation park along Botley Road, then this site should be setting the strategic moves that will allow the adjoining sites to add to this character. This new district should be promoting itself as the best place for companies to have their laboratories and R&D spaces. Competition is high in Oxford and as such, a robust vision that creates a new mixed-use, well connected innovation district should be underpinned by the placemaking strategy.
- 1.3. A holistic approach to transforming the wider retail park is strongly recommended to the City Council in order to deliver a successful place. This should be progressed through a masterplan, which could be prepared quite quickly. Any development on this site should not compromise the adjoining ones. Therefore, its boundaries and the relationships with adjacent plots should be fully understood before the proposal evolves further.

2. Sustainable design

- 2.1. The emerging approach to sustainable design and renewable energy was not discussed in detail at this review. Our advice is that the proposal must develop a clear strategy for minimising embodied, operational, and transport-related carbon emissions, and optimise the use of renewable energy to align with the Government's emerging zero carbon policy. This should include measurable targets informed by respected calculation methods. The strategy should also address water use, biodiversity net gain, and waste reduction in construction and operation through circular economic principles.
- 2.2. Flexibility should be built into the design to ensure that the building can adapt and change over time. The current retail use had a 15 year life; by safeguarding future uses and adaptability, the new building can have a longer life span.

3. Views and townscape

- 3.1. Oxford is a city of international historic significance; the views into the city and the green backdrop to the skyline are both equally important in preserving Oxford's character. Current policy has identified several protected view cones, but there are many more that are of local significance and can be impacted by smaller-scale proposals if not taken into full consideration.
- 3.2. Botley Road serves not only as a green corridor leading to the city centre but also as a backdrop to the city. Any development along the road should be informed by a clear analysis of the views that will impact the height and massing.
- 3.3. The impact on the longer views is not about minimising it but about eliminating it altogether. Given the proximity to the city centre and the proposed height, we are not convinced that the proposal will preserve the character of Oxford.
- 3.4. In addition to the longer views, shorter views from nearby properties are also significant when establishing the height and massing. Despite the attempts to set back the upper storeys to mitigate the impact, the proposal still appears overwhelming when viewed from adjacent streets and back gardens.
- 3.5. The prevailing character of the area is a fine grain of two-storey buildings. It needs to be acknowledged and form part of the design development. There should be no expectation that the landscape will mitigate the impact of the massing; architecture should respond to its context first.

4. Movement

- 4.1. The site is very well located within walking and cycling distance from the train station and the city centre. Bus stops are located directly opposite and on the northern boundary. It is therefore evident that the location is highly sustainable.
- 4.2. However, the car parking allocation does not reflect this fact. The lack of a holistic vision and masterplan for this area which could even identify a mix of uses with minimum need to travel, hinders the proposals. The vision of an innovation mixed-use district could be embedded into the movement strategy and propose a predominantly car-free area. Innovation in movement should be proposed with a wider masterplan vision.
- 4.3. The car parking requirements should be quantified and should be monitored and managed in the longer term. We strongly encourage the applicant to develop a travel plan that looks into the short, medium and long term viability of the car parking provision. The relationship with the nearby park and ride is also key and connections between the two may need improvements.

- 4.4. Cycling should be actively encouraged and promoted; this is contradicted by allocating the cycling facilities to the rear of the site. Cycle parking should be part of the arrival experience and be clearly visible.
5. Site layout and landscape
 - 5.1. Current plans for the redevelopment of the West End and Oxpens should relate to this site. A route that links the areas, either through cycling or walking, would be of value.
 - 5.2. The set back from Botley Road is the right approach and it could set a precedent for the entire street. However, the north-eastern corner of the site should be opened-up to allow a more direct access point to the building when coming from the station and the city centre. The argument about resident car parking needs to be considered in the holistic lens of creating a neighbourhood for the future where cars might not be required as all amenities will be within walking and cycling distance.
 - 5.3. There should be a hierarchy for cycling and pedestrian access in relation to the vehicular access. Cycle and pedestrian routes should be prioritised and front Botley Road.
 - 5.4. The landscape design cannot progress unless the fundamental principles of placemaking and site layout are resolved. The character of this area should be preserved, especially the tree lined Botley Road.
6. Architecture, elevational treatment and internal layouts
 - 6.1. Given the vision of an innovation district and an R&D function, the architecture should celebrate the ingenuity that is happening inside. The monolithic nature of the building, which was designed as such to cater for different potential occupiers, needs to be broken down and articulated. A more contextual response towards the fine residential grain in the immediate area and the longer views from the historic town centre is required.
 - 6.2. The building currently has a front and back; we question this approach, especially given the atrium which could be expressed differently on the exterior. Connections through the building should be considered to help integrate the building with future development within the innovation park and to further strengthen the concept of communal collaboration.
 - 6.3. By using the Landscape and Visual Impact Assessment to establish the appropriate height, the roofscape could start becoming more creative and interesting. This is a missed opportunity that should be explored further at the next stages.

