

Agenda

Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Thursday 22 September 2022**

Time: **6.00 pm**

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

For further information please contact:

Emma Lund, Committee and Members' Services Officer, Committee
Services Officer

☎ 01865 252367

✉ DemocraticServices@oxford.gov.uk

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

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

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

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

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

Committee Membership

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

Councillor Mary Clarkson (Chair)	Marston;
Councillor Louise Upton (Vice-Chair)	Walton Manor;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Shaista Aziz	Rose Hill & Iffley;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Laurence Fouweather	Cuttesslowe & Sunnymead;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Sajjad Malik	Temple Cowley;
Councillor Lucy Pegg	Donnington;
Councillor Ajaz Rehman	Lye Valley;

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

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

Agenda

Pages

Planning applications - background papers and additional information

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

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

1 Apologies for absence and substitutions

An apology for absence has been received from Councillor Aziz.

2 Declarations of interest

3 22/01532/CT3: The Oxford Enterprise Centre, Standingford House, 26 Cave Street, Oxford

13 - 48

Site Address: The Oxford Enterprise Centre,
Standingford House, 26 Cave Street,
Oxford OX4 1BA

Proposal: Demolition of existing building and erection of a part two, part three storey office building in association with amended access arrangements, disabled parking, substation and landscaped space.

Reason at Committee: The proposal is a major application.

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

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of the report and grant planning permission subject to:

- resolving the drainage objection set out by Oxfordshire County Council to the satisfaction of the drainage officer at Oxfordshire County Council.
2. **agree to delegate authority** to the Development Management Service Manager to:
- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary.

4 22/00040/PIP: The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX

49 - 66

Site Address:	The Crown and Thistle, 132 Old Road, Headington, Oxford OX3 8SX
Proposal:	Permission in principle application for the re-development of the former public house for up to 9no. dwellinghouses (Use Class C3) (All matters of design including scale, demolition and/or conversion and all technical matters reserved for future application) (Amended description)
Reason at Committee:	This application was called in by Councillors Brown, Pressel, Lygo, Humberstone, Fry, Rehman and Munkonge due to concerns as to the loss of the public house, a locally important asset, whose closure has been felt by local residents.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and grant permission in principle.

5 22/00949/FUL: Gas Holder Station, Watlington Road, Cowley, Oxford OX4 6LX

67 - 96

Site Address:	Gas Holder Station, Watlington Road, Cowley, Oxford, Oxfordshire, OX4 6LX
Proposal:	Erection of commercial building (use classes

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E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development.

Reason at Committee: The proposal is a major development.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
 - the receipt of the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **agree to delegate authority** to the Development Management Service Manager to:
 - finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager 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 this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Development Management Service Manager considers reasonably necessary; and
 - upon completion of the section 106 legal agreement referred to above issue the planning permission.

6 21/03114/CT3: Former Workshop at Lanham Way, Oxford, OX4 4PU

97 - 136

Site Address: Former Workshop At, Lanham Way, Oxford, OX4 4PU

Proposal: Erection of 10no. new affordable dwellings on a former depot site (amended plans and description).

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Reason at Committee: The proposal is a major development.

Recommendation:

The Oxford City Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission and subject to:
 - receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
 - the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and
2. **agree to delegate authority** to the Development Management Service Manager to:
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager 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 Development Management Service Manager considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission.

7 22/00675/RES: Part Of Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford OX2 8JR

Site Address: Part Of Oxford North Northern Gateway
Land Adjacent A44 A40 A34 And

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Wolvercote Roundabout, A40 Section From
Cherwell District Council Boundary To
Wolvercote Roundabout, Oxford,
Oxfordshire

Proposal:

Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 317 dwellinghouses (Use Class C3)

Reason at Committee:

The proposals are 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 reserved matters approval; and
2. **agree to delegate authority** to the Development Management Service Manager to:
 - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary; and issue the reserved matters approval.

8 Minutes

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Recommendation: to approve the minutes of the meeting held on 16 August 2022 as a true and accurate record.

9 Forthcoming applications

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

21/01695/FUL: Thornhill Park, London Road, Headington, Oxford, OX3 9RX	Major
21/02639/FUL: Land West Of 75 Town Furze, Oxford, OX3 7EW	Called-in

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21/03178/FUL: 3 Iffley Turn, Oxford OX4 4DU	Called-in
22/00410/LBC: Green Templeton College, Woodstock Road, Oxford, OX2 6HG	Major
22/00409/FUL: Green Templeton College, Woodstock Road, Oxford OX2 6HG	Major
22/00042/FUL: 6 Doris Field Close, Oxford OX3 0DP	Called-in
22/00841/FUL: Cotswold House, 110C Banbury Road, Oxford, Oxfordshire OX2 6JU	Called-in
22/00863/LBC: Grandpont House, Abingdon Road, Oxford OX1 4LD	Major
22/01538/FUL: 72 The Slade, Oxford, OX3 7DX	The applicant is an elected Councillor
22/00962/FUL: Ruskin Hall, Dunstan Road, Oxford, OX3 9BZ	Major
22/01529/FUL: British Railways Western Region, Mill Street, Oxford OX2 0AJ	Called-in
22/01712/FUL: UYS Limited, Garsington Road, Oxford OX4 2BW	Major
22/01842/FUL: 17 and 19 Norham Gardens, Oxford, OX2 6PS	Major
22/01843/LBC: 17 and 19 Norham Gardens, Oxford OX2 6PS	Major

10 Dates of future meetings

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

18 October 2022

15 November 2022

13 December 2022

24 January 2023

21 February 2023

21 March 2023

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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.

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

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

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

The following minimum standards of practice will be followed:

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

Public requests to speak

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

Written statements from the public

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

Exhibiting model and displays at the meeting

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

Recording meetings

This is covered in the general information above.

Meeting Etiquette

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

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

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Oxford City Planning Committee

22nd September 2022

Application number: 22/01532/CT3
Decision due by 30th September 2022

Extension of time

Proposal Demolition of existing building and erection of a part two, part three storey office building in association with amended access arrangements, disabled parking, substation and landscaped space.

Site address The Oxford Enterprise Centre Standingford House, 26 Cave Street– see **Appendix 1** for site plan

Ward St Clement's Ward

Case officer Sarah De La Coze

Agent: Mrs Stephanie Weeks **Applicant:** Oxford City Council

Reason at Committee 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 and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

- resolving the drainage objection set out by Oxfordshire County Council to the satisfaction of the drainage officer at Oxfordshire County Council

1.1.2. **agree to delegate authority** to the Development Management Service Manager to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the redevelopment of Standingford House in Cave Street. Standingford House is an existing 1960s commercial building currently in office use. The site is owned by Oxford City Council. The site has vehicular access from Cave Street and can be accessed by pedestrians via Cave Street or via the

neighbouring residential road. The application seeks planning permission for the redevelopment of the site to provide 1,745sqm of office floorspace. The building has been designed to be an energy efficient co-working space which is able to accommodate a wide range of occupiers from fledgling business to more established ones. The building features a stepped design in order to minimise the impact on neighbouring properties whilst making an efficient use of the site. The building will be part two storey part three storey. At the highest point the building will measure 11.03m to the top of the third storey, the two storey elements will have an overall height of 7.5m. The existing building has an overall height of 10.62m.

2.2. The site is not located within a Conservation Area but is within the setting of both St Clement's and Iffley Conservation Area and the Central Conservation Area. A number of Listed Buildings are located in the near vicinity, most notably 6-16 London Place which are Grade II Listed and are located approximately 80m from the site. The Church of St Clements which is Grade II* and St Clements Oxford War Memorial which is Grade II Listed are both located approximately 150m north of the site.

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

2.4. Officers consider that the development would be acceptable with regard to principle, design, impact on the historic environment, highways, ecology, sustainability, environmental health and impact on neighbouring amenity.

2.5. The development would provide an energy efficient co-working office space that would provide flexible workspaces that could accommodate a wide range of occupiers. The design is considered to respond positively to the street scene and would allow the introduction of street frontage landscaping. Officers consider that the development is acceptable and recommend that the committee resolve to approve the application subject to the flooding objection being resolved.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL at an amount of £32,982.07.

5. SITE AND SURROUNDINGS

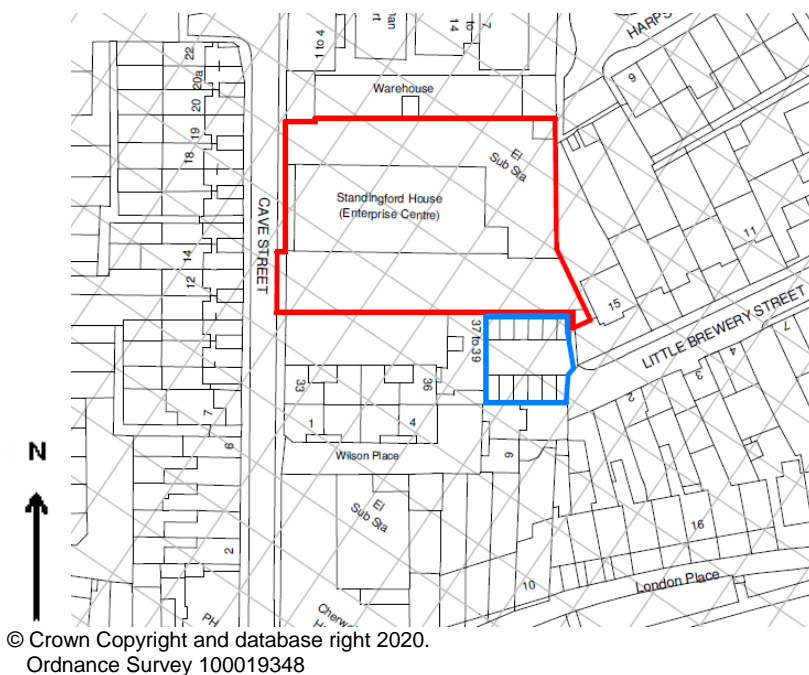
5.1. The site is located to the east of the City Centre in the St Clement's area. The site is located in a road which comprises both residential properties and commercial buildings. Beyond the site to the east is St Clement's Street and beyond that South Parks. To the north-west there is Angel and Greyhound Meadows. Headington is located to the north-east and the City Centre is located to the west.

5.2. The site itself is bounded by two storey residential properties as well as a single storey commercial building. To the north-east is Little Brewery Street and Harpsichord Place, to the south-east there is a two storey block of flats facing on to

the application site, beyond that is Wilson Place and then three storey town houses located on London Place. To the west of the site are two storey residential properties along Cave Street and to the north is a single storey commercial buildings with residential properties beyond.

5.3. The site is not located within a Conservation Area but is surrounded by the Central Conservation Area and St Clements and Iffley Conservation Area. The site therefore sits within the setting of both Conservation Areas. There are also a number of Grade II Listed Buildings in the vicinity namely 6-16 London Place which are located on London Place. The Church of St Clements which is Grade II* and St Clements Oxford War Memorial which is Grade II Listed are both located approximately 150m north of the site.

5.4. See site plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks planning permission for the demolition of the existing building and the erection of a part two storey, part three storey co working office building with an associated substation, disabled parking space and landscaping.

6.2. The building has been designed to be an energy efficient co-working space which is able to accommodate a wide range of occupiers from fledgling business to more established ones offering a range of different spaces depending on the businesses need. The building will be fully accessible and include a reception area, various offices, a kitchen and breakout facilities. The building will also include changing areas and showers to promote sustainable travel. The building will have a floor area of 1,745sqm. The building will be accessed from Cave Street and will include a small landscaped area to the front which will include a disabled parking space, delivery space and the newly relocated substation. To the rear of the building there will be a landscaped area and which will include a new air source heat pump. The building will also include covered cycle parking.

6.3. The building has been designed in three stepped blocks to minimise the impact on neighbouring properties whilst making an efficient use of the site. The stepped design also allows the massing of the building to be reduced and for areas of landscaping to be introduced. The materials proposed for the building is warm red brick and buff stone. The roofs will feature green roofs and PV panels.

7. RELEVANT PLANNING HISTORY

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

196/DO_H - Minty's Ltd. New building to replace existing (outline application). PER 9th June 1953.
162/A_H - Minty's Ltd. New building to replace existing. PER 22nd September 1953.
275/A_H - Minty's Ltd. Alterations to timber store on east side, and erection of covered way on west side (revised). PER 24th May 1960.
558/A_H - Alterations to wholesale warehouse. PER 24th January 1967.
135/GFH - Change of use and conversion of training workshops to 17 managed starter units involving Use Classes II (Offices), III (Light Industry, IV (General industry) and X (Warehouses) - unit sizes ranging from 206-588 sq. ft. (Amended Plans). DMD 2nd May 1986.
514/VFH - Variation of condition 3 of permission GFH/135/86 (to change hours of use from 7.30 - 1800 to 7.30 - 22.00 Monday to Friday and from 7.30 - 1300 to 7.30 - 1800 on Saturday). PER 21st June 1988.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	119-136	H14 - Privacy, daylight and sunlight RE2 - Efficient use of Land DH1 - High quality design and placemaking	
Conservation/ Heritage	189-208	DH2 - Views and building heights DH3 - Designated heritage assets	

		DH4 - Archaeological remains	
Commercial	81-83	E1 - Employment sites - intensity of uses	
Natural environment	174-188	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	
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	S1 - Sustainable development RE1 - Sustainable design and construction RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
Miscellaneous	92-97	S2 - Developer contributions RE5 - Health, wellbeing, and Health Impact Assessment RE7 - Managing the impact of development DH7 - External servicing features and stores V8 - Utilities V9 - Digital Infrastructure	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14th July 2022 and an advertisement was published in The Oxford Times newspaper on 14th July 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

No objection subject to:

Planning Conditions as detailed below.

Note should be taken of the **informatives** stated below.

Comments

Introduction

The proposal is to demolish the existing building and erect a part two, part three storey office building. The proposal also includes amendments to the access arrangement, disabled parking, substation, and landscaped spaces.

Sustainable transport connectivity

The site is in a highly sustainable area in transport terms. There are a number of bus stops within 400m of the site located along St Clements Street offering frequent bus services to both the city centre and Thornhill park & ride. No financial contributions to public transport services and infrastructure are required.

The site is within walking and cycling distance to the city centre. Cycle lanes heading both into the city centre and Headington are provided along St Clements Street and Headington Road.

Car and cycle parking

The development will see the parking at the site reduced to just one accessible parking space and one delivery drop off/ operational parking bay. As the site is within a controlled parking zone and within walking distance to a range of facilities, the proposed reduction in parking is supported and complies with policy M3 of the Oxford Local Plan.

Policy M5 of the Oxford Local plan requires one cycle parking space to be provided for every five members of staff or other people. The number of parking spaces provided at the site meets the requirements of policy M5, with 70 cycle parking spaces being provided for 350 members of staff.

The cycle parking proposed at the site (for both staff and visitors) is in a suitable location and provides an appropriate amount of parking for cargo bikes, electric bikes and disabled parking.

Currently less than half of the staff cycle spaces are to be undercover. As it is stated in policy M5, we would expect all staff cycle parking to be covered to encourage staff to cycle during all weathers/seasons.