- 6.4. The proposed terracing towards the residential properties on the eastern side could be used as amenity spaces for the users of the buildings. By incorporating greenery, these terraces can improve the outlook from nearby houses.
- 6.5. We feel strongly that the ground floor café should be more open to the community and inviting to everyone. This building has a responsibility to give back to the local population and the café could serve this function. If moved closer to the road and designed as a sculptural element, it could be attractive to the community.
- 6.6. The elevational treatment of the two primary sides should be broken down and divided into smaller segments. Structural elements such as shear walls and service risers could enrich and fashion the facades and exterior treatment.
- 6.7. Bringing biophilia inside the building in the form of green walls or planters, possibly to the cores, in the atrium will integrate it with the wider landscape and green character of Botley Road.

Appendix A: Meeting details

Reference number	1861/220714
Date	14 th July 2022
Meeting location	Long Room, Oxford Town Hall, St Aldate's, Oxford OX1 1BX
Panel members attending	Joanne Cave (chair), urban design and planning Andrew Cameron, urban design and transport planning Eric Hallquist, landscape architecture and SUDs Kathryn Davies, historic environment and planning Richard Portchmouth, architecture and urban design
Panel manager	Kiki Gkavogianni, Design South East
Presenting team	David Preece, NBBJ Tim Whitcombe, NBBJ David Williams, Fira Landscape Architects (online)
Attendees	Andrew Winter, Barton Willmore Andrew Fisher, Barton Willmore Colin Brown, Mission Street Alicia Freire, Twin and Earth James Newton, Oxford City Council James Paterson, Oxford City Council Rob Fowler, Oxford City Council Joanna van Heyningen, ODRP Chair (observing)
Online attendees	Marco Tranchina, Elliot Wood Lorraine King, Barton Willmore Ingo Braun, NBBJ Helen Quinn, Design South East (observing)
Site visit	A site visit was conducted prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted. The local planning authority has asked us to look at the following topics: <ul style="list-style-type: none"> • Height and massing; • Landscape setting and longer views.
Panel interests	No conflicts of interests.

Confidentiality This report is confidential as the scheme is not yet the subject of a planning application. Full details on our confidentiality policy can be found at the end of this report.

Appendix B: Scheme details

Site location	135-137 Botley Road, Oxford OX2 0HN
Site details	<p>The site is approx. 1.5ha and comprises a single storey retail unit. The site lies towards the western end of Botley Road. To the south and west of the site lies the rest of the retail park, comprising poor quality retail warehouses and associated parking for the most part. To the east lies Earl Street a residential street formed of two storey late C19/early C20 artisan/worker housing. To the north of the site lies late C20/early C21 housing in the form of three-storey buildings divided into flats.</p> <p>The existing buildings on the site are low quality 1990s retail warehouses, primarily of red brick construction. Much of the site is given over to car-parking. There are some trees on the site, but the most notable trees are on Botley Road itself.</p>
Proposal	The proposal includes the demolition of the existing buildings and the erection of a five storey building, with additional plant at roof level, to accommodate flexible R&D space and a café at ground level.
Planning stage	The scheme is at pre-application stage.
Local planning authority	Oxford City Council
Planning context	The general principle of redeveloping the site from retail to an employment-based use of a greater density is found acceptable. The site is unsuitable for housing and the existing use makes a very poor contribution to the city and a poor use of Oxford's limited supply of land. The local authority are currently preparing a Development Brief for the Botley Road Retail Park to establish some parameters for the future development of the site.
Planning history	None.

This report is a synthesis of the panel's discussion during the review and does not relate to any discussions that may have taken place outside of this design review meeting. A draft report is reviewed by all panel members and the Chair ahead of issuing the final version, to ensure key points and the Panel's overarching recommendations are accurately reported.

The report does not minute the proceedings but aims to provide a summary of the panel's recommendations and guidance.

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations provided that the content of the report is treated in the strictest confidence. Neither the content of the report, nor the report itself can be shared with anyone outside the recipients' organisations. Design South East reserves the right to make the content of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available, and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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Application number:	23/02423/FUL		
Decision due by	12th December 2023		
Extension of time	N/A		
Proposal	Raise roof height, formation of 1no dormer and 1no rooflight to north-west roofslope, formation of 3no rooflights to south-east roofslope in association with loft conversion. Insertion of 1no window to front and 2no windows to rear elevation. Re-render external walls. Removal of chimney stack.		
Site address	38 Stile Road, Oxford, Oxfordshire, OX3 8AQ		
Ward	Quarry And Risinghurst Ward		
Case officer	Jonathan Gentry		
Agent:	Mr And Mrs Coppock	Applicant:	Mr And Mrs Coppock
Reason at Committee	The applicant is a member of staff within the Planning and Regulatory Services team of Oxford City Council.		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

1.1.2. **agree to delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers a proposal for a loft conversion with associated works to No.38 Stile Road. Specifically this relates to a raised roof height, formation of 1no. dormer to the north-west roof slope, various additional and revised fenestration comprising 4no. rooflights, 3no. additional windows and other associated external alterations including chimney removal and re-rendering.

2.2. This report considers the following material considerations:

- Design
- Neighbouring Amenity
- Highways/Transport
- Drainage
- Other Matters

2.3 This report concludes that the proposals would on balance not result in material harm to the character of the surrounding area and would be acceptable in design terms, in accordance with Policy DH1 of the Oxford Local Plan (OLP). The proposals would not result in the generation of material amenity harm to neighbouring sites and appropriate amenity standards for future occupiers would also be retained in line with Policies H14, RE7 and H16 of the OLP. The development would not have any unacceptable impacts in terms of highway safety and is compliant with Policies M3, M5 and RE7 in this respect. The report also concludes that the proposals are acceptable with regard to drainage and biodiversity. The application is therefore recommended for approval subject to suggested conditions.