Travel plan

The travel plan submitted as part of the application identifies that location of the site allows staff/visitors to access the site through a range of sustainable transport options. Due to the size of the site, no travel plan monitoring fee is required. The submitted Travel Plan Statement needs some amendments before it can be approved:

- Add the planning application number;
- Add the planned / estimated date of occupation;

Construction Traffic Management Plan

The Construction Traffic Management Plan submitted as part of the application does not meet Oxfordshire County Council criteria and will need to be amended prior to any works at the site. The CTMP will need to be appropriately titled (include planning permission number), include a layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Cycle Parking

Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Cycle areas shall thereafter 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.

Construction Traffic Management Plan

A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should include;

- An appropriate title which includes the planning permission number/reference.
- The routing of construction vehicles and management of their movement into and
- out of the site by a qualified and certificated banksman.
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network).
- A layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- Contact details for the Site Supervisor responsible for on-site works.
- Travel initiatives for site related worker vehicles and details regarding parking provision for site related worker vehicles.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Travel Plan

Prior to first occupation a Travel Plan Statement shall be submitted to and approved by the Local Planning Authority.

Reason: To promote sustainable modes of transport

Informative:

Alterations to the Public Highway (Dropped Kerbs)

Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact – 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

Drainage

Objection

Key issues:

- Permeable paving not identified on the drainage strategy report.
- Surface water catchment plan to be provided.
- Drainage strategy drawing to be detailed.
- Calculations to be detailed.
- Surface water flood exceedance plan to be provided.
- Not all SuDS features identified on the SuDS maintenance regime.
- Public sewer consent to be provided.
- Condition of the existing sewer to be confirmed and any remedial works to be identified on the plan.

Detailed comments:

The use of permeable paving has been considered however not identified on the drainage strategy drawing.

Provide surface water catchment plan, showing the extent of the areas clearly and stating the area and where it will be draining to.

Ensure all SuDS features are shown in the drainage strategy and how it's connected to the surface water network. Invert and cover levels of all SuDS to be shown. Pipe numbering to be shown and needs to read in line with the calculations. Proposed connections from the building or any other hard standing areas to the surface water network are not shown.

Calculations should reflect the whole surface water network and include all proposed SuDS features. Also provide calculations for the greenroof. Calculations to include all storm events up to and including the 1:100 year storm event plus 40% climate change.

Provide surface water flood exceedance plan, showing that all surface water will be kept away from structures and within the site boundary.

Not all proposed SuDS identified on the maintenance regime.

Public sewer consent to be provided to make proposed drainage connection.

Condition of existing sewer to be confirmed and any remedial works to be identified on the plan.

Thames Water Utilities Limited

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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should

follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [Thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Public representations

9.2. 17 letters of representation were received from addresses in Cedar Road, London Place, Cave Street and Little Brewery Street.

9.3. The comments can be read in full on the website as part of the application, in summary, the main points of objection and comment were:

- High quality design that will optimise the site
- Will provide more office space to support SMEs
- Large overdevelopment
- Likely not viable
- Mixed use housing/development would be more appropriate
- 3rd floor exceed that of adjoining roofs – top floor should be omitted

- The parking is inadequate
- Air source pump tends to be noisy
- Housing development would be more in keeping
- Disruption to neighbours during construction
- Will increase overlooking and will cause a significant loss of privacy
- Already a large number of unoccupied offices in the area – why is there a need for more
- Lack of affordable housing in the City
- Height and massing is overbearing
- Will increase light pollution unless mitigation is proposed
- More parking spaces with electric charging that could be used by residents should be considered
- Council has not maintained the existing building
- The building could be refurbished
- People are working from home more – offices aren't in demand
- Development will increase traffic
- Due to the height neighbours will be overshadowed and overlooked
- Need reassurances the landscaping will be managed
- Tenants of the existing building will be evicted
- Will cause a loss of light to and overshadowing neighbouring properties
- Developments like this should be on the edge of the city in commercial parks not here in the centre
- Unhappy about local public money being used for this project
- Outlook will be impacted
- For those windows with a direct view into gardens on London Place / Little Brewery Street, the windows should be frosted
- Will impact on the visual amenity of the area/Conservation Area and views from South Park
- The roof terrace where office parties and outdoor meetings will take place will be a noise disturbance during the day and in the evenings
- The large number of solar panels, depending on the angle of light, will potentially reflect light
- Care should be taken when removing hazardous materials
- Will impact on the Listed Buildings
- Overdeveloped site/too dense
- Trees proposed is minimal

- Object to the proposal to change the building from light industrial to office only - any creative industries have thrived in this building for many years
- The environmental and carbon cost to demolition and creating new building is considerable more than refurbishment of an existing building

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development
- II. Design and Impact on the Historic Environment
- III. Impact on neighbouring amenity
- IV. Highways
- V. Sustainability
- VI. Biodiversity and Landscaping
- VII. Drainage and Flooding
- VIII. Environmental Health

I. Principle of development

10.2. The application site comprises a commercial office building, the application seeks planning permission to replace the building with a larger commercial office building. The Oxford Local Plan 2036 (OLP) sets out a hierarchical approach to employment sites which are divided into categories, category 1 and 2 sites are afforded the most protection. The site category breakdown is set out in Appendix 2 of the OLP. The application site is a category 2 employment site. With regard to category 2 employment sites the OLP states:

10.3. Planning permission will not be granted for development that results in the loss of employment floorspace on Category 2 sites, except where:

- d) the redevelopment creates new housing or community use; and
- e) the number of employees in B class uses on the site when the site was at full capacity is retained; and
- f) more efficient use of land can be demonstrated.

10.4. In addition policy E1 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 makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects”*.

10.5. The proposal seeks to retain an employment use on the site and the scheme will not result in a loss of employment floorspace, the principle of the development is therefore acceptable subject to compliance with the other policies of the OLP.

10.6. Objections have been received with regard to the principle of redeveloping the site for additional office use without including residential properties. The inclusion of residential elements in to the scheme is not a policy requirement and whilst a mixed use scheme may have been acceptable a solely commercial scheme would be policy compliant and would be considered in keeping with the existing use of the site. In addition to these objections questions have been raised as to the need for more office accommodation in the city. The agent has clarified that the City Council has an operator on board who has successfully developed a number of City Centre locations for similar purposes and that the need for modern and, in particular, flexible office accommodation is in high demand. In addition questions have been asked as to why the building could not be refurbished. The applicant's agent has confirmed that a full and complete business case was undertaken by the City Council to carry out a feasibility and design work to determine a preferred option for development and that refurbishment was considered but discounted on viability grounds.

II. Design and Impact on the Historic Environment

10.7. Design

10.8. Policy DH1 states that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.

10.9. Policy DH2 relates to views and building heights. The policy seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for development proposed within a view cone or the setting of a view cone if it would harm the special significance of the view.

10.10. Policy DH3 refers to heritage assets and states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.

10.11. The proposed building has been designed to make an efficient use of the site. Policy RE2 sets out that planning permission will be granted where development proposals make efficient use of land. The policy sets out that any development shall have a density that is appropriate for the site, the scale, height and massing should conform to the other policies in the OLP, built form and site layout must be appropriate for the capacity of the site.

10.12. The existing building features two storeys with a hipped roof and has an approximate overall height of 10.62m. The proposed building will feature 2, two

storey outer blocks with an overall height of 7.5m with a middle three storey block measuring 11.03m in height. The building has been designed in a stepped design which allows for a better relationship with the street by introducing a frontage to the building as well as allowing for a landscaped area to the rear and limiting the mass of the building from the closest neighbours. The building has been designed to locate and restrict the tallest elements of the building to the middle of the site.

10.13. The design, massing and layout of the proposed building is significantly different to the existing building therefore whilst at the tallest point the height between the existing and proposed building is minimal, given the design and the actual floors contained in the building officers acknowledge that the overall scale and appearance and the way the building is viewed and perceived on the plot is different. The building has been designed in order to limit the impact of the taller middle block from the neighbouring properties whilst still referencing the scale of the neighbouring buildings. This approach makes an efficient use of the site whilst limiting the impact on the neighbouring properties.

10.14. The overall layout of the building allows for landscaped areas to be introduced to the front and rear. The site sits in the immediate vicinity of predominantly two storey buildings with three storey buildings being more prominent on St Clement's and London Place. As set out above, the overall height of the development is not dissimilar to the existing height but the design increases the overall massing. In addition to the residential properties in Cave Street, the site is viewed in the context of St Clement's and London Place which feature three storey buildings and where the mixture of two and three storey building are prominent. The overall building design of having the two variable heights allows for the top floor massing to be reduced. As set out in the St Clement's and Iffley Conservation Area, the mix of uses and building heights within the locality makes up the character of the area. St Clement's features a varied mix of building heights, designs and uses and it is not uncommon for these to change between buildings and roads. Given the commercial nature of the site and the fact that the site is viewed in the context of St Clement's and London Place, a building of this height is not considered unacceptable or out of keeping or out of character with the site or wider area. As the Conservation Area appraisal concludes "*there is no prevailing architectural style running through the suburb, more a variation of the terraced theme. The architectural diversity blends together producing a distinctive suburb*". Therefore this variety in design, character and appearance in the vicinity is a consideration when determining the acceptability of the proposed development. The massing of the building has been reduced by designing the building as three stepped elements. These steps allow for views to open up as you look across the building and allow for additional space to be created at ground floor level to incorporate landscaping to enhance the frontage and its appearance in the street scene.

10.15. The design is modern in its appearance but manages to incorporate materials found in the locality such as warm red brick. The proposed materials allows the building to assimilate in to the environment and chime with the materials in the locality, it also offers a warm tone to its appearance. Openings will be incorporated across the building. To the front and rear the window detailing will allow the windows to be inset, this design feature provides visual interest in the building as well as creating additional screening as the occupiers will be set back further in to the

building. The building will feature a green roof which will improve and soften the overall appearance of the building as well as bring with it biodiversity enhancements.

10.16. In addition to the building, the scheme will include a cycle store which will be located to the side of the building as well as a substation to the front and an air source heat pump to the rear. The substation has been relocated from the rear and is required to be accessible for maintenance purposes, therefore whilst its location is not ideal it is acknowledged that it has to be positioned in a logical position. In addition by locating it close to the boundary it allows for it to be screened by landscaping as well as help screen the bin store and cycle store beyond.

10.17. The internal layout of the office has been designed to be flexible and to allow the spaces to be reconfigured to adapt to occupiers requirements. Officers are of the opinion that the building is well designed to take in to account the constraints of the site whilst seeking to improve the street scene. The stepped nature of the building allows the bulk and massing of the building to be reduced and therefore reduce the impact of the development on neighbouring amenity. It is considered that the design would sit comfortably within the street scene and wider context of St Clement's and the materials would allow it to be in keeping with the character of the wider area.

10.18. **Landscaping**

10.19. The application seeks to incorporate hard and soft landscaping in to the site. The site currently features no landscaping and no trees. The car parking space and delivery bay will be located to the front alongside the substation and bin store. New trees will be planted within the site which will enhance the street scene as well improve views in and out of the site towards the neighbouring Conservation Areas. The proposed landscaping is considered to enhance the site and the have a positive impact on the site and wider street frontage. The landscaping will bring a green edge to the site and allow for a better green link between South Park and the meadows beyond. New trees are proposed to be planted and these will give the site a soft edge and will help provide screening to the building and limit views between the site and the neighbouring properties. The landscaping to the south of the building includes the planting of trees which as with the front allow for a softer outlook to this elevation. The rear will also include a landscaped area so the outside space can be enjoyed by the occupiers of the office. In addition to the ground level landscaping the building is proposed to incorporate a green roof. This will further add a softness at roof level which will improve outlook and provide biodiversity enhancements.

10.20. Officers are of the opinion that the landscaping plan proposed would enhance the site as well as the wider street scene including views in to the street, conditions will be included to ensure that the proposed landscape scheme is delivered and retained.

10.21. **Impact on views and the Conservation Areas**

10.22. Policy DH2 of the Oxford Local Plan refers to views and building heights. The policy seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Policy DH3 refers to heritage assets and states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below

ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that great weight will be given to the conservation of that asset.

10.23. The application site does not fall within a Conservation Area but within the setting of St Clement's and Iffley Conservation Area and the Central Conservation Area. Within the St Clement's and Iffley Conservation Area the site sits adjacent to the St Clement's character area. The character appraisal refers to this area as a diverse and vibrant mixed use suburb. When referring to the north side of St Clement's the appraisal states that *"The predominant building form being narrow, 3-storey terraced houses with commercial spaces to the ground floor. Although the buildings are generally 3-storeys they are of differing heights, reflecting different builders, building techniques, design and age of development but combine to create a streetscape of stepped roofs with varying pitches, enhanced by the occasional dormer, gable and chimney stack"*. Whilst Cave Street includes more modern development the variety in building design, heights and uses are reflective of this overall character. London Place which comprises a number of Listed Buildings in proximity to the application site features a change in architectural style and building line which were designed to take advantage of the open green space of South Parks.

10.24. The Conservation Area appraisal identifies mixed use buildings as a key character feature within the area identifying that the area features three storey buildings of varying heights, design and age creating stepped roofscapes with the side streets being tightly packed and enclosed spaces characterised by two storey 19th Century housing. It highlights the "high degree of architectural diversity."

10.25. The Central Conservation Area is located across the river with the Angel and Greyhound Meadow being located in close proximity to the development site. The meadows are in the flood plain character zone. This character zone highlights the significance of the green spaces in the city and their role in the history and layout of Oxford and the importance of protecting views. Angel and Greyhound Meadows is open to the public.

10.26. The application site is well contained within its immediate setting, due to the built up nature of St Clement's and tree lines within the meadows. The wirelines within the LVIA show that from St Mary's Tower parts of the top of the building will be visible within the vegetation and built form, as the building will be viewed against the existing built development in the area it is not considered to have an adverse impact in this view. Apart from the view from St Mary's, the development will mostly be visible within short range views around the site on the edge of the Conservation Area. Officers consider that the development will bring with it improved landscaping which will enhance these short range views from and to the Conservation Area. The overall design and materials would be in keeping with the materials found in the locality. As the St Clement's Conservation Area Appraisal states, St Clement's is characterised by varying building designs, building heights and uses and therefore the design and scale of the proposed development is not considered to have an adverse impact on the setting of the neighbouring Conservation Areas and is considered to preserve the neighbouring Conservation Areas.

10.27. *Impact on Listed Buildings*

10.28. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, “special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.” A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.

10.29. Paragraph 206 of the NPPF states that “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

10.30. The closest Listed Buildings are located on London Place, the properties are in close proximity to the development site but there are the block of garages and the block of flats located in-between. The design of the Listed Buildings, intervening buildings and proposed office building further reflects the varying character of St Clement’s Conservation Area, the proposed building is considered to be of a good design and is not of a scale that would detract from the setting of the Listed Buildings on London Place. The Church of St Clements which is Grade II* and St Clements Oxford War Memorial which is Grade II Listed are considered to be sufficiently distanced so not to be adversely impacted by the development.

10.31. Officers therefore consider that the development would not have an adverse impact on the setting of the neighbouring Listed Buildings and would preserve their setting.

10.32. *Archaeology*

10.33. Policy DH4 of the OLP relates to Archaeological remains. Paragraph 205 of the NPPF states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. An archaeological desk based assessment for the site has been completed. The assessment notes that this previously developed site has only low/marginal potential for significant archaeology. Given the results of the desk based assessment no further archaeological work is required. It is therefore considered that the proposed development would result in no harm to the archaeology of the site.

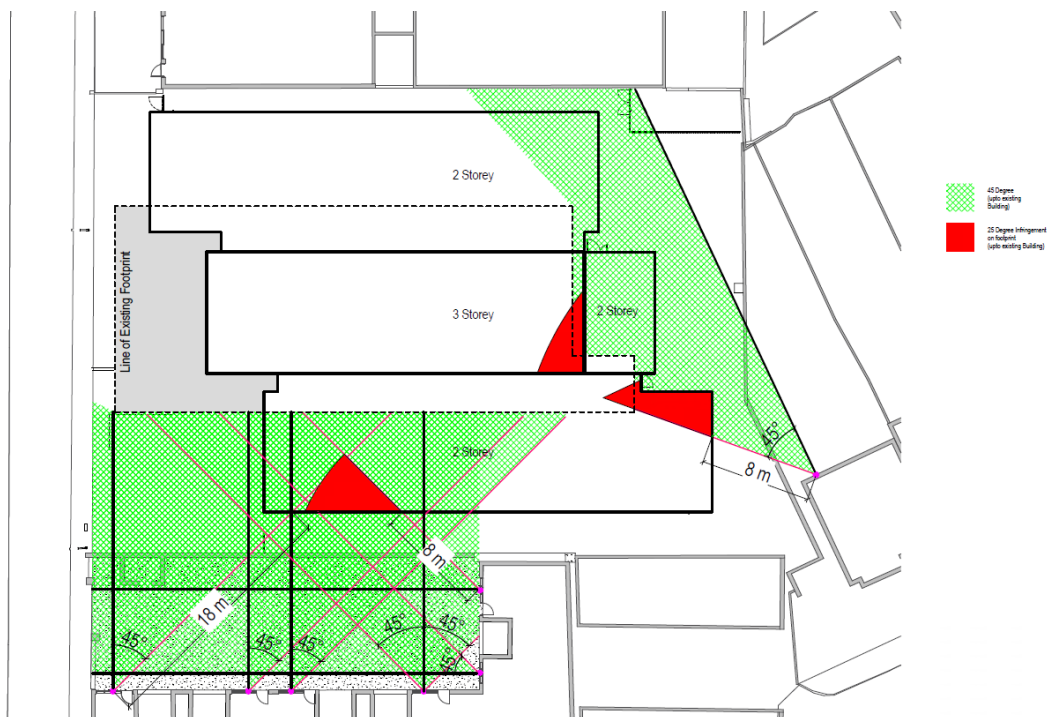
III. *Impact on neighbouring amenity*

10.34. Policy H14 of the OLP states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for

assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

10.35. Policy RE7 of the OLP states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary. The development is located in close proximity to a number of residential properties specifically those located in Cave Street, Wilson Place, Newman Court, Little Brewery Street, London Pace and Harpsichord Place. A number of objections have been received with regard to loss of sunlight, daylight and increased overshadowing.

10.36. Appendix 3.6 of the OLP sets out the 25/45 degree guidance that is applied when assessing the impact of development on sunlight/daylight. The guidance should be assessed in combination with other material factors. The diagram below was submitted with the application and shows where the development infringes on the 45/25 degree line. As can be seen this happens in 3 locations, on the corner of the rear three storey and two storey element and towards the side of the two storey element.



10.37. To further analyse the impact of the development on sunlight/daylight the application was submitted with a detailed sunlight daylight report as well as a permanent and transient overshadowing report which looks at the impact of the development on the closest properties. The report analysis each property impacted, taking in to account their layout and location around the site.

10.38. A range of properties surround the site and their individual layout determines how they are impacted by the development. The flats that look on to the application site feature balconies and car parking spaces that are located close to their frontage

and associated windows. These features which are already incorporated in to their design obstruct the light available to these windows. Notwithstanding this, the development would breach the 25/45 degree guidance. From the flats this breach occurs within the two storey element. When considering the acceptability of this breach officers have considered the overall relationship between these buildings and sites. The orientation of the flats being a consideration, they are located to the south of the site and therefore will benefit from good sunlight. The flat that is most affected also does not face directly on the site and therefore would still get a good range of open sky and daylight. The two storey element is also not considered excessively tall for a commercial development. With regard to the other breaches they affect the property to the rear located in Brewery Street, here the infringement clips the end of the building. Due to the stepped design the view and light available to the property will open up as the building steps away. In order to further assess the impact, the sunlight daylight report looks at the impact in more detail and analyses the impact against the BRE criteria. When assessed against the BRE criteria the properties pass and are found to receive acceptable levels of daylight/sunlight, therefore the impact is not considered to have an unacceptable impact from a technical point of view.

10.39. When considering the BRE report, the report states that against the BRE criteria 99.6 % of neighbouring windows are compliant (just one window that doesn't comply, the window not being one that breaches the 45/25 but instead a window to the corner flat no. 37). The window that does not pass the BRE criteria is set back from the main elevation with a balcony in front, which in itself compromises the light available. All other neighbouring windows comply with the BRE guidelines. With regard to sunlight 100% of windows assessed meet the APSH Summer and Winter BRE criteria and therefore would not be considered to be adversely affected by the development.

10.40. Officers therefore consider both the results of the 45/25 degree guidance in combination with the BRE sunlight and daylight assessment, and are of the opinion that whilst there would be some impact, given the finding of the BRE report that states that the impact would not be an unacceptable amount, on balance the impact of the building on neighbouring sunlight and daylight would not be so harmful as to warrant refusal on these grounds.

10.41. In addition to concerns of loss of sunlight and daylight, to address concerns about overshadowing an overshadowing report has been submitted to support the application. Given that the report is looking at overshadowing it examines properties to the west of the site through to the north as the sun rises in the east and sets in the west. The report also compares the existing building with the proposed in regard to overshadowing. The report details the overshadowing at 2 hour intervals in December, June and March. The report concludes that in December additional overshadowing will occur at the ends of the gardens to the rear of the site and as time passes this overshadowing adjoins the existing overshadowing pattern. From the graphs it is likely that the existing building already causes significant overshadowing in the winter. In March additional overshadowing is increased most notably from 2pm, when it gets to 4pm it shows that existing overshadowing occurs from the existing building and that additional overshadowing will be present alongside the existing overshadowing. In June the development will cause minimal additional overshadowing. Given the orientation of the site and the constrained

urban environment, any development is likely to bring with it overshadowing. The increased overshadowing from the development at certain times of the year is considered acceptable, given that any development would bring with it overshadowing even at only two storeys in height including the existing building.

10.42. A number of objections have been received with regard to overlooking and loss of privacy. The proposed building will be located closer to the boundaries than the existing and therefore it will be in closer proximity to the neighbouring properties. With regard to the properties located opposite in Cave Street the new building will be located just over 12m (from the nearest point), middle block will be 16m and the most inset block will be 21m from the properties. The existing building is located approximately 9m away from these properties therefore the new building will be set further back than the existing. The proposed building will see an increase in the number of windows in the building. The windows will be inset within the frame allowing for views out to be restricted and to mitigate overlooking. Obscure glazing is also proposed on some of the windows and officers are seeking to add a condition requesting a glazing plan to be provided to ensure that obscure glazing can be incorporated on the bottom half of the windows so that when people are seated in the offices direct views are limited. Officers acknowledge that the development would increase the level of perceived overlooking but the combination of the window detailing which incorporates insets to limit sightlines and obscure glazing, along with planting to the frontage which will include trees will further help with privacy. In addition the office's opening times are proposed to be Mon-Sat 8am-6pm which further reduces the time that the building will be fully occupied. As is the case in built up urban areas there is always the opportunity for mutual overlooking especially with regard to front to front facades, given that the building is proposed to be set back from the road it is considered that the separation distances are sufficient with the additional mitigation incorporated in to the building. To the south of the building, due to the site layout a large portion of the elevation does not directly overlook the residential properties and instead overlooks the block of garages next door. The area of the building located opposite the flats in Cave Street will sit 12m away from the building. Due to the design of the existing building there are already a large number of large windows on this elevation overlooking the neighbouring flats both at ground floor and second floor. Again in this location obscure glazing is proposed in the bottom half of the windows on the 1st floor to limit overlooking. The 2nd floor will be located approx. 22m away from the neighbouring flats and as with again as with the closest block will be offset so a number of the windows will not directly overlook the flats.

10.43. To the rear the nearest element of the two storey section sits just over approx. 6m away from the corner of no.15 Little Brewery Street, this distance increases to 14m with the middle block and then to 26m to the far block. The second floor will sit approx. 19m from the mid-point to the corner of the property. To the rear the building again seeks to incorporate inset windows along with textured panels to limit overlooking with a much more limited number of glazed windows. The textured panels have been located strategically to ensure that views are limited, as mentioned previously, officers will add a condition to ensure that the lower half of the windows are obscurely glazed in addition condition will also be added requiring that the windows located next to the textured panel on the second floor of the nearest block to 15 Little Brewery Street is fully obscurely glazed to ensure any overlooking is mitigated.

10.44. The north elevation overlooks a single storey building and is located just over 9m away from the properties in Newman Court. Both nearest blocks are set offset from the development. The north elevation would feature a number of windows, given the proximity and the offset location, the development is not considered to give rise to unacceptable levels of overlooking. As well as the windows in this elevation a balcony area is also proposed on the second floor. The balcony has been designed to be inset from the edge of the roof and therefore will sit more than 15m away from the properties in Newman Court, more than 20m away from the properties in Cave Street and 19m away from the properties to the rear. Given the separation distances, it is not considered that the balcony area would give rise to unacceptable levels of overlooking. An objection has been raised regarding increased noise from the balcony. Officers acknowledge that the inclusion of a balcony may increase noise levels when in use, but officers also consider the use of the building as an office and the associated opening times, and therefore would not expect noise levels to be at a level that would cause unacceptable disturbance to residents. In addition as it will be a managed office block there will be mechanisms for relaying any concerns about noise to the office management team.

10.45. Officers have considered the objections alongside the proposal. Whilst it is acknowledged that the redevelopment of the site is likely to bring with it more people working in the building and the design will incorporate more openings, the combination of the obscure glazing, textured panels and landscaping along with the staggered design allows any potential overlooking to be mitigated, given the existing employment use officers are of the opinion that the proposal would not give rise to unacceptable levels of overlooking or loss of privacy.

10.46. A number of the objections received refer to impact on outlook. The building has been designed in order to mitigate the impact of the building on neighbouring amenity whilst making efficient use of the site. The staggered design allows a variation in the distances between properties therefore allowing the outlook of the neighbouring properties to be maintained. The breaking up of the massing allows this to further mitigate any sense of enclosure or of it being overbearing. The building will mostly be set over two floors with the 3rd floor being limited to the middle section. The design also features a flat roof. The flat roof design allows for views to open up above and omit any bulk associated with a pitched roof. Due to the landscaping to the front the building will now be set back from the frontage increasing the separation distances between the properties. To the south the building will be located closer to the boundary and thus the neighbouring properties, but due to it being stepped back will mostly be set away from the frontage. To the rear again the stepping of the building opens up views and allows for any sense of enclosure to be reduced. Officers are of the opinion that the design is working hard to mitigate the building being overbearing or adversely impacting outlook and that the proposal would not have an unacceptable impact on the outlook from neighbouring properties. Some of the objections refer to the change of view from their properties, with regard to views officers acknowledge that views are likely to change with any development that is brought forward on the site and that whilst these views are not protected, given that the height of the development is not significantly taller than the existing development the overall scale and massing is not considered to have an adverse impact on neighbouring outlook.

10.47. The site is a constrained site in a built up urban environment. Redeveloping the site will bring with it changes to the outlook and neighbouring perception and experienced of the site. Officers acknowledge that there will be neighbouring impacts with regard to overshadowing and change in outlook and sunlight/daylight as well as perceived impacts in terms of loss of privacy and mutual overlooking.

10.48. Looking at the site as a whole it is considered that a development that makes efficient use of the land whilst having the least impact on neighbouring amenity. Officers are of the opinion that the highlighted impacts on neighbouring amenity have been mitigated to the best of the sites ability through the design and in order to bring the site forward for a viable redevelopment, some change in neighbouring amenity is to be expected, officers therefore consider that on balance, the development would not have an unacceptable impact on neighbouring amenity.

IV. Highways

10.49. Policy M1 of the Oxford Local Plan states that Planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. Policy M2 states that a transport assessment must be submitted for development that is likely to generate significant amount of movement. Policy M3 relates to car parking, with regard to non-residential development the policy states *“The parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development.”* The application was submitted with a Transport Assessment (TA). Policy M5 relates to bicycle parking.

10.50. The main vehicular access to the site is down Cave Street from St Clements. The site can be accessed by pedestrians the same way or can be accessed via a pedestrian path via Cherwell Street. The existing site comprises 17 car parking spaces and 9 cycle parking spaces. The proposed development proposes a single disabled car parking space which will also include an electric charging point. A delivery bay is also provided which will be located adjacent to the disabled parking space. The development proposes 70 cycle spaces, 62 spaces are provided in the form of 31 cycle hoops in a secure gated area adjacent to the building to the south of the site which only staff will have access to. A further six visitor cycle parking spaces are provided close to the front door along with a cycle hoop with a larger parking area that can accommodate cargo bikes, bike trailers, specialist and adaptive bikes, 24 of the staff cycle parking spaces within the secure gated area are covered. In order to support cycle usage and in line with policy showers and changing rooms are included within the proposed building.

10.51. The site is located within 100m of a westbound bus stop and 195m and 245m of an eastbound bus stop. It is also located 2.5km from the railway station. St Clement's also benefits from a range of different shops and services. Officers consider the site to be located in a highly sustainable location.

10.52. A number of objections have been received with regard to the lack of vehicular parking proposed for the scheme. The policies within the OLP seek to encourage alternative modes of transport and reduce the reliance on motor vehicles. Officers consider the site to be highly sustainable and therefore there is suitable public transport options as well as amenities in the vicinity to support a car free scheme. The site is located in a controlled parking zone and so the opportunity for adhoc parking around the site is limited. The proposal should therefore not intensify the parking on the surrounding streets. Objections also relate to the lack of drop off points. The scheme does include a drop off point for deliveries which is considered sufficient for those stopping for a short period. Objections have also been received with regard to construction traffic and disturbance during the build. Some disturbance during any build is inevitable. In order to ensure that construction traffic is managed the County Council have required a construction traffic management plan to be submitted and agreed via condition.

10.53. Officers acknowledge that the development is likely to increase the number of people working on the site and therefore there would be an increase in the number of pedestrian movements associated with the development. The site is well served with regard to public transport. The proposed reduction in car parking spaces on the site would reduce the overall vehicle movements associated with the site which would be a benefit to the scheme.

10.54. Oxfordshire County Council Highways have been consulted on the proposals are raise no objections on highways grounds subject to conditions.