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 detached property positioned to the western side of Stile Road, Headington. The property is of traditional design, incorporating a dual pitched gable roof that fronts the highway, and an offset bay window frontage. The main aspects of the dwelling exhibit a red brick finish as existing.

5.2. The immediately adjacent neighbouring sites are that of No.36, a semi-detached property to the north, and No.64 St Leonard's Road, a two storey block of flats to the south. The predominant character of Stile Road and surrounding aspects is that of semi-detached properties of varying design and scale, with the inclusion of several detached properties (including the application property and No.27 opposite). A somewhat larger 3 storey flatted development lies on the junction of Stile Road and St Leonard's Road, a short distance to the south of the application property. A varied mixture of detailing and facing materials are also evident within the setting of the site, including a split of brick and render among surrounding dwellings.

5.3. The application property currently benefits from a single storey rear extension enlargement that has been constructed under the provisions of Permitted Development.

5.4. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes substantial alterations to the existing roof of the property, which would be increased in height and modified to incorporate a side facing dormer feature and several rooflight openings. Additional window openings to the front and rear elevations of the property at effectively 2nd floor level have also been proposed. Revised detailing is also sought, including the application of render to the dwelling, alongside removal of its existing chimney. The proposal would not however result in any increase to the footprint area of the dwelling, with no enlargements proposed below roof level.

6.2. The proposed works have been revised during the course of the application in line with Officer feedback following concerns over the design, namely through the incorporation of revised detailing and fenestration layout to the principle elevation of the property at roof level. Given that the revisions brought forward resulted in no enlargement to the proposal or any material change to its overall implication to neighbouring sites it was not necessary to re-advertise the application.

7. RELEVANT PLANNING HISTORY

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

23/01834/FUL - Raised roof height and formation of 1no. side facing dormer in association with loft conversion. Additional fenestration in the form of side, forward and rear facing windows at 2nd floor level and 3no. side facing rooflights.
--

Removal of 1no. chimney. Application of render. (amended description).
Withdrawn 6th October 2023.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plan
Design	119-123, 126-136	DH1 – High quality design and placemaking	CIP1 – Development respect existing local character CIP3 – Innovative design GSP4 – Protection of the setting of the site
Housing	60-80	H14 – Privacy, daylight and sunlight H16 – Outdoor Amenity Space	
Natural environment	174-188	G2 – Protection of biodiversity and geodiversity G7 – Protection of existing Green Infrastructure features	
Transport	104-113	M3 – Motor Vehicle Parking M5 – Bicycle Parking	
Environmental	119-123, 159-169, 174-188	RE3 – Flood Risk Management RE4 – Sustainable and foul drainage RE7 – Managing the impact of development	
Miscellaneous	7-14	S1 – Sustainable development	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th November 2023.

Statutory and non-statutory consultees

9.2. None received.

Public representations

9.3. 1 local person commented on this application from an address in Holyoake Road.

9.4. In summary, the point of objection raised was in relation to concerns regarding the impact of the development on neighbouring privacy.

Officer response

9.5. The impact of the development on neighbouring amenity including in terms of privacy has been assessed during the application process and is addressed later in this report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring Amenity
- Highways/Transport
- Drainage
- Other Matters

a. Design

10.2. Policy DH1 of the Oxford Local Plan 2036 states that a planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1 of the plan.

10.3. Policy GSP4 of the Headington Neighbourhood Plan adds that development will be permitted where its design responds appropriately to the site and the character of the surrounding area. Finally, Policy CIP1 states that new developments will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. This may include consideration of aspects such as materials, scale, siting use, layout, form and design.

10.4. As described above, the proposed scheme of works would effectively remodel the roof layout of the property to facilitate the creation of a habitable space at 2nd floor/roof level. While the overall dual pitched, gable fronted roof design would be retained, its level would be increased by approximately 1300mm at the ridge and 1000mm at the eaves, with the pitch angle of the roof remaining broadly as existing. A dual pitched gable style side dormer would be incorporated to the northern roof slope, adjacent to the side boundary of No.36.

10.5. The proposed enlargement would result in a perceivable impact on the overall scale and proportions of the existing dwelling, which sits somewhat alone as a detached dwelling to this section of Stile Road with the exception of No.27 directly opposite which is of the same design. Specifically, the frontage area above the existing first floor fenestration would be notably increased and a greater degree of vertical emphasis is likely to be generated when viewed from surrounding public aspects. A degree of concern in design terms was initially raised by Officers in this respect, which has led to the submission of a revised design proposal. Specifically, a hung tile detailing layer has been incorporated to the principle elevation, with a

single additional framed window opening incorporated to the apex of the roof as opposed to a vertical, offset window and render originally proposed which Officers felt unbalanced the dwelling so that it would have been top heavy, drawing the eye to roof level and increasing the vertical emphasis and additional roof height proposed which would not have been in keeping with the surrounding area.