V. Sustainability

10.55. Policy RE1 sets out the sustainability requirements for new major development. Planning permission will only be granted for development proposals for new build major developments (over 1000sqm) which achieve at least a 40% reduction in the carbon emissions from a code 2021 Building Regulations.

10.56. The application was submitted with an energy statement. The supporting information shows that the building design is approaching the development by maximising passive design and minimising active design.

10.57. The energy report sets out the following:

10.58. The building will incorporate an exemplary fabric standard with U-values for all the thermal elements significantly better than the minimum standards as set out with Part L 2021. Together with this, the air permeability target for the site will be 2. Both these measures should result in the heat losses being significantly reduced.

10.59. The lighting systems in all the spaces will be LEDs of at least 110lm/W, with daylighting control and occupancy sensing to reduce the lighting demand further. Heat recovery will be implemented via a local MVHR system which will supply fresh air to the offices, large meeting rooms, kitchens and break room.

10.60. Air source heat pumps supplying a VRF system and electric point of use hot water, as well as the provision of PV will be incorporated.

10.61. The proposal and energy statement is compliant with policy RE1 of the Oxford Local Plan and the 40% target set out in the policy and therefore the approach is considered acceptable.

VI. Biodiversity

10.62. Policy G2 of the Oxford Local Plan refers to the protection of biodiversity and geo diversity. The policy requires a net gain from the existing situation. An ecology report was submitted with the application.

10.63. The Local Planning Authority (LPA) has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (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.

10.64. 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.

10.65. In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.

10.66. Furthermore, the LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006).

10.67. The existing building was assessed to be of low suitability for roosting bats and a single dusk emergence survey undertaken, during which no bat roosts were identified. No other protected species were recorded within the site, though limited opportunities for amphibians, reptiles and nesting birds were identified and mitigation measures proposed. These are appropriate and should be secured via planning condition.

10.68. The biodiversity impact assessment indicates the proposals will deliver a net gain of 0.07 habitat units (+24.67%). The biodiversity net gain will be secured. Given the small number of units involved, officers would consider it proportionate for this to be secured through the provision of a Landscape and Ecological Management Plan (LEMP).

10.69. A condition will be included to secure the biodiversity scheme proposed on the site. The proposal is considered to comply with policy G2 of the Oxford Local Plan.

VII. Drainage and Flooding

10.70. The site is located within Flood Zone 1 and is therefore deemed to be at a low risk of surface water flooding. Oxfordshire County Council have raised an objection on drainage grounds and additional information has now been submitted in order to address those concerns. At the time of writing the report a response had not been received from the County on the acceptability of the revised information. A verbal update will therefore be provided at committee.

VIII. Environmental Health

10.71. Contaminated Land

10.72. Given the historic nature of the site it has potential for ground contamination. It is therefore necessary that a phased contamination risk assessment is completed to assess the potential contamination risks at the site to ensure that any potentially significant risks to future occupiers and the surrounding environment are mitigated appropriately. A number of conditions have therefore been included to ensure that the any potential ground contamination risks are assessed and mitigated.

10.73. Noise

10.74. A number of objections relate to the incorporation of the air source heat pump to the rear of the site and the associated noise. A noise assessment was submitted with the application. The plant items are proposed to be housed within an open topped enclosure. The new walls are to be formed with timber panels at a height of 2.5m.

10.75. The calculations show that noise emissions from the proposed unit installation would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers with the specified attenuation measures. A condition has been included ensuring that the noise levels remain at an acceptable level.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38(6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 detailing the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the NPPF. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.

Compliance with Development Plan Policies

11.3. Therefore in conclusion it is necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

Material considerations

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

11.5. National Planning Policy: The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

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

11.7. The proposal seeks to provide a new office building in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient cycle parking and will provide biodiversity enhancements.

11.8. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to resolving the outstanding drainage objection.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development excluding demolition and enabling works a schedule of materials together with samples and sample panels of the exterior materials to be used including details of any safety barrier details proposed for the roof terrace shall be submitted to and approved in writing by the Local Planning Authority before the start of work on the site above ground and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

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

- 4 Prior to the commencement of development excluding demolition and enabling works, details and specifications of the proposed roof solar PV panels and window details including details of the stone fins incorporating pigeon deterrents and substation shall be submitted to and approved in writing by, the Local Planning Authority. Only the approved details shall be installed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development in accordance with policy DH1 of the Oxford Local Plan 2036.

- 5 Prior to installation, details of the external lighting fittings shall be submitted to, and approved in writing by the Local Planning Authority. Only the approved details shall be installed out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development and ensure the amenity of residents in accordance with policies RE7 and DH1 of the Oxford Local Plan 2036

- 6 Prior to window installation, a plan of the window arrangement showing where obscure glazing is to be applied to include the bottom half of the first floor windows and the window located next to the textured panel on the second floor of the nearest block to 15 Brewery Street shall be submitted to, and approved in writing by the Local Planning Authority. Only the approved details shall be installed and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sympathetic appearance of the proposed development and ensure the amenity of residents in accordance with policies RE7 and DH1 of the Oxford Local Plan 2036.

- 7 The development hereby approved shall be carried out in complete accordance with the approved Energy Statement 'OXFORD CITY COUNCIL STANDINGFORD HOUSE REDEVELOPMENT OXFORD ENERGY STATEMENT revision P02'

Reason: To ensure that the proposed development sufficiently incorporates sustainable design in accordance with policy RE1 of the Oxford Local Plan 2036.

- 8 Any new trees or plants planted in accordance with the details of the approved landscape proposals (plan ADP-00-ZZ-DR-L-1900 S2 P2 and ADP-00-00-DR-A-1900 S2P7) 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.

- 9 The landscaping proposals detailed on plan ADP-00-ZZ-DR-L-1900 S2 P2 and ADP-00-00-DR-A-1900 S2P7as 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 2036.

- 10 Prior to the car parking spaces being made available, details of the Electric Vehicle charging infrastructure that is expected to be installed on-site shall be submitted to and approved in writing by the Local Planning Authority. The

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

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

- 11 Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. A Phase 2 shall be completed to include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the Local Planning Authority to ensure the site will be suitable for its proposed use.

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

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

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

- 13 Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person 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.

- 14 If the development hereby approved does not commence within one year from the date of the planning consent, further ecological survey(s) shall be commissioned to establish if there have been any changes in the presence of roosting bats and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, new ecological measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the approved ecological measures and timetable.

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

- 15 Prior to occupation of the development, details of ecological enhancement measures including at least three bat roosting devices and three bird nesting devices shall be submitted to and approved in writing by the local planning authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices 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 Oxford City in accordance with paragraph 174 of the National Planning Policy Framework and policy G2 of the Oxford Local Plan.

- 16 All vegetation clearance shall be carried out in accordance with the details contained in Sections 10.16 and 10.17 of the Preliminary Ecological Appraisal produced by Lockhart Garratt and dated May 2022 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure nesting birds, reptiles, and amphibians are protected in accordance with The Wildlife and Countryside Act 1981 (as amended).

- 17 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 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. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the delivery of biodiversity net gain in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 18 Prior to occupation the covered cycle parking areas shall be installed and retained on site thereafter unless agreed in writing by the Local Planning Authority.

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

- 19 A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. The CTMP should follow Oxfordshire County Council's template if possible. This should include;
- An appropriate title which includes the planning permission number/reference.
 - The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman.
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network).
 - A layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - Contact details for the Site Supervisor responsible for on-site works.
 - Travel initiatives for site related worker vehicles and details regarding parking provision for site related worker vehicles.

The approved CTMP shall then be implemented throughout the course of the construction period.

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

- 20 Prior to first occupation a Travel Plan Statement shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall be implemented as approved

Reason: To encourage the use of sustainable modes of transport in accordance with Policy M5 of the Oxford local Plan 2036.

- 21 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 the development site/ surrounding premises are not adversely affected by noise from the proposed mechanical installation equipment in accordance with policies RE7 and Re8 of the Oxford Local Plan.

INFORMATIVES:-

- 1 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.
- 2 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.
- 3 Alterations to the Public Highway (Dropped Kerbs) Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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Appendix 1 – Proposed Site Plan – Standingford House



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Oxford City Planning Committee

22nd September 2022

Application number: 22/00040/PIP

Decision due by 21st February 2022

Extension of time 27th September 2022

Proposal Permission in principle application for the re-development of the former public house for between 7no. and 9no. dwellings (Use Class C3) (All matters of design including scale, demolition and/or conversion and all technical matters reserved for future application) (Amended description)

Site address The Crown And Thistle, 132 Old Road, Headington, Oxford – see **Appendix 1** for site plan

Ward Quarry And Risinghurst Ward

Case officer James Paterson

Agent: Mr Alex Cresswell **Applicant:** Mr S Gill

Reason at Committee This application was called in by Councillors Brown, Pressel, Lygo, Humberstone, Fry, Rehman and Munkonge due to concerns as to the loss of the public house, a locally important asset, whose closure has been felt by local residents.

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 grant permission in principle.

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application for permission in principle, made under the Town and Country Planning (Permission in Principle) Order 2017 (as amended), for the redevelopment of the site of the Crown and Thistle to provide between seven and nine dwellings on the site. The proposal originally included the demolition of the public house building, however the application was amended to include the retention of the building following the addition of the building to the Oxford Heritage Asset Register, meaning the building is now locally listed.

2.2. Officers can only consider the principle of the proposed development, specifically in relation to the location, land use and amount of development being proposed.

Planning officers cannot consider other matters as part of this application, including matters of design, amenity, ecology or other technical matters; these matters would be dealt with via a subsequent application for technical details consent were permission to be granted for this permission in principle application. The Local Planning Authority must take into account any representations received.

- 2.3. Members are advised that if a decision were made to approve the application then this would, in officers' view, be a departure from the development plan and the application has been publicised on this basis.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

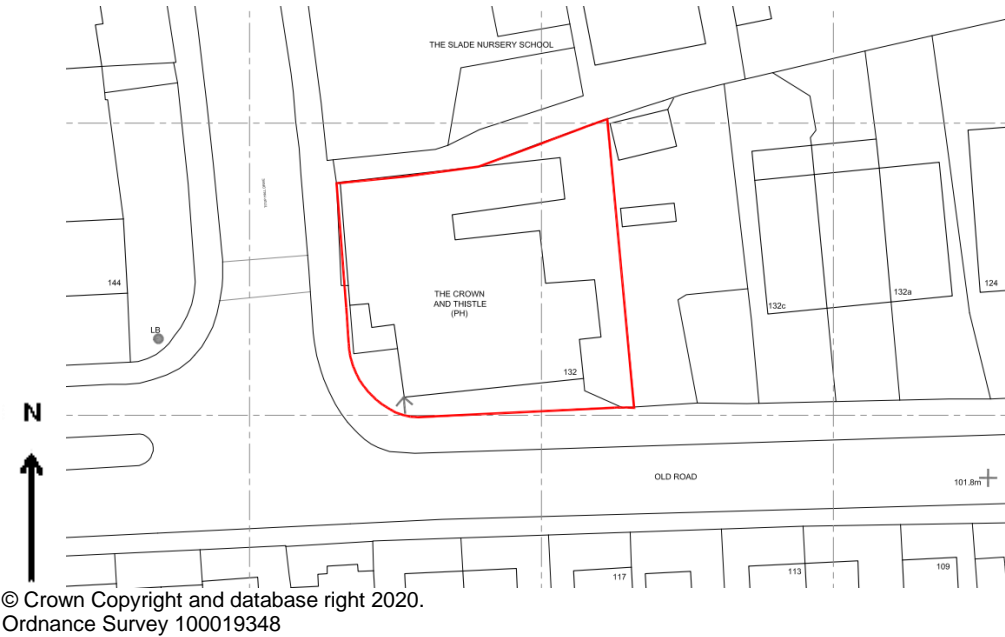
- 4.1. The proposal would be liable for CIL. Officers cannot advise on how much the development would be liable for as this application only deals with the principle of development and no specific designs or layouts have been provided. Government guidance on PIP applications states CIL may apply to development consented through the permission in principle route if technical details consent has been granted. Charges will become due from the date that a chargeable development is commenced.

5. SITE AND SURROUNDINGS

- 5.1. The application site is located at the corner of Old Road and Titup Hall Drive, which lies at the northern edge of the Wood Farm estate in East Oxford. The application site comprises a public house, the Crown and Thistle, along with the associated land which was formerly given over to use as a pub garden. Part of the site has not been included within the site boundary; it is noted housing was previously approved (ref: 13/01588/FUL), but not built, on the part of the site than has been excluded; that permission has now lapsed.
- 5.2. The existing building on the site consists of the original two storey building, with additional accommodation in the roof, along with various subsequent single storey extensions to the side and rear that have been added to the site throughout the years. There are also various small garages and outbuildings which occupy much of the land on the application site. The pub has been derelict since it ceased trading in 2011 although the first and second floor of the pub are currently occupied as a dwelling; this would have originally been to house the publican. The dereliction is the result of neglect of the site since it has been left vacant and has not been properly maintained since the closure of the pub in 2011. The result is that the decay is evident both internally and externally. Internally, at ground floor level where the pub operated there is significant damp, damage and debris throughout the building as well as there being a large hole in the floor. Officers were not able to access the upper floors but understand that area is still in a habitable condition. Externally, the garden is overgrown, the render is peeling off the building, many of the windows have been broken and boarded up and there appears to be some structural damage to parts of the buildings on the site.

5.3. The public house is of historical significance since it was first erected in the mid-19th Century and occupied the site of a previous inn called Titup Hall which was in situ for at least 200 years prior. The inn served one of the main routes out of Oxford towards London, shares an historic association with Morrell’s Brewing Company, and serves to illustrate the local area’s history prior to it being subsumed by suburban development. For these reasons the existing public house on the site, as well as the public house use of the site, are of historical significance and the building was therefore added to the Oxford Heritage Asset Register in 2022.

5.4. See block plan below:



6. PROPOSAL

6.1. The application proposes the redevelopment of the Crown and Thistle site in order to provide between seven and nine dwellings on the site. The proposal now seeks to retain the existing public house building on the site. No additional details have been submitted or are required at this stage.

6.2. The application originally proposed the demolition of the pub and then erecting between seven and nine dwellinghouses on the site. Indicative drawings were submitted as part of the original submission. However, following officers’ concerns with the regard to the heritage impacts of the demolition of the pub, particularly following its addition to the Oxford Heritage Asset Register, the application was amended to retain the pub building.

6.3. The application includes an Expert Witness Report in support of the application which states that the use of the site as a public house is no longer viable. The Council has instructed an independent viability expert to investigate the claims of non-viability and the findings in their Viability Assessment have been considered by officers when forming a recommendation on this application.

- 6.4. Planning officers note that the application accords with the criteria under which a permission in principle can be sought, as set out in Part 2A of The Town and Country Planning (Permission in Principle) Order 2017 (as amended).
- 6.5. It is officers' view that the proposal represents a departure from the development plan in relation to Policy V6 and the loss of public houses and has been publicised as such. This matter is fully explored in subsequent sections of this report.

7. RELEVANT PLANNING HISTORY

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

53/03136/A_H - Alterations. Approved 8th September 1953.
54/03766/A_H - Beer Store. Approved 13th July 1954.
56/05151/A_H - Alterations and additions. Approved 27th March 1956.
56/05655/A_H - Ladies lavatories.. Approved 16th November 1956.
59/07782/A_H - Car park.. Approved 24th February 1959.
62/12883/A_H - Extension to bar and new lavatories.. Approved 27th November 1962.
69/22073/A_H - Demolition of existing outbuildings and erection of new single-storey building as beer and bottle store and erection of concrete garage for use as bottle store.. Approved 14th October 1969.
89/00350/NF - Single storey extension to create function room.. Refused 14th June 1989.
93/00838/NF - Alterations to windows and doors on north elevation. Erection of wall and railings to enclose part of forecourt. Approved 6th October 1993.
93/01030/A - Externally illuminated letters at 1st floor level. Existing externally illuminated hanging sign to 1st floor level. 2 externally illuminated amenity boards either side of main double entrance, and 2 either side of single entrance.. Approved 25th November 1993.
00/01628/NF - Erect single storey rear extensions. Repositioning of spiral staircase. Refused 9th December 2000.
02/00765/FUL - Single storey rear extensions. Repositioning of spiral staircase. (Amended plans). Refused 4th July 2002.
13/01588/FUL - Erection 3 x 4-bed houses (Use class C3). Approved 21st August 2013.

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	59-76, 130-136	DH1, RE2, RE7, H14		
Conservation/ Heritage	194-197, 203-208	DH5		
Social and community	84	V6		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th February 2022. Following the submission of an amended scheme new pink site notices were displayed around the site on 23rd February 2022. A further round of public consultation was undertaken, with site notices being displayed on 22nd July, following an error in the application description. A final round of consultation took place with site notices being displayed on 16th August 2022 since officers considered that the proposal constitutes a departure from the development plan.

Statutory and non-statutory consultees

9.2. None Received

Public representations

9.3. 32 local people commented on this application in the initial consultation from addresses in Brindley Quays (Braunston), Bure Park (Bicester), Chequers Place, Colemans Hill, Dunstan Road, Gardiner Street, Hadow Road, Mark Road, Old Road, Pitts Road, Quarry High Street, Quarry Road, Ridgeway Road, Ringwood Road, Sandfield Road, South Avenue (Kidlington), St. Ebbas Close, Stansfield Close, 37 Weyland Road, Wharton Road, Wilcote Road, York Road). 2 local amenity groups (Friends of Quarry and Wood Farm Youth Centre) also commented on the application

9.4. 5 local people commented on this application in the final round of consultation from addresses in Old Road.

9.5. In summary, the main points of objection (32 residents and 2 amenity groups) were:

- Access
- Amount of development on site

- Effect on adjoining properties
- Effect on existing community facilities
- Effect on heritage assets
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Effect on character of area
- Flooding risk
- General dislike for proposal
- Height of proposal
- Information missing from plans
- Lack of accessible homes
- Lack of affordable homes
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- On-street parking
- Parking provision
- Public transport provision/accessibility
- Parking provision
- Safeguarding

Officer response

9.6. Officers have considered carefully the objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report below, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted. Indeed many of the concerns raised cannot be taken into account in a PIP application as set out elsewhere in this report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Location
- ii. Land Use

- iii. Amount of Development
- iv. Other Matters

i. Location

- 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. The supporting text for Policy S1 of the Oxford Local Plan 2036 also makes clear that the plan places the highest priority on providing additional housing (paragraph 1.33).
- 10.3. 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.
- 10.4. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected including the amenity of communities, occupiers and neighbours. Developments must also not have unacceptable unaddressed transport impacts. Where developments do impact standards of amenity then appropriate mitigation measures should be provided where necessary. The factors the City Council will consider in determining compliance with the above elements of this policy include visual privacy, outlook, sunlight, daylight and overshadowing.
- 10.5. The application site is a brownfield site, albeit not a site on Part 2 of the Brownfield Land Register. The site lies within an existing residential area and is sustainably located with good access to public transport and cycle infrastructure. This site is therefore suitable for housing as the local plan prioritises such sites for housing. It is also considered that the proposed creation of dwellings on the site would be compatible with the surrounding residential land uses and would, in principle, not give rise to unacceptable impacts on surrounding land uses, including neighbouring dwellings. The location of the housing proposed as part of this location is therefore acceptable and accords with Policies S1, H14 and RE7.

ii. Land Use

Policy Framework

- 10.6. Policy V6 of the Oxford Local Plan 2036 states planning applications for the change of use of a public house must be accompanied by evidence to demonstrate

that the continuation of the use of the premises as a public house is not viable. It must be demonstrated that all reasonable efforts have been made to market the premises for its existing use (refer to Appendix 8 .1) and that all reasonable efforts have been made to support and improve the operation and management of the business. Lastly, it must also be demonstrated that suitable alternative public houses exist to meet the needs of the local community. Where a building is to be demolished or substantially re-developed; the impact on character, design and heritage and to the wider streetscape must be demonstrated to be insignificant.

10.7. Paragraph 84 of the NPPF states that planning decisions should enable the retention and development of public houses.

10.8. The lawful use of the site remains as a public house (a Sui Generis use) and, the NPPF and Policy V6 of the local plan seek its retention in its capacity as a public house. However, the applicant has provided evidence as part of their expert witness report to support the view that the use of the site as a public house is not viable and the application meets criteria where Policy V6 would allow the loss of the public house to other uses.

Marketing

10.9. The applicant has submitted evidence to demonstrate that all reasonable efforts have been made to market the premises for its existing use. Marketing exercises took place in 2012 following the pub ceasing trade on the site in December 2011. These marketing exercises in 2012 were undertaken by specialists in the public house sector and officers note that there was substantial interest from prospective buyers; however this interest was largely specifically to redevelop the site and not continue the use of the site as a public house. Further marketing exercises took place in 2015 on a leasehold basis with only one prospective operator showing an interest in the pub at this time. While it is unclear what state the site was in by this point, the marketing in 2015 was once again undertaken by specialists in the sector. Further marketing was undertaken on a more local basis between 2019 and 2021 which advertised the availability of the pub for use of the pub on a leasehold basis without any interest being generated.

10.10. No evidence has been submitted by the applicant that the pub was ever marketed on a freehold basis. Since officers are of the view that much of the marketing exercises, particularly those of 2015 and 2019-2021, took place when the pub was in a very poor state of repair, this would deter potential publicans from leasing the site on a temporary basis. This is because prospective publicans would need to finance significant repair work to the site while not benefitting from the long term benefits of such a high original outlaying of costs. Had the pub been advertised on a freehold basis then, in officers' view, and having considered independent specialist advice, there would have been a greater possibility of successfully marketing the property as more operators may have been willing to finance repairs in the pursuit of long term benefits of operating the pub on a permanent basis.

10.11. While some sporadic marketing exercises have taken place on a leasehold basis, albeit for a public house that has wantonly been left to deteriorate, planning officers are of the view that the applicant failing to have marketed the public house

on a freehold basis is a significant oversight and means that it cannot be reasonably considered that 'all reasonable efforts' have been made to market the public house for its existing use, as is required by Policy V6. The application therefore fails to accord with this part of Policy V6.

Improve the Operation of the Business

10.12. It is not clear what measures were put in place prior to the closure of the public house in 2011 with respect to improving the operation of the business, since the business closed over a decade ago and the public house was not in the ownership of the applicant at that time. It is reasonable to assume that some measures were put in place to improve the financial position of the business prior to its closure, however it is impossible to determine as to whether all reasonable efforts were made to improve the operation and management of the pub at that time.

10.13. The applicant has, since purchasing the property, not found an operator for the site nor operated the site as a pub themselves and have let the property deteriorate to the point that significant repairs and refurbishment would be needed to bring the building back into use as a pub. Little effort has therefore been made to ensure the site could operate as a pub, indeed following years of neglect officers are of the view that no serious consideration has been given as to the management of the pub with a view to continue or restart its operation following its acquisition by the applicant. Officers therefore consider that all efforts have not been made to improve the operation and management of the business in an effort to prevent the loss of the public house as is required by Policy V6. The application therefore fails to accord with this part of Policy V6.

Alternative Public Houses

10.14. The applicant has submitted an Expert Witness Report that indicates that there are numerous other public houses within the vicinity of the site, which has been taken as 0.6 miles by the expert. Following independent specialist advice as to whether these public houses would serve as suitable alternatives, officers are of the view that the offer of those pubs that have been identified are varied and offer a good mix of alternatives to that which can reasonably be offered on the application site. This assessment has also had regard as to how the Crown and Thistle operated prior to its closure, including officers' understanding that the pub's licence was revoked due to anti-social behaviour. Notwithstanding this, officers are of the view that the Wood Farm estate does not contain another public house, although parts of the estate, namely Slade Park, may be served by The Cornerhouse which is within walking distance to this part of the estate. It is unusual for an estate of this size, with around 6,500 residents, to not include its own pub to serve the local community. Furthermore, the pubs identified in the submitted statement are not within easy walking distance of much of the estate, unlike the application site which is within walking distance of the majority of the estate and lies approximately 550m from the local centre in Wood Farm. Therefore planning officers consider that it has not been demonstrated that suitable alternative public houses exists to meet the needs of the local community since the permanent loss of the Crown and Thistle to other uses would mean that much of Wood Farm would be without a public house within easy walking distance.

Viability

10.15. Evidence has not been submitted by the applicant as to the economic viability of the continued use of the site as a public house. The justification for this is because their expert witness considers that any such assessment would be subjective due to the extent of the repairs that would be necessary, the length of time the business has been closed as well as due to the lack of interest in operating the pub. Officers would dispute the lack of interest in operating the pub as such due to identified shortcomings of the marketing of the property on a leasehold basis only. Furthermore, having considered independent specialist advice, officers are satisfied that some estimation as to the potential viability of the pub can be made, despite the poor state of repair of the site and long gap since it last operated as a pub, by looking at national economic and social trends as well as the conditions on the site and its locality. The findings of this advice is that the pub could likely operate as a viable pub business and would likely be able to generate a modest return on profit.

Conclusions

10.16. Planning officers consider that the criteria for allowing the loss of a public house to other uses, as set out in Policy V6, have not been met. Specifically officers do not accept that it has been demonstrated that all reasonable efforts have been made to market the premises for its continued use as a pub. Furthermore, officers consider that no effort has been made to support and improve the operation and management of the business since its closure in 2011; indeed the pub has been so poorly managed so as to allow it to deteriorate significantly to the point where any continued operation of the site as a pub would be severely hamstrung. Planning officers have also not been satisfied that there exist suitable alternative public houses to meet the needs of the local community, as many of the public houses identified in the submitted expert witness statement are not within easy walking distance of the site and the Wood Farm estate is not readily served by an alternative pub.

10.17. Notwithstanding the above, having considered the submitted expert witness statement alongside the independent expert advice that the Council has received, planning officers are of the view that while there could be a scenario where the pub re-opens and trades successfully with a modest profit, the initial outlay of finances required to bring the pub into a state of repair where it could operate would be prohibitively high and fraught with risk. Having considered independent expert advice, alongside the expert advice submitted by the applicant, planning officers consider that no prospective publican could reasonably be expected to take on the purchase, repair and operation of the pub as the risk of doing so is now too great due to the extremely poor state of repair of the existing building. Planning officers consider that this is a material planning consideration and while the proposal does not accord with Policy V6 in this regard and is counter to the aims of paragraph 84 of the NPPF, it is not reasonable to expect the pub to be able to re-open as such due to the associated risks to any prospective occupier. Furthermore, the redevelopment of the site to provide housing would at least bring the site into a good state of repair where it would not be a flashpoint of anti-social behaviour in the area, as is currently the case and was evidently the case when it was in operation since the pub's licence was revoked for anti-social behaviour.

Planning officers also note that if permission were to be refused then it is likely that the site would continue to deteriorate through wanton neglect. Planning officers also note that whilst utilising the existing building for housing would result in the loss of the building's historic function, eroding the social and communal value the local heritage asset possesses as a public house, it would nonetheless secure the historic building's retention and maintenance following the proposed development taking place. Therefore it is the consideration of planning officers that the proposed change to the use of the land, from a Sui Generis Public House to C3 Dwellings, is acceptable in this instance, as there are clear and convincing material considerations in these circumstances.

iii. Amount of Development

- 10.18. 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.
- 10.19. 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.
- 10.20. Policy DH5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
- 10.21. Paragraph 203 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss
- 10.22. While no drawings have been submitted alongside the amended application which retains the existing pub on the site, officers are conscious of the need to optimise the land use efficiency in the city for housing, given the shortfall of housing in the city and an acute shortage of developable land in the city. Officers also note that no details have been provided as to how many bedrooms would be provided for each new dwelling which would provide flexibility in terms of the scale and density of the dwellings at the technical details stage. However it is also noted that under the PIP process the number of bedrooms does not need to be provided. Having considered the planning history of the site, the existing situation of the site, the likely density of development, between 137 and 176 dwellings per hectare, and the layout of the site, planning officers consider that the site could reasonably accommodate up to nine dwellings without leading to an overdevelopment of the site that would lead to the resultant development not being compatible with surrounding uses. Officers are equally satisfied that the proposal would lead to an efficient use of the land in a sustainable location.

- 10.23. The application site comprises a locally listed heritage asset which is sensitive to unsympathetic development, although planning officers note that the revised application no longer entails the demolition of the public house which is welcomed. The significance of this heritage asset derives from its community value, although this has been eroded since its closure, as well as its associative value since the pub is illustrative of the area's history prior to it being subsumed by suburban development and the expansion of Oxford. The Crown and Thistle also possesses local historic interest due to its association with Morrell's Brewing Company, which was the only major brewery in Oxford, operating between 1782 and 1998. The Crown and Thistle, despite its neglected appearance, also possesses aesthetic value on account of its traditional design details and materials while also forming an important part of the local street scene due to its prominent location and strong visual presence. The Crown and Thistle is thought to have been constructed on the site of the earlier Titup Hall inn and therefore possesses evidential value, in that it is likely that archaeological investigation of the site would provide further understanding of this historic coaching inn. All of these important contributions of the existing building to its surroundings inform the significance of this locally listed heritage asset
- 10.24. Officers note that that paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, as appears to be the case here, then the deteriorated state of the heritage asset should not be taken into account in any decision. Officers therefore do not consider that the refurbishment of the existing building on the site as a result of this development would weight in favour of this application.
- 10.25. Officers consider that the use of the building as a pub partially informs its significance as a locally listed heritage asset. Therefore some harm to its significance as a result of this loss is intrinsic to this application since the use of the building as a public house would be lost as part of the proposed development. However, this application proposes to retain the existing pub building on the site which would minimise the harm caused as a result of losing the pub use on the site since the historic use of the building as a pub would still be evident. This weighs in favour of the application since paragraph 197 of the NPPF states that decision-makers must take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Furthermore, harm can be avoided by sensitively designing the proposed development via the following technical details application. Additionally, the public benefits associated with delivering housing on the site can outweigh the harm caused by the prospective development through careful design. In considering paragraph 203 of the NPPF, officers envisage that there would be a low level of less-than-substantial harm to the significance of the locally listed heritage asset. However, in taking a balanced judgement on the proposal, officers consider but that this harm could be readily outweighed by the public benefits of the application and careful design.
- 10.26. The lack of detail at this stage mean that officers will need to reassess if the public benefits outweigh harm caused to the heritage asset in considering any subsequent technical details application. Officers have secured the important retention of the pub at this PIP stage and any consent for technical details can explore that impact fully in light of the detailed design submitted at that time and

ensure that the public benefits still outweigh any harm that maybe caused. If Officers are not satisfied with the detailed design at the technical details stage, such an application can be refused.