- 10.6. The revised detailing to this elevated section of the property frontage is assessed to both better balance the proportions and scale of this elongated elevation, breaking up the frontage so that it appears less top heavy and reduces the vertical emphasis. It also provides a distinct visual break from No.27 opposite, permitting the property to be read more independently as enlarged. The described courses of hung tiles and feature apex window also draws clear design inspiration from the detailing evident to other gable frontages visible within the surrounding street scene such as at 25 and 25A Stile Road also virtually opposite the site, providing an element of harmony despite the revised proportions of No.38 and ensuring it does not look out of keeping with surroundings.
- 10.7. While the overall increase in ridge height is not insubstantial, it is noted by officers that a range of building heights are similarly evident within the section of Stile Road and other streets of immediate proximity to the plot. Indeed in several cases, building heights directly comparable or in excess of the dwelling as proposed are noted in the area. While the proposal would reach modestly above the ridge level of immediately adjacent No.36, variances in building height of comparable nature are noted along the street and as such the proposals would not appear out of keeping in this context.
- 10.8. The proposed side facing dormer element would result in a further enlargement to the overall mass and bulk of the property as proposed. However, these implications are mitigated to a fairly significant extent by the dormers position set to the rear portion of the northern roof slope. In this respect the enlargement would be obscured to several surrounding aspects, including St Leonard's Road to the south, and would only be directly visible from directly in front of the application plot. Its position adjacent to the roof of No.36 further assists its limited wider visual implication in this respect. Furthermore, while it is noted there are no side facing dormer features in the vicinity, it is noted that there a selection of visually prominent flat roof box style dormers to nearby sites visible from the public realm directly adjacent to the application property. With these factors in mind, Officers consider that on balance the proposed pitched roof dormer projection would not result in the generation of visual harm to the character of the street scene and surrounding area.
- 10.9. The proposed incorporation of additional rooflight openings to side aspects of the enlarged roof, alongside additional fenestration to the rear elevation is considered acceptable in design terms and these features are not considered to result in visual harm.
- 10.10. Finally, other works to remodel the property including the application of a rendered finish to all visible aspects of the site are considered acceptable in terms of design impact. In this respect the clear mixture of rendered and brick properties in the area is acknowledged. The choice of this finish avoids the need for adopting a closely matched red brick profile to the enlarged area and creates further visual

contrast against No.27 opposite. Finally, no objection is raised to the removal of an existing chimney feature which is not of any visual or architectural significance.

10.11. Overall and in view of the above considerations the development as revised is considered to accord with the provisions of Local Plan Policy DH1 and associated guidance, alongside Polices CIP1 and GSP4 of the Headington Neighbourhood Plan.

b. Impact on neighbouring amenity

10.12 Policy H14 of the Oxford Local Plan 2036 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. Policy RE7 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.

Privacy

10.13 A neighbour objection letter received during the course of the application cited concern regarding the impact of the development on privacy of neighbouring sites.

10.14 As discussed under the above design assessment, a number of additional window openings are proposed to all aspects of the property. To the proposed side dormer, a single obscure glazed opening is proposed, avoiding the generation of any loss of privacy or overlooking to the directly adjacent No.36 to which it faces.

10.15 An additional rooflight opening is proposed to the northwest elevation, although this unit is high level and to the frontage of property, resulting in no identified overlooking of private neighbouring spaces or into opposing rooms. Conversely, three additional rooflight openings are also proposed to the south-east elevation, providing the opportunity for limited views across the rear aspects of No.64/44 St Leonard's Road which benefit from enclosed private garden spaces to their rear. Given the short distance between the openings in question and the rear boundary of these sites, and to a lesser degree window openings to their rear elevations, it is considered necessary to ensure that the openings in question are obscure glazed. This will prevent the generation of harmful perceived or actual overlooking from the development to its southern aspect and thus can be secured via a planning condition attached to any grant of consent

10.16 The single additional opening to the frontage of the property will outlook directly onto the public realm and wider street scene and thus has not been assessed to result in any material amenity impacts by way of overlooking. The 2no. additional rear facing windows would direct views across the garden of the application site, similarly to existing openings at ground and first floor level to this elevation. While

permitting a degree of angled views across rear gardens of neighbouring sites, and to a limited extent those beyond the rear boundary, this arrangement reflects a typical urban residential layout. As a result, these proposed openings are not considered to generate overlooking, either perceived or actual, to any nearby or adjacent neighbouring properties to the extent that material harm would arise.

Overbearing

- 10.17 The proposed enlargements to the roof of the application site would raise its overall ridge level by approximately 1300mm to around 8.6 metres. While positioned directly adjacent to No.36, the only side facing windows to this property likely to be impacted by the increased mass and volume in terms of outlook and light serve non-habitable rooms, limiting the degree to which any amenity harm could be identified in this respect. Given the existing dimensions of the application site and its proximity to the side elevation of No.36, the sought changes are assessed as unlikely in generating any significant loss of light or outlook from the windows at number 36 in question, with such factors already being heavily limited. With consideration to these factors the development is not considered to result in a materially harmful loss of light or outlook from the aforementioned openings.
- 10.18 Noting that the proposed development would not project notably to the front or rear of the property, the development would not breach the Council's 45/25 degree guidance when applied to the front/rear elevations of adjacent No.36.
- 10.19 To the opposing south elevation lie the sites of No.64 and 66 St Leonards Road. The rear building elevation of No.66 is separated from the side elevation of the application site by approximately 14 metres. The degree of separation from the rear aspect of this neighbour is such that the proposed increase in ridge height and resultant built mass to the application property is assessed to result in no material implication to light and outlook of its rear facing windows. Furthermore, Officers consider that the sought development would not create a harmfully overbearing or unneighbourly form that would cause harm to the amenity of No.66's occupiers.
- 10.20 To No.64 St Leonard's Road, the presence of a hipped rear building projection limits the degree of distance separation at approximately 11 metres from the application property. As a flatted development with one unit to its ground floor and a separate unit to its first floor, several rear windows to the ground and first floor of this neighbouring site serve key habitable rooms for individual flats within. Noting the relationship of the two sites, all windows in question would retain a degree of outlook that is not directly onto the application property given the offset nature of no. 38 being set back within its plot, and the openness to the frontage of the site that would be retained. While Officers carefully considered the potential overbearing impact of the sought additional roof height to these neighbouring units, the degree of separation between the sites alongside the above consideration of outlook led to a view that the additional 1300mm height would not amount to a materially harmful loss of light or outlook from the identified openings of No.64.

- 10.21 Private garden amenity spaces to the rear of these properties on St Leonards Road directly abut the side boundary of No.38 and thus hold the potential to be impacted by the additional built mass generated by the development. However, given the scale of the roof enlargement proposed, and the aspect of these sites to the south of the application property has led Officers to the assessment that the proposal would not result in material amenity harm through overshadowing or overbearing the garden spaces in question and that adequate daylight/sunlight would still be received.
- 10.22 Overall and with consideration to the factors assessed above it is concluded that the proposed development would not result in material amenity harm to neighbouring sites, and would thus accord as necessary with the provisions of Policies H14 and RE7 of the Oxford Local Plan 2036.

c. Transport

Transport sustainability

- 10.23 Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones 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 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.
- 10.24 The proposed works will not result in any changes or revisions to the existing driveway/parking arrangement to the frontage of the property, and no highways implications in terms of capacity, safety or parking stress are assessed as resulting from the proposed extension works.
- 10.25 In consideration of the above it is considered that the development would be acceptable with regard to policy M3 of the Oxford Local Plan 2036.

d. Drainage

- 10.26 Policy RE3 of the Oxford Local Plan 2036 states that new development will be directed towards areas of low flood risk (Flood Zone 1). In considering proposals elsewhere, the sequential and exception tests will be applied. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy.
- 10.27 The application site is located within Flood Zone 1 and is not at significant risk of flooding. The development would not add to the level of non-porous impermeable surfaces on the site, and thus would not result in any appreciable increase to the level of rain water run-off or flood risk associated with the property. As such the development would accord as necessary with the provisions of Policies RE3 and RE4 of the Oxford Local Plan.

e. Other matters

10.28 Policy G2 states that Development that results in a net loss of sites and species of ecological value will not be permitted. Policy G7 adds 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.

10.29 The proposed works do not detail the removal or loss of any notable green infrastructure features, being limited to the existing footprint of the property. Furthermore, no material impacts to protected species has been identified as likely arising from the proposal. No other material ecological implications of the development have been identified.

10.30 The proposed works are not considered to adversely impact the amenities of future occupiers of the application site. The property would retain the benefit of a sizeable private outdoor amenity space that would not be impacted by the development. All habitable rooms within the property would retain access to an appropriate degree of natural light and outlook in line with relevant policy requirements.

11 CONCLUSION

11.12 In summary, Officers view that the application is acceptable as revised in terms of design and amenity in line with the relevant national and local policy considerations. In this respect it is assessed to avoid the generation of material harm to neighbouring properties, while providing adequate amenity conditions for future occupiers. It is similarly viewed that the proposal would be acceptable with respect to the specific discussed material planning considerations of highways, drainage and biodiversity. Conditions proposed below would ensure that where necessary, additional details are secured, and the development is implemented acceptably. As a result the application is recommended for approval.

11.13 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.

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

11.15 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

11.16 In summary the development as revised is not considered to result in material harm to the character of the surrounding area and would be in accordance with Policy DH1. The proposals would not result in the generation of material amenity harm to neighbouring sites in accordance with Policies RE7 and H14. Appropriate amenity standards for future occupiers would also be retained in line with Policy H16. The development would not have any unacceptable impacts in terms of highway safety, and is compliant with Policies M3, M5 and RE7 in this respect. The proposal is similarly considered to lie in accordance with the requirements of Policies RE3, RE4 and G2.

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

Material considerations

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

11.19 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.

11.20 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.

11.21 It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out within 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.

Matching Materials

3. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation in these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policy DH1 of the Oxford Local Plan 2036.

Obscure Glazing

Notwithstanding the approved plans, the proposed rooflight windows to the south facing elevation of the property as enlarged shall be obscurely glazed and shall remain obscurely glazed thereafter.

Reason: In the interests of privacy between neighbouring dwellings in accordance with policy H14 of the Oxford Local Plan 2036.

No further windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no additional windows, doors or openings shall be placed in the elevations of the extensions hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policy H14 of the Oxford Local Plan 2036.

13. 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.