10.27. Having considered the above, planning officers consider that the proposed amount of development on the site, particularly in relation to the retained pub building on the site would be appropriate to the surroundings of the site and would thereby accord with Policies RE2, DH1 and DH5, in principle.

iv. Other matters

10.28. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.29. Officers note that numerous additional matters were raised during the consultation stage including, but not limited to, issues of safeguarding, flooding, car parking and the lack of affordable homes. These matters are not considered at this stage as the Council can only consider matters specifically relating to the location of the development, the land use being proposed and the amount of development being proposed. No specific details are required to be submitted at this stage which also limits the ability of officers to give specific feedback on other matters.

11. CONCLUSION

11.1. It is recommended that the Committee resolve to grant permission in principle for the development proposed.

11.2. 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.

11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.5. In summary, the proposal does not fully comply with all the relevant policies of the Oxford Local Plan 2036 since the proposal is contrary to Policy V6 and has been publicised as a departure from the development plan. Notwithstanding

this, the proposal would accord with the requirements of Policies DH1, RE2 and DH5. Although the proposal would be contrary to Policy V6 officers consider that there are material planning considerations which weigh in favour of the development which mean that permission should be granted despite this, as detailed in this report.

- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

Material consideration

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered overall 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 when considered as a whole. Although the proposal does not comply with the requirements of Policy V6 of the local plan, and is therefore a departure from the development plan, it is considered that there are material considerations that would outweigh any conflict with that policy.
- 11.12. It is recommended that the Committee resolve to grant permission in principle for the development proposed.

12. APPENDICES

- **Appendix 1 – Site location plan**

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 permission in principle, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1 – Location Plan

22/00040/PIP - The Crown And Thistle



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Oxford City Planning Committee

22nd September 2022

Application number:	22/00949/FUL		
Decision due by	29th July 2022		
Extension of time	TBA		
Proposal	Erection of commercial building (use classes E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development.		
Site address	Gas Holder Station, Watlington Road, Cowley, Oxford, Oxfordshire, OX4 6LX– see Appendix 1 for site plan		
Ward	Blackbird Leys		
Case officer	Sarah Orchard		
Agent:	Mr Paul Derry	Applicant:	Buccleuch Property (Oxford) 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 subject to:

- the receipt of 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 Development Management Service Manager to:

- finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Development Management Service Manager considers reasonably necessary; and

- upon completion of the section 106 legal agreement referred to above issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the erection of commercial building (use classes E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development.

2.2. If approved, the applicant would benefit from Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which would allow an implemented use to change to a further use as approved by the permission at any time within the 10 years.

2.3. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to provide employment space. The proposal is found to be acceptable in principle, would be acceptable in terms of design, archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

3. LEGAL AGREEMENT

3.1. This application would be subject to a legal agreement with Oxfordshire County Council to secure a financial contribution towards public transport infrastructure and a travel plan monitoring fee.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL amounting to £120,306.56.

5. SITE AND SURROUNDINGS

5.1. The site lies at the junction of Oxford Road and a private access road to Unipart off the Watlington Road, to the south east of the city centre. The site also lies to the east of Blackbird Leys and to the south of the BMW Mini Plant and is surrounded by a mixture of office, storage and distribution, research and development and other commercial units.

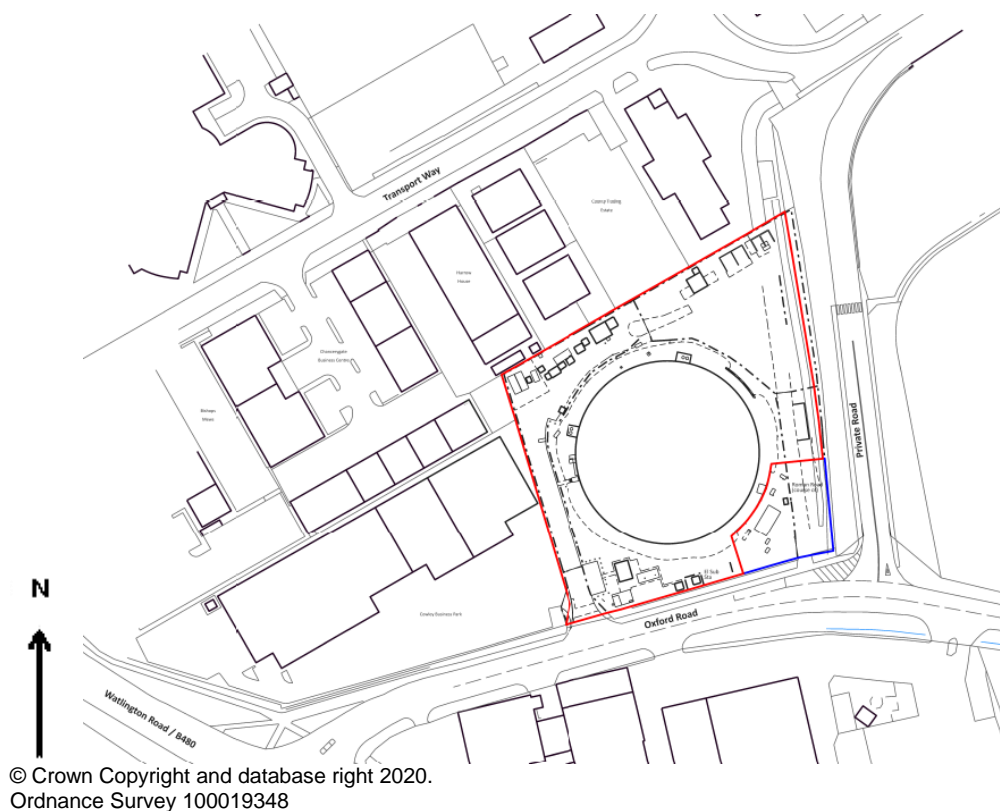
5.2. The site benefits from a vehicular access to the south of the site and was last occupied by a gas holder with associated equipment. The gas holder benefits

from prior approval for demolition under application 20/03214/DEM and is currently in the process of being demolished.

5.3. To the south east of the application site is an IP-MP regulator and other associated SGN Gas Company which formed part of the gas holder site but would be retained outside of the application site. It would lie adjacent to the application site boundary.

5.4. Large areas of agricultural land lies further east beyond the private access road to Unipart which falls within South Oxfordshire District Council. This land forms part of an allocation for 68 hectares of land for residential and ancillary uses (allocation STRAT 12).

5.5. See site location plan below:



6. PROPOSAL

6.1. The application proposes the erection of commercial building (use classes E(g)(ii) (research and development of products and processes), E(g)(iii) (industrial processes) and B2 (general industrial) applied flexibly) with associated access, parking, landscaping and ancillary development.

6.2. The proposal would be comprised of one main building which would sit to the north/rear of the site. The building would measure approximately 12.8 metres high to the parapet (13.75 metres overall height), approximately 83.65 metres wide (87.38 metres with a projecting canopy) and 56.65 metres deep.

- 6.3. To the front of the building would be 50no. parking spaces with landscaping and a landscaped amenity area to the side/east of the site.
- 6.4. The building would primarily comprise of a large open volume (the use of which would be flexible depending on the end user) with two storey office accommodation located to the eastern side. Two HGV loading bay doors would be located in the front of the building and access to the office would be via a pedestrian entrance to the eastern side of the building.
- 6.5. The proposal seeks a flexible use and no end user has yet been found for the building. If planning permission were to be granted, the final user of the building may need to seek amendments to the layout and design of the building to suit their operational needs.

7. RELEVANT PLANNING HISTORY

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

56/00195/M_H - Erection of a workshop, stores and office block gatehouse welfare and laboratory block and the construction of a work entrance. PERMIT 27th March 1956.
60/01369/M_H - Erection of a building to house anti-freeze boiler. PERMIT 7th December 1960.
67/00327/M_H - Gasholder Station Oxford Road Littlemore - Boiler house to provide anti-freeze for gasholder. PERMIT 24th May 1967.
68/00459/M_H - Fence and gates to be constructed across Garsington Road frontage. PERMIT 26th July 1953.
92/01060/NF - Application for Hazardous Substances Consent for storage of gas. (Gas Holder Station, Watlington Road). PERMIT 12th May 1993.
97/00275/P - Erect 4 GRP kiosks. PERMISSION NOT REQUIRED 15th April 1997.
97/00670/NF - Single storey portable building for use as offices for temporary period during construction and site redevelopment (approval planning permission 96/347/NF). PERMIT 3rd June 1997.
00/01025/WX - Application of continued use for Hazardous Substances Consent for storage of gas. DEEMED CONSENT 21st December 2001.
01/00020/B - Application to determine whether prior approval is required for the erection of a 15m lattice telecommunications mast with 6 antennae & 2 dishes, equipment cabin & ancillary equipment including 2.4 high palisade fence. PRIOR APPROVAL REQUIRED 14th February 2001.
01/00050/NF - Continuation of Hazardous Substances consent for gas holder

(Transco). DEEMED CONSENT 24th December 2001.

15/01499/DEM - Application to determine whether prior approval is required for the method of demolition. PERMISSION REQUIRED 11th June 2015.

20/03214/DEM - Application to determine whether prior approval is required for the method of demolition. PRIOR APPROVAL REQUIRED AND GRANTED 15th January 2021.

21/03007/FUL - Installation of GRP acoustic kiosk. PERMIT 18th January 2022.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	126-136	DH1, DH2, DH7		
Commercial	83	E1		
Natural environment	153-158, 159-169, 174, 180,	G1, G2, G7, G8		
Transport	110-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	119-120, 123-124, 183-188	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1,		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th May 2022 and an advertisement was published in The Oxford Times newspaper on 19th May 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highway Authority)

9.2. Initial objection due to concerns with the proposed level of parking and lack of junction capacity assessment due to predicted 74 vehicular trips an hour. Further discussions took place between the Local Highway Authority and the applicant.

Further to this and the submission of further information and justification the objection was removed.

Oxfordshire County Council (Lead Local Flood Authority)

9.3. Initial objection requesting a surface water catchment plan, surface water flood exceedance plan, clarification on how the surface water strategy follows the SuDS treatment hierarchy, SuDS maintenance regime, calculations for the permeable paving and construction details of the SuDS and drainage infrastructure to be provided. Further information was provided but a second objection requested calculations to be provided for the permeable paving and construction details of the SuDS and drainage infrastructure again. Further information was provided and the objection was removed.

Thames Water Utilities Limited

9.4. No objection.

Health and Safety Executive (HSE)

9.5. No comments received.

Public representations

9.6. No third party comments received.

Officer response

9.7. Consultee comments are addressed in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

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

a. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) and Oxford Local Plan 2036 Policy RE2 encourage development proposals to make an efficient and appropriate use of previously developed land in a manner that suits the capacity of the site.
- 10.3. The NPPF encourages weight to be placed on the need to support economic growth and productivity, and in particular in areas with high levels of productivity which should be able to capitalise on their performance and potential (paragraph 80). Decisions should recognise the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge industries (paragraph 82).
- 10.4. The Oxford Local Plan 2036 sets out Oxford's employment strategy which recognises the importance of the city particularly in the knowledge economy but also seeks to achieve sustainable growth by balancing the supply of labour, housing and infrastructure.
- 10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make an 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.
- 10.6. It is understood that the gas holder was disconnected from the mains gas network in 2013 as it was no longer required for SGN's storage strategy. In recent years the site has provided no employment use and when it was in use supported a very low level of employment. The site is not identified as a category 1 or 2 employment site and would therefore be considered category 3. Policy E1 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 makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects. On this basis, the proposed redevelopment of the site for an employment use is supported in principle subject to material considerations. It is expected that any proposed employment use would generate a greater employment density than the existing use of the site.

Proposed uses

E(g)(ii) – Research and Development of Products or Processes

- 10.7. This use would formerly have fallen within Use Class B1(b), and as such is supported in principle by policy E1.

E(g)(iii) – Industrial Process (which can be carried out in any residential area without causing detriment to the amenity of the area)

- 10.8. This use would formerly have fallen within Use Class B1(c), and as such is supported in principle by policy E1.

10.9. However, other uses falling within Class E, particularly retail, restaurant, and non-residential institutions would be contrary to policy E1, and therefore any planning permission granted would be subject to a condition limiting the permitted Class E uses to those falling within Class E(g)(ii) and Class E(g) (iii) specifically, to allow the Local Planning Authority to give consideration to any other Class E uses.

B2 - General Industrial

10.10. This use would be supported in principle by policy E1. It is noted that uses falling within this class would have the potential to give rise to environmental impacts, particularly in terms of noise and emissions; this use would be acceptable in principle subject to material considerations, which are addressed in the report below.

10.11. In summary, the proposed re-development of the site is therefore considered acceptable in principle subject to the material considerations set out below.

b. Design

10.12. Policy DH1 of the Oxford Local Plan 2036 requires development to be of high quality design that creates or enhances local distinctiveness. Proposals must meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1 of the Plan.

10.13. Policy DH2 of the Oxford Local Plan 2036 states that planning permission will be granted for developments of appropriate height or massing in accordance with the criteria identified in the policy.

10.14. The site comprises a plot of land of 0.62 hectares on Oxford Road and the following buildings last occupied the site:

- A 1960s gas holder.
- Ancillary buildings, cabins, containers and plant.
- The south east part of the wider former gas holder site (which is excluded from the red line of the application) would remain within SGNs ownership and an IP-MP regulator and some ancillary equipment would be retained.

10.15. The gas holder was very prominent on the site (at 14.5 metres high, up to 59 metres at full capacity and over 2,800m² footprint) and occupied the majority of the plot. It sat forward of the building line of existing units to the west of the site.

The proposal

10.16. It is proposed to redevelop the site with a building which is designed to house flexible uses consisting of light industry, general industry and research and development. The building is designed to reflect the character of the surrounding area and the proposed uses.

- 10.17. The building would consist of a fairly simple design clad in micro-ribbed composite insulated panelling and steel cladding. It would be anthracite grey in colour. The building would have largely blank facades however this has been broken up with a two storey glazed entrance to the east of the site with further windows to the east and north. To further break up the massing and to add interest to the building a projecting canopy would wrap around the south eastern corner of the site with steel louvres, supported by timber columns.
- 10.18. This design approach is considered acceptable in relation to the intended users of the site and the character of the surrounding area.
- 10.19. Plant would be located in a plant deck within the building and to the rear of the building and it is therefore considered that reasonable efforts have been taken to make this as discrete as possible in accordance with the requirements of policy DH7 of the Oxford Local Plan 2036.
- 10.20. As such the proposal is therefore considered acceptable in accordance with policy DH1 and DH7 of the Oxford Local Plan 2036.

Views

- 10.21. The site sits on the edge of Oxford adjacent to open fields to the east. These fields, Oxford Road and the village of Garsington in South Oxfordshire offer views of the site. Despite the height of the former gas holder, views of the site are fairly limited to the junction of Oxford Road with Watlington Road to the west of the site and from Transport Way to the north of the site.
- 10.22. The scale of the building has been dictated by the intended end users of the site. The building would be largely a single volume space with office accommodation and a reception set over two floors to the east of the building.
- 10.23. The building would sit slightly higher than the adjacent units to the west of the application site but would be fairly comparable to the height of the former gas holder (when empty and at its lowest height of 14.5 metres). When it was full of gas it had the ability to be four times this height (approximately 59 metres).
- 10.24. The proposal would sit to the rear of the plot and would be no more visually prominent than the former gas holder (less when it was in full capacity). The form and shape of the proposal would also be more in keeping with the form and design of buildings in the surrounding area. Whilst the building would appear in views from Garsington, it would not be the dominant feature due to larger scale buildings at the BMW Mini and Unipart House. It would be more visually appropriate in relation to the surrounding context than the gas holder. The proposal would include additional landscape screening to the site and would not interrupt any views to the historic core of Oxford which are limited in this area. The proposed use of dark anthracite grey materials would also help blend the building into the surrounding context.
- 10.25. The proposal is therefore considered acceptable in relation to policy DH2 of the Oxford Local Plan 2036.

c. Archaeology

- 10.26. Policy DH4 of the Oxford Local Plan 2036 requires that where application sites have a likelihood of archaeological deposits or features, they should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical.
- 10.27. The 1960's gas holder is of interest as industrial archaeology. Therefore it would have been of value to have had a historic building photographic record of the gas holder, however it is unfortunately already under demolition.
- 10.28. The submitted desk based assessment by Dalcour Maclaren has assessed the site as having very low archaeological potential despite its proximity to the Roman Road because of past quarrying, dumping and contamination issues. Therefore no below ground archaeological recording is considered necessary in relation to this site.
- 10.29. The proposal is therefore acceptable in relation to policy DH4 of the Oxford Local Plan 2036.

d. Impact on neighbouring amenity

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

Privacy

- 10.31. The proposed development would largely be a windowless building. Windows would be located in the north elevation at first floor only and east and south elevations at ground and first floor levels to serve the reception and office accommodation at the eastern end of the building. The nearest residential accommodation is located away from the site on Watlington Road (approx. 125 metres away) and would therefore not be impacted by the proposals. Whilst the site to the east of the application site (Northfield Brook) is allocated for residential development, the access road to Unipart sits between the application site and this future development and is therefore sited a reasonable distance from the application site.
- 10.32. The proposal is therefore considered acceptable and adequate regard has been given to privacy in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

Daylight/Sunlight

- 10.33. The application has not been accompanied by a daylight/sunlight assessment however the site is located within an industrial/commercial area and there are no neighbouring properties that would be sensitive to loss of daylight or sunlight. Considering the size and location of the proposed development it is also considered unlikely to have an adverse impact on any future residential development at Northfield Brook in South Oxfordshire.

Noise

- 10.34. The nearest existing residential receptors have been identified on Watlington Road (approx. 125m away) to the south and south-west; with potential future dwellings located to the east of the Site as part of the land allocated for residential development.
- 10.35. An acoustic assessment has been submitted to support the planning application and the noise impacts from the development have been adequately assessed and a site-specific Construction Environmental Management Plan (CEMP) is being proposed to assist in reducing potential noise impacts.
- 10.36. The predicted noise levels at existing sensitive receptors from vehicle operations (HGVs) associated with the proposed scheme have been assessed as being lower than existing ambient noise levels, which mainly consists of constant noise from the gas governor and traffic noise. Results of the assessment show noise predictions meet the criteria for good living and resting conditions for dwellings, as defined by BS8233 and therefore acceptable in environmental health terms.
- 10.37. With regards to fixed plant noise, proposed noise limits, based on typical measured background noise levels, have been proposed in accordance with BS4142. Appropriate levels are recommended to be imposed through appropriate planning conditions requiring plant details to be submitted prior to installation to ensure they meet 10dB below existing background noise levels and that construction is carried out in accordance with the submitted construction environment management plan (CEMP).
- 10.38. Subject to these conditions the proposal is considered to comply with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

e. Transport

Transport sustainability

- 10.39. Policy M3 of the Oxford Local Plan 2036 states that parking for non-residential development will be assessed on a case by case basis through the submission of a transport assessment or travel plan, however parking should always be sought to be kept to a minimum. On redevelopment of non-residential sites the parking should also not exceed former levels. The application site is not located in the most sustainable location within the city. The site lies on the Number 11 bus route which is infrequent with approximately one bus per hour. The site could be reached by bicycle. Policy M3 seeks to encourage sustainable modes of transport as a priority.

Car/Motorcycle Parking

- 10.40. In relation to the former use of the site, no formal car parking spaces were set out on the site so it is difficult to assess the former car parking capacity of the site. The site benefitted from vehicular access and had hard standing surrounding the whole gas holder which could be used for parking on vehicles. It

is considered that 50no. spaces could have been accommodated on the site previously.

10.41. 50no. car parking spaces are proposed. If there were to be a maximum of 106 employees on site this would equate to a parking space per 47% of employees. Initial concerns were raised by the County Council that this level was too high. Further justification was given for this level of parking and given the location of the proposed development with limited public transport options and that access is required 24 hours a day when public transport is not in operation, the County Council removed their objection and agreed to the level of parking proposed. On the basis of the previous capacity of the site to accommodate 50 spaces the proposal would therefore not exceed the former capacity in accordance with policy M3. 25% of the proposed spaces (14) would benefit from EV charging points in accordance with the requirements of policy M4.

10.42. In terms of motorcycle parking 1 space per 400sqm up to 2000sqm and 1 space per 1000sqm thereafter is allowed. This equates to 7 motorcycle spaces which are proposed on the site plan amongst parking space.

10.43. The proposal is therefore acceptable in relation to policies M3 and M4 of the Oxford Local Plan 2036.

Cycle parking

10.44. Policy M5 of the Oxford Local Plan sets out that B1 uses (which would now cover E(g)(ii) and E(g)(iii) are expected to provide a minimum of 1 cycle parking space per 90m² of floorspace (45 spaces) or 1 space per 5 staff. Given that a maximum of 106 full time staff are proposed, this would result in a requirement of 22no. spaces, the proposal exceeds these standards and seeks to provide 46no. spaces. The proposal is therefore considered acceptable in accordance with policy M5.

10.45. In regards to shower, changing and locker facilities, these standards are set out for Office (B1), Warehousing (B8)/Retail Warehouses (A1) or 'Other'. Based on the 'Other' standards, the site would be required to provide 1 shower per 2500sqm up to 10,000sqm, then 1 shower per 4,000 thereafter. This would result in a provision of 1 shower at the site which would be provided on the ground floor behind the reception and would be secured as part of the cycle provision condition.

Traffic Movements

10.46. Oxfordshire County Council, as the Local Highway Authority, raised concerns about the proposal in relation to increased traffic movement and the impact on the junction with Watlington Road and Oxford Road. Concern was raised that this could result in additional traffic movements at this junction per day. Following this concern being raised further discussions took place between the Local Highway Authority and the developer. In the event the Local Highway Authority were satisfied that the proposal would not result in excessive traffic movement that would result in the need for junction improvements.

Construction management

10.47. The Local Highway Authority has raised no concerns in relation to the development in relation to construction impact.

Financial contribution

10.48. The nearest bus stops to the site are very basic, without shelters and/or without an adequate hardstanding. Oxfordshire County Council expect the development to contribute (£13,442 for shelters and £1,502 for flags) towards the undertaking of improvements on such facilities in order to encourage use of public transport. A second contribution is sought towards the cost of monitoring the Travel Plan of £2,040.

10.49. The Applicant has agreed to these sums which would be secured by means of Section 106 planning obligation directly with the County Council.

f. Trees/Landscaping

10.50. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible, however where their loss is justified then a suitable replacement should be found. Enhanced green landscaping features should also be sought.

Trees

10.51. There are no arboricultural constraints that apply to this scheme. Trees along the private road external to the site should be unaffected, (and are of low import). There is a decent native hedge along the southern boundary/ Oxford Road, but this is external to the site and protected by a metal fence, so should not be affected. Nevertheless, a Tree Protection Plan condition should be applied to safeguard these features from any ancillary inadvertent damage from construction activity wherever possible.

Landscaping

10.52. The development includes landscape works and these indicate that there would be a positive change to the site. Subject to conditions requiring a finalised landscaping plan, a detailed planting plan, implementation of the landscaping plan, reinstatement of any tree of planting which fails to establish, and a tree protection plan the proposal is considered acceptable in relation to policies G2, G7 and G8 of the Oxford Local Plan 2036.

g. Air Quality

10.53. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

- 10.54. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application Site, show current air pollutant concentrations to be below their relevant air quality objectives. The impacts of existing pollution sources on the future residents at the proposed development are therefore considered to be not significant and current air quality levels at the application site are considered acceptable.
- 10.55. According to the site's energy statement, neither the existing site nor the development plans include any centralised combustion plants (such as boilers and combined heat and power units). The renewable technologies in the form of air source heat pumps and a photovoltaic array are identified for the proposed development. This development would therefore not have any on-site combustion sources.
- 10.56. According to the site's transport assessment, the trip attraction exercise indicates that the forecast development trips would be low with 21 vehicle movements in the AM peak, and 11 in the PM peak. However, this is equivalent to an increase in trips generated by the proposed development of 159 Total AADT (annual average daily traffic), which is above the IAQM's minimum indicative criteria for an air quality modelling assessment to be required.
- 10.57. The impact of emissions associated with operational traffic movement on local air quality were assessed using the air dispersion model ADMS-Roads, focussing on high sensitivity receptors within or adjacent to the nearby roads affected by the operational phase of the proposed development. The assessment was undertaken in a very conservative manner, assuming no improvement in vehicle emissions technology, fleet turnover nor background concentrations beyond 2019 and applying the total trip generation of the proposed development across all modelled roads, assuming no dispersion of traffic onto the road network. Thus the assessment can be considered to be 'worst case' and is likely an over prediction of future concentrations.
- 10.58. The impact significance was assessed in accordance with the relevant IAQM Guidance. Traffic-related pollutant concentrations (NO₂, PM₁₀ and PM_{2.5}) were predicted at 7no. selected medium and high sensitive receptors located along the local road network affected by operational traffic. The predicted increases in NO₂, PM₁₀ and PM_{2.5} concentrations in the vicinity of the site at the closest residential receptors to the affected road network are predicted to be negligible at all receptors.

Construction Phase

- 10.59. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, and the risk of dust causing a loss of local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate mitigation measures. A list of site specific dust mitigation measures are

recommended within the air quality assessment (Chapter 7 – pages 37-38). Provided these measures are implemented and included within the site's CEMP, the residual impacts are considered to be not significant. This would be secured by condition.

10.60. In conclusion the air quality levels at this development would be below current limit values for NO₂, PM₁₀ and PM_{2.5} and therefore subject to conditions, the proposal is considered to comply with policy RE6 of the Oxford Local Plan 2036 and the NPPF.

h. Biodiversity

Protected Species

10.61. Oxford Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator.

10.62. The Local Planning Authority (LPA) has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (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.

10.63. 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.

- 10.64. In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.
- 10.65. Furthermore, the LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006).
- 10.66. The existing gas holder on the site is already under demolition and benefits from separate prior approval for demolition.
- 10.67. Habitats within the survey site were assessed as being of limited value to wildlife. No European Protected Species (EPS) were found on site. The habitats supported are common and widespread in the landscape and although none of the habitats were of high ecological value, discrete areas of scrub have potential to support small numbers of widespread breeding birds. Based on the current proposals, no further surveys in relation to protected species are considered necessary however a precautionary approach in relation to breeding birds is recommended in order to safeguard this species group during the clearance of any scrub to facilitate the works. Officers are satisfied that a robust ecological assessment was undertaken and the potential presence of protected habitats and species has been given due regard in accordance with the NPPF and policy G2 of the Oxford Local Plan 2036, and the legislation.

Biodiversity Net Gain

- 10.68. Policy G2 of the Oxford Local Plan relates to protection of biodiversity and geo-diversity. This policy requires a biodiversity net gain of 5% on all major developments where there is existing vegetation on site. Given that the site currently benefits from a number of trees a biodiversity net gain was requested to be included as part of the application.
- 10.69. The site currently is predominantly hard standing and has very little ecological value. The submitted documents indicate the proposals would deliver substantial net gain. Whilst insufficient info regarding characterisation of the proposed habitats was provided in the biodiversity net gain calculation, given the very low baseline, Officers are satisfied that 5% biodiversity net gain would be delivered and could be secured by conditions for bird boxes and landscaping.

Landscaping

- 10.70. A final landscape plan would be required detailing which species would be planted and seed mixes sown; recommendations are providing in both the Preliminary Ecological appraisal and Design and Access Statement but no proposed planting schedule has been provided. This is recommended to be secured via condition.
- 10.71. Subject to the above conditions the proposal is considered to comply with policies G2 and G9 of the Oxford Local Plan.

i. Flooding and Drainage

Flooding

10.72. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.

10.73. The proposal is located in Environment Agency Flood Zone 1 and is not at a high risk of flooding. The proposal is therefore considered acceptable in relation to policy RE3 of the Oxford Local Plan 2036.

Drainage

10.74. Initial concerns were raised by the Lead Local Flood Authority (LFA) regarding the proposed SuDs scheme as it would rely on attenuation tanks which do not provide wider benefits in relation to biodiversity and water quality. The site however is located on impermeable ground and infiltration is not a viable alternative and therefore attenuation tanks have been accepted in this case. Permeable paving with tanks has been incorporated in parking areas but it is not suitable to be used in heavily loaded service areas. Following concerns about the run off rate, this was reduced to 3 l/s and the size of the attenuation tanks have been increased to accommodate this.

10.75. Concerns were also raised that the proposal drainage system included the use of a pump which are potential flood risk hazards if they malfunction or fail. However the drainage outfall to the Thames Water sewer outside the site is only around 1m below ground level, and to achieve the required cover over the attenuation tanks and the necessary fall in pipes it isn't technically possible to do this without a pump. The discharge rate is restricted and therefore the majority of runoff is stored on site and released slowly, and this would still be the case in the event of a pump failure. Exceedance routes would be away from the building and towards the public highway, maintaining flood safety.

10.76. These points were accepted by the LFA subject to the submission of calculations for the permeable paving for all storm events up to and including the 1:100 year storm event plus 40% climate change and construction details of the proposed SuDS and drainage infrastructure. These were provided and found acceptable by the LFA and their objections to the scheme were removed, subject to conditions requiring that the drainage system is provided in accordance with the submitted details and a record of the installed SuDs shall be submitted for deposit with the Lead Local Authority Asset Register.

10.77. Subject to this condition the proposal is considered to accord with policy RE4 of the Oxford Local Plan 2036.

Thames Water

10.78. Thames Water have confirmed that with regard to both foul water sewerage network infrastructure capacity and surface water network capacity, they would not have any objection to the above planning application, based on the information provided.