13 HUMAN RIGHTS ACT 1998

13.12 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

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

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Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 21 November 2023



Committee members present:

Councillor Clarkson (Chair)	Councillor Hollingsworth (Vice-Chair)
Councillor Altaf-Khan	Councillor Chapman
Councillor Fouweather	Councillor Hunt
Councillor Kerr	Councillor Railton
Councillor Upton	

Officers present for all or part of the meeting:

Gill Butter, Principal Heritage Officer
Felicity Byrne, Principal Planning Officer
Jennifer Coppock, Principal Planning Officer
Natalie Dobraszczyk, Development Management Team Leader
Sally Fleming, Planning Lawyer
Chloe Jacobs, Senior Planning Officer
Emma Lund, Committee and Member Services Officer
Mike Kemp, Principal Planning Officer
Andrew Murdoch, Development Management Service Manager

Apologies:

Councillor Malik sent apologies.

43. 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 any of 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 on them.

23/02092/FUL

Councillor Railton declared that she was a member of Littlemore Parish Council, which had commented on the application, and had attended a meeting arranged for the Parish Council in October 2022 to outline the proposal. Councillor Railton declared that she had not participated in any discussions at the Parish Council relating to the comments submitted on the application, was approaching the application with an open mind, and would listen to all the arguments and weigh up all the relevant facts before coming to a decision on it.

23/00693/FUL and 23/00694/LBC

Councillor Hollingsworth declared that as a ward councillor for the area he had, before the applications were submitted, spoken to a number of residents at their request and advised them on the process for commenting on the planning application. Councillor Hollingsworth declared that he had formed no judgement or expressed any opinion on the proposal and would listen to all the arguments and weigh up all the relevant facts before coming to a decision on them.

Councillor Chapman declared that he had visited an acquaintance who lived in St John's Street and had viewed the application site but had not discussed the application with them. Councillor Chapman declared that he had formed no judgement on the proposal and would listen to all the arguments and weigh up all the relevant facts before coming to a decision on them.

Councillor Clarkson declared that she was a graduate of St John's College, which was the applicant, although she had not had any contact with the College regarding the proposals. Councillor Clarkson also declared that she was a member of the congregation at Blackfriars Priory, which had objected to the application. As this gave rise to a potential public perception of pre-determination, Councillor Clarkson declared that she would leave the meeting room whilst the applications were considered and would not participate in determining them.

44. 23/00693/FUL: Site of 6-25 Pusey Lane and 19-21 St John Street, Oxford

Councillor Clarkson left the room and Councillor Hollingsworth took the chair.

(Note: as they related to the same site, applications 23/00693/FUL and 23/00694/LBC were considered together).

The Committee considered applications (23/00693/FUL and 23/00694/LBC) for the demolition of nos. 6-25 Pusey Lane and erection of a 2-3 storey terraced building to provide new student accommodation; demolition of rear outrigger extensions to nos. 20 and 21 St John Street; erection of single storey common room building to the rear of nos. 20 and 21 St John Street; and re-landscaping of the existing amenity areas to the rear of nos. 7-11 and 19-21 St John Street, including demolition/alteration of rear plot boundary walls.

The Planning Officers gave a presentation and highlighted the following:

- The application site encompassed a series of 1970s mews buildings fronting Pusey Lane containing 22 garages on the ground floor and 9 self-contained flats on the upper floors for graduate students of St John's College; a disused early C20 building on the corner of Pusey Lane and Pusey Street known as The Lighting Store; and the rear gardens of 7-11 and 19-21 St John's Street, all of which were owned by St John's College.
- The proposal included demolition of The Lighting Store and the mews buildings replacing them with a linear, terraced development consisting of 5 individual houses and 8 self-contained flats which would provide purpose-built accommodation for 33 students. The outer edges of the terrace would be two storeys with rooms in the pitched roof, and the central section was of lower height to correspond with the properties on the rear of St John Street which were privately owned and residential.

The height of the development would be the same as the highest point of the existing mews buildings in this location.

- The proposal also included demolition of the rear outriggers at 20-21 St John Street, to be replaced with a single storey glass and brick extension. The outrigger adjacent to 18 St John's Street would be retained.
- The building had been articulated and the windows varied to correspond with the buildings opposite and optimise the use of light, in order to provide good quality accommodation for the graduate students.
- The development included a high quality landscape scheme in the rear gardens of the St John's Street houses involving the removal of a large number of poor quality trees and replacement with new species which would replace the canopy cover over 25 years. There would be no harm to the public amenity as a result of the tree removals. The houses and flats would have direct access for students into the shared courtyard gardens, offering significantly improved amenity space for residents. The landscape design included rain gardens, sustainable drainage and enhanced greening of Pusey Lane, as well as relaying of the cobblestones to the front on Pusey Lane.
- Officers were of the view that the development would result in a high quality, highly sustainable design which would be of an appropriate scale, height and massing to its surroundings and would enhance the character and appearance of the C19 residential character area of the Central Conservation Area. It was considered that there would be no harm caused to the significance of the listed buildings at 19-21 St John Street arising from the demolition of the outriggers. It was considered that there would be a low level of less than substantial harm caused to the setting of the listed terrace of St John Street properties resulting from the increased height of the new development over the existing; however, officers were of the view that the weight of harm caused would be outweighed by the public benefits arising from the proposed development. Officers considered that there would not be a significant increase in overbearing or overshadowing to residents to the rear over and above that caused by the existing buildings. There would be no direct overlooking back to back: the rear windows facing the private properties on St John Street had been removed, and other first floor and ground floor windows would have a protective fine mesh which would prevent direct overlooking and leaning out of windows. As such, officers considered there would be no significant adverse impact.
- The control of vibration and external noise had been conditioned, and subject to these conditions officers considered that there would be no adverse impact from any plant or air source heat pumps.
- Acceptable levels of cycle parking would be provided; the proposal also included a reduction in car parking through the loss of the 22 spaces, which was welcomed.
- Construction traffic would be controlled by the County Council as Highways Authority under a Construction Traffic Management Plan.
- The applications were therefore recommended for approval, subject to the conditions in the respective reports and the satisfactory completion of a Section 106

agreement in respect of the development which was the subject of the planning application.

John Landers of St John Street Area Residents' Association and Francis Wenban-Smith, on behalf of a local resident, spoke against the application.

Zoe Hancock, Principal Bursar of St John's College and Toby Martin, architect, spoke in favour of the application.

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

- The listed status of the building, 6 Pusey Street, referred to as The Lighting Store. Officers confirmed that this building had never been listed. In officers' opinion the building was not, as had been suggested, listed by virtue of being a curtilage building to No 22 St John Street. Officers explained the tests set out in case law relating to curtilage and the application of those tests, together with guidance from Historic England, that underpinned their conclusion on that matter.
- A Student Management Plan could be conditioned, setting out details of how the accommodation would be managed by the College, in order to provide additional assurance with regard to noise or disturbance issues.
- There would be no windows overlooking no 22 St John Street, and the windows on the adjacent unit would be covered by mesh in order to provide screening. The mesh screen also had fins and would be held closer to the façade which would eliminate any sideways views out. With these measures, the screening provided by additional trees, and a condition relating to approval of the mesh material, officers were confident that there would be no overlooking issues.
- A committee member commented that the proposal would provide accommodation for graduate students which was needed in the city and would free up private sector rented accommodation currently used by the students. It was considered to offer a much better quality of design and architecture than the current buildings. The developer had made significant efforts to consider sustainability issues and had given a detailed response to concerns about overbearing, light issues, bin storage and cycle storage. However, the lowering of the middle part of the building - which faced the privately owned residences to the rear of St John Street - to two storeys with a flat roof whilst the ends of the building which faced onto student accommodation remained at two and a half storeys, seemed to be an anomaly.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the planning application for the reasons set out in the report, subject to the conditions set out in the report, an additional condition requiring a Student Management Plan, and a legal agreement to secure the planning obligations set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the report and an additional condition requiring a Student Management Plan and grant planning permission subject to:

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

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

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

45. 23/00694/LBC: site of 6-25 Pusey Lane and 19-21 St John Street, Oxford

(Note: this application was considered together with application 23/00693/FUL above).

On being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application for listed building consent for the reasons given in the report and subject to the required listed buildings conditions set out in the report.

The Oxford City Planning Committee resolved to:

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

46. 23/01592/RES: Land Bounded by A34 and A44 And A40, Parcel 1, Woodstock Road, Oxford OX2 8JP

Councillor Clarkson re-joined the meeting and took the chair.

The Committee considered an application (23/01592/RES) for reserved matters approval of scale, layout, landscaping, and appearance for a multi-storey split decked car park including immediate landscaping at Land Bounded by A34 and A44 and A40, Parcel 1, Woodstock Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- A correction was required to section 6.1 of the report which referred to 3 parking spaces outside of the car park to the north-east. In fact, these were not car parking spaces but was instead an area for the storage of compost materials. This did not affect the overall number of spaces, which remained at 1120.
- The application was for a multi-storey car park of five storeys located on the western edge of the site, adjoining the A34 and Plots B and C. It was a split-level, steel framed structure with concrete stair cores which would be accessed by the secondary road, which had reserved matters approval. It would be a system-built, component-based structure of relatively simple design. In response to comments from Thames Valley Police, the plans had been amended to incorporate steel mesh on all levels from floor to ceiling.
- There would be pedestrian footpaths on either side of the road, with entrances on both sides of the building and via two stair cores and a main entrance off the secondary street. There was a pedestrian access route to the north of Plot C linking the car park with the central section of the Oxford North site.
- Parking would be provided for 1120 cars, which would equate to c70,000sqm of employment space applying the ratio of one space per 62.5 sqm of employment space (which was the maximum parking standard outlined in the section 106 agreement accompanying the hybrid planning permission). There would also be 40 motorcycle parking spaces and 7 parking spaces for estate management vehicles. The car park would serve two of the employment buildings approved under Phase 1a of the development, the Red Hall, and the three buildings approved under Phase 2 (Plots A, B and C).
- Presently there was 60,200sqm of employment space benefitting from planning permission, which would equate to a maximum of 963 parking spaces which may be allocated for the consented plots. This left some remaining capacity within the car park for potential hotel use (one of the next potential proposed uses on the site) or another employment plot.
- As delivery of the employment plots on the site would be phased, it was important that provision and availability of parking within the car park was also phased in order to avoid early over-provision of parking. This would need to be set out in the Car Park Management Plan, which was required by Condition 3.
- Small areas of landscaping surrounding the car park along the western boundary would provide some screening of the lower sections of the car park from the A34 whilst making a small contribution to biodiversity net gain. Visibility of the structure was mainly limited to views from the north and the west, and with minimal exceptions the height would accord with the height parameter plan approved under the hybrid planning permission.
- Inclusion of all the parking within one single structure allowed for other sections of the site, which may otherwise be used for surface level or multi-storey car parking, to be given over to landscaping or public realm uses and therefore represented an efficient use of land. The system-built nature of the car park meant that it would be de-mountable and sections removed should the need for parking decline over time.