10.79. Thames Water also advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the planning application.

j. Land Quality

10.80. 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 (EPA 1990). The following planning legislation and policies apply:

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

10.81. The submitted ground investigation report does not identify major potential contamination risks at the site and concludes that no remedial actions are necessary other than the provision of ground gas protection in buildings on site.

10.82. However it is considered that the extent of ground investigation completed during the site investigation (3 locations only) does not characterise the entire site from a contamination risk perspective and is therefore considered insufficient to demonstrate that the site is incapable of being classified as 'contaminated land' under Part 2A of the EPA1990.

10.83. Historical ground investigation information for the site has identified potentially significant contamination risks from a former quarry area at the site backfilled with potentially hazardous waste, in addition to the location of former tanks (underground and above ground fuel tanks) and an interceptor. No commentary on these potential contamination sources has been provided. Further investigation and assessment of these sources is required to inform the conceptual site model. It is acknowledged within the ground investigation report that further ground investigation is required once the gas holder has been demolished to confirm ground conditions and contamination risks in this area.

10.84. As a result of the requirement to conduct further ground investigation at the site in the gas holder location and at other contamination source locations identified in previous reports (as stated above), planning conditions should be imposed on any permission requiring further works on the phased risk assessment, any remedial works are carried out and a watching brief is carried out during construction.

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

k. Energy

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

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and DH2 of the Oxford Local Plan 2036. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036,

drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of conditions.

11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

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

11.8. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report and receipt of the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 from the County Council.

12. CONDITIONS

1. Time Limit

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

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

2. Develop in Accordance with Approved Plans

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

Reason: To avoid doubt and to ensure an acceptable development as

indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

3. *Removal of PD rights –use*

The premises shall be used only for purposes within Use Classes E(g)(ii), E(g)(iii) and B2 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises in accordance with the relevant policies of the Oxford Local Plan 2036.

4. *Samples*

Samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before their installation on the site and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the site and surrounding area in accordance with policies DH1 of the Oxford Local Plan 2036.

5. *Noise – Plant/Machinery*

Prior to the installation of any external plant/machinery or equipment, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all plant/machinery and/or equipment operating together at maximum capacity. This will maintain the existing noise climate and prevent 'ambient noise creep'. The plant/machinery shall only be installed and operated in accordance with the approved details (including mitigation measures) thereafter.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

6. *Cycle Parking Details*

Prior to occupation of the development hereby permitted, full details showing design of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided prior to first occupation of the development. The cycle parking and shall be permanently retained and maintained for the parking of cycles and in connection with the development.

Prior to the occupation of the development the shower facilities as shown on drawing 'O011-U1-DR-101 REV PL1' shall also be provided on site and retained thereafter.

Reason: To comply with Policy M5 of the Oxford Local Plan 2036.

7. *Landscape – Tree Protection Plan*

No development or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

8. *Landscape Plan*

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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

9. *Landscape Plan – Carry Out*

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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

10. *Landscape – Replacement Planting*

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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

11. *Air Quality - CEMP*

No development shall take place until the complete list of site specific dust mitigation measures that are identified on the site's air quality assessment (Chapter 7 pages 38-40) are included for adoption within the site's Construction Environmental Management Plan (CEMP). The updated CEMP shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented throughout the project period.

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

12. *Air Quality – EV Charging*

Prior to the occupation of the development, the Electric Vehicle charging infrastructure as shown on drawing 'O011-U1-DR-100 REV PL1' shall be installed on-site. The electric vehicle infrastructure shall remain in place thereafter.

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

13. *Biodiversity – Compliance with Preliminary Ecological Appraisal*

All works shall be carried out in accordance with the details contained in Sections 5.9 to 5.13 of the Preliminary Ecological Appraisal produced by

CT Ecology and dated 31st March 2022 as submitted with the planning application and agreed in principle by the Local Planning Authority prior to determination.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

14. *Biodiversity – Bird Nesting Roosting Devices*

The two bird nesting roosting devices specified in the Biodiversity Net Gain Assessment produced by CT Ecology and dated 1st April 2022 shall be installed under the guidance of a suitably-qualified ecologist and be fully constructed prior to the completion of the development and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with the National Planning Policy Framework and policy G8 of the Oxford Local Plan 2036.

15. *Drainage – Compliance With Submitted Scheme*

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document: Site Specific Flood Risk Assessment
Ref: 65203629-SWE-ZZ-XX-RP-C-0001
Rev: P01

Drawing: Surfacing And Kerbs construction details sheet 1
Ref:65203629-SWE-ZZ-XX-DR-C-0220
Rev: P01

Drawing: Drainage Construction Details Sheet 3
Ref:65203629-SWE-ZZ-XX-DR-C-0202
Rev: P01

Drawing: Drainage Construction Details Sheet 2
Ref:65203629-SWE-ZZ-XX-DR-C-0201
Rev: P01

Drawing: Drainage Construction Details Sheet 1
Ref:65203629-SWE-ZZ-XX-DR-C-0200
Rev: P01

Drawing: Proposed Drainage Strategy
Ref: 65203629-SWE-ZZ-XX-DR-C-9000
Rev: P02

All relevant Hydraulic calculations produced via Microdrainage
Date 15/07/2022
File: SW FEH STORAGE CALCS-PER...

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2036.

16. *Drainage – Record of SuDs*

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

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

Reason: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

17. *Contaminated Land – Phased Risk Assessment*

Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the local planning authority.

A Phase 1 (Contaminated Land Desk Study) has been completed and approved.

A further element of Phase 2 investigation shall be completed to update the conceptual model for the site. This is to in order to more fully characterise the type, nature and extent of contamination present across the entire site area, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

18. *Contaminated Land – Remedial Works*

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

19. *Contaminated Land – Watching Brief*

Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person 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.

20. *Energy Efficiency*

The development shall be carried out in accordance with the energy and water efficiency measures set out in the 'MBA Consulting Engineers – Energy Strategy' dated 29th March 2022 and the measures shall be retained in place thereafter.

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

21. *Water Efficiency*

The building shall meet a minimum of four credits under BREEAM assessment in relation to water efficiency.

Reason: In accordance with the requirements of policy RE1 of the Oxford Local Plan 2036 as Oxford is located in an area of water stress.

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. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
4. The applicant would benefit from Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which would allow an implemented use to change to a further use as approved by the permission at any time within the 10 years. The existing use after this time then becomes the lawful use thereafter.

13. APPENDICES

Appendix 1 – Site plan

14. HUMAN RIGHTS ACT 1998

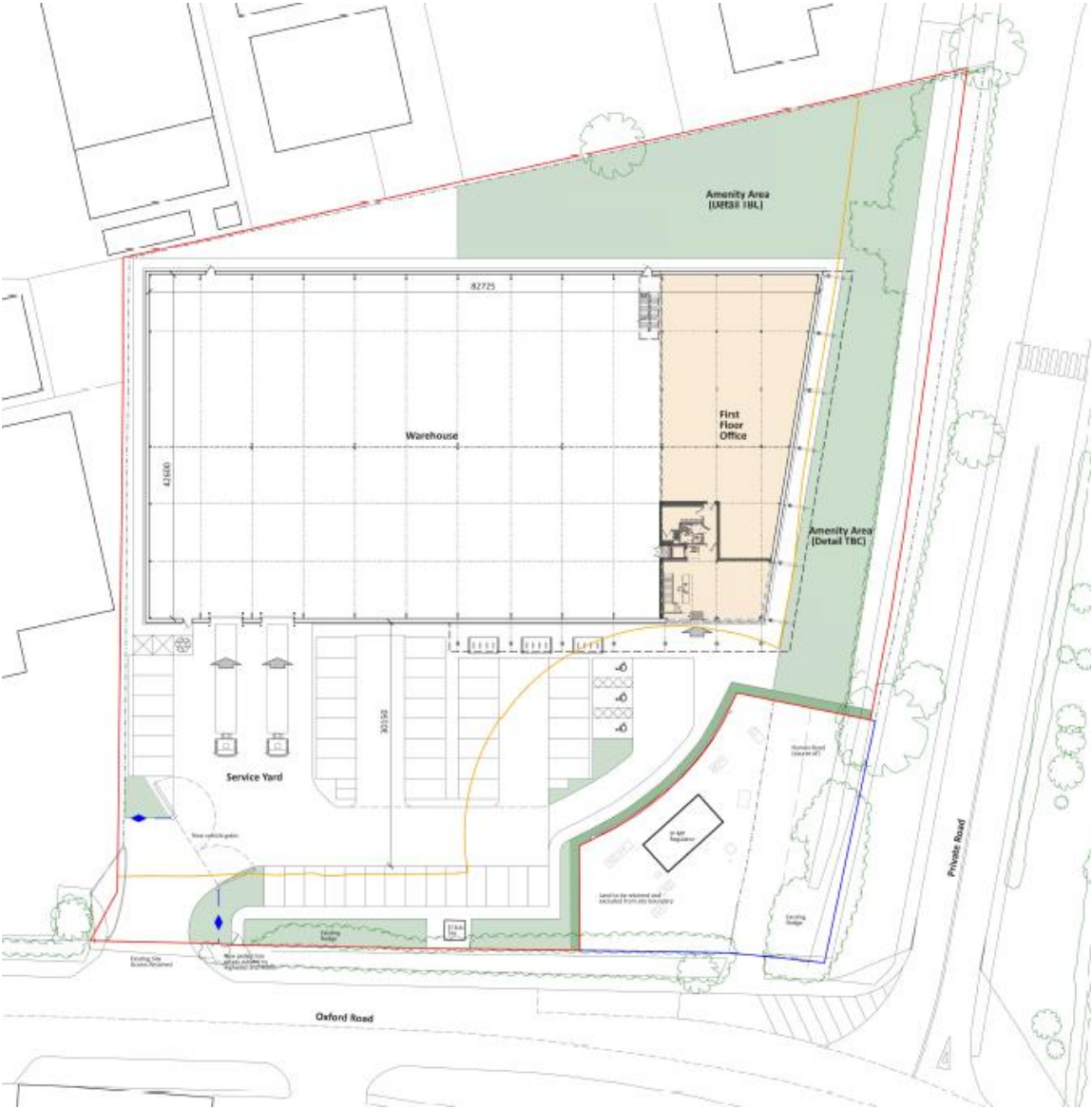
- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection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

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan



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Oxford City Planning Committee

22nd September 2022

Application number:	21/03114/CT3		
Decision due by	23rd February 2022		
Extension of time	TBA		
Proposal	Erection of 10no. new affordable dwellings on a former depot site (amended plans and description).		
Site address	Former Workshop At, Lanham Way, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Littlemore Ward		
Case officer	Sarah Orchard		
Agent:	Jessop and Cook Architects	Applicant:	Oxford City Council
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:

- receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
- 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 Development Management Service Manager to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager 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 Development Management Service Manager considers reasonably necessary; and

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

2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the erection of 10no. affordable dwellings on a vacant and disused site. The proposal comprises of 6no. 2 bedroom semi-detached dwellings (two storey) and 4no. 3 bed semi-detached dwellings (three storey). Vehicular access to the site would be provided by Medhurst Way to the south and the proposal would include the provision of 9no. car parking spaces (including 3no. disabled size spaces and 1no. car club space).

2.2. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to meet the need for affordable housing. The proposal is found to be acceptable in principle, would be acceptable in design and heritage terms (with public benefits outweighing less than substantial harm to designated heritage assets), the proposal would also have an acceptable impact on archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover the provision of off-site biodiversity enhancement (hedgerow net gain that cannot be met on site) and a financial contribution to the County Council towards household waste and recycling facilities. The legal agreement would also secure the requirement for the applicant to enter into a section 278 agreement with the County Council to alter the access into the site.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site lies at the eastern end of Lanham Way between residential properties in Lanham Way and the playing fields of John Henry Newman Academy to the east. To the north of the site lies further residential properties in David Nicholls

Close and to the south is the residential development of Medhurst Way which would provide vehicular access into the southern side of the site.

5.2. The site is currently vacant and appears to have last been used as a playing field depot. The site is made up of trees, rough ground and concrete. There is little evidence of the last use of the site.

5.3. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the erection of 10no. affordable dwellings on a vacant and disused site. The proposal comprises of 6no. 2 bedroom semi-detached dwellings (two storey) and 4no. 3 bed semi-detached dwellings (three storey). Vehicular access to the site would be provided by Medhurst Way to the south and the proposal would include the provision of 9no. car parking spaces within the centre of the site (including 3no. disabled size spaces and 1no. car club space).

6.2. During the course of the application, amended plans were received to reduce the scheme from 14no. dwellings to 10no. dwellings as it was felt that the scheme was overdeveloped and cramped and could not appropriately accommodate the number of houses proposed within the layout and size, shape and context of the site in this case; the dwellings would not benefit from adequate outdoor amenity space whilst also taking into account other material considerations such as overlooking privacy and existing tree/ hedgerow, biodiversity and access constraints.

6.3. Each pair of semi-detached two storey dwellings would measure approximately 11.3 metres deep by 11.2 metres wide. They would have a height of 5 metres to the eaves and 8 metres overall to the roof pitch.

6.4. Each pair of semi-detached three storey dwellings would also measure approximately 11.3 metres deep by 11.2 metres wide. They would have a height of 5 metres to the eaves and 9 metres overall to the rear roof pitch. The front gable would have a ridge height of 5 metres to match that of the two storey dwellings.

7. RELEVANT PLANNING HISTORY

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

60/01086/M_H - Erection of storage shed for playing fields. PERMIT 7th October 1960.
66/00700/M_H - Erect a covered area and pit for vehicle maintenance. PERMIT 26th September 1966.
71/00689/M_H - Additional accommodation to for the setting up of a large scale maintenance unit for the playing fields service, to form part of existing central depot. PERMIT 28th September 1971.
73/01094/M_H - Construction of an additional building for the storage of consumable materials for the playing fields service and to form part of the existing Central Depot. PERMIT 26th November 1973.
75/00584/SON_H - Erection of storage building in precast concrete. PERMIT 10th November 1975.
78/00587/SON_H - Erection of a concrete storage garage for new vehicle. PERMIT 6th November 1978.
82/00043/SON - Construction of garages, mess room, fencing, access, (general site improvements) at Education Department, Playing field depot. PERMIT 14th July 1982.
17/00991/OUT - Application for outline planning permission for the development of up to 16 residential units (houses and flats) with associated landscaping, parking and boundary treatment, including access (all other matters reserved). WITHDRAWN 31st January 2018.

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:
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Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores		
Conservation/Heritage	194-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Housing	60-67	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards		
Commercial	83	E1 - Employment sites		
Natural environment	153-158, 159-169, 174, 180,	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	92-97	V8 - Utilities V9 - Digital Infrastructure		
Transport	110-113	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	119-120, 123-124, 183-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1 - Sustainable development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th December 2021 and 20th July 2022 and an advertisement was published in The Oxford Times newspaper on 16th December 2021 28th July 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. No objection. During the course of the application further details were requested in relation to carriageway and footway widths and ownership of the site up to the public highway to demonstrate that the road could be adopted. No concerns in relation to car parking levels or cycle parking