- Policy M4 of the Oxford Local Plan required 25% of the spaces to be fitted with EV charging points: a condition requiring details of this had been included.
- Officers considered that the proposal complied in full with the Oxford Local Plan, the Wolvercote Neighbourhood Plan, and the Northern Gateway Area Action Plan and so the reserved matters proposal was recommended for approval.

Ron German (the applicant) spoke in favour of the application.

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

- In response to a question about the reason why the car park was not covered, and whether including a roof would help to prevent cars becoming overly hot in the summer, the applicant responded that the inclusion of a roof had been considered but rejected due to the carbon cost implications. Additionally, the open design sought to address emerging concerns about the risks of EV charging in enclosed spaces. Officers responded that a roof would also increase the height of the building, thereby increasing the visual impact.
- Approval of the material for the mesh to be used was conditioned. Officers would need to consider the balance between adding interest to the structure and the impact that might have in terms of its visibility. It was also noted that the Oxford Design Review Panel had favoured a minimalist approach.
- The level of car parking had been approved in the outline application and the low carbon, lightweight and flexible approach was supported.

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.

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

47. 23/02092/FUL: Littlemore House, Oxford Innovation Park, 33 Armstrong Road, Oxford OX4 4FY

The Committee considered an application (23/02092/FUL) for partial demolition of, and alterations to, Littlemore House; erection of 1no. research and development building (Use Class E) at Littlemore House with ancillary accommodation, clinic, educational floorspace and restaurant, new access arrangements, parking, landscaping, engineering and ground modelling works.

The Planning Officer gave a presentation and highlighted the following:

- The scheme for Littlemore House and Plot 18 of the Oxford Science Park with an elevated walkway joining the two buildings for research and development use had been approved by the committee in April 2023 subject to conditions, completion of a S106 legal agreement and the resolution of any objections from the Environment Agency (EA) which had not commented at the date of the planning committee meeting. Shortly after the April 2023 committee meeting the EA objected on biodiversity grounds in relation to Plot 18 of the Oxford Science Park and this had required a period of delay in order to address its concerns. During the process of resolving the EA's concerns the applicant had decided to submit a standalone application for Littlemore House, which was not subject to the EA's comments, in order that meaningful work could be started in the event of a further protracted delay with the 'main application'. The EA removed its objections and recommended conditions on 3 November 2023, and the Section 106 legal agreement for the application was currently being negotiated. This current application therefore now formed a 'fallback' position for the applicants should the 'main application' fall through for any reason.
- The only difference between the application which had been considered in April and the application which was now before the Committee was the addition of roof-mounted solar panels in order to ensure that the standalone application adhered to the requirements of Policy RE1.

Guy Wakefield (agent) spoke in favour of the application.

The Committee asked questions about the report which were responded to by the officers. As noted at the April committee meeting, a Committee Member expressed regret that the application had not been sympathetic to the avenue of lime trees which would be lost as part of the proposal.

On being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the planning application for the reasons set out in the report and subject to the conditions and the planning obligations set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of the 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 were set out in the report; and
2. **delegate authority** to the Head of Planning and Regulatory Services to:
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory 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 the report, including refining, adding to, amending and/or deleting the obligations detailed in

the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and

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

48. 23/02006/FUL: 43 Dodgson Road, Oxford OX4 3QS

The Committee considered a report (23/02006/FUL) for change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) and provision of bin and bike stores at 43 Dodgson Road, Oxford.

The Planning Officer gave a presentation and highlighted the following:

- Since publication of the report, Oxfordshire County Council as Highways Authority had provided comments on the application and had raised no objection.
- The application sought planning permission for the change of use from a residential dwelling to a small House in Multiple Occupation and also the provision of bin and cycle storage. The application was before the committee as the applicant was an Oxford City Councillor.
- With regard to HMO density, the proposal would not result in an over-saturation of HMOs within the area and would therefore maintain a balanced community and comply with Local Plan policies.
- During the course of the application amended plans were received to address officers' concerns with regard to the size of the originally proposed kitchen, which did not comply with space standards. The amended plans show an open plan kitchen diner and living room. All of the rooms would now comply with the HMO space standards with the exception of the study on the first floor: however, the restriction of this room for bedroom purposes would be controlled further under the HMO licensing regime.
- The area of garden space was more than adequate for the needs of future occupiers; the existing car parking area would be retained; and whilst the site did qualify to be car-free, given that the existing car parking arrangement was not changing and there would be no net increase in parking on the site, the proposal was considered to comply with Policy M3.
- The proposal would be served by bike and bin stores, to be located to the front of the property. Both the bike and bin store were considered to be acceptable and comply with the Local Plan policies. The application was therefore recommended for approval, subject to the conditions shown in the report.

The Committee asked questions about the details of the report which were responded to by officers.

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

49. Minutes

The Committee resolved to approve the minutes of the meeting held on 17 October 2023 as a true and accurate record.

50. Forthcoming applications

The Committee noted the list of forthcoming applications.

51. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.26 pm

Chair

Date: Tuesday 12 December 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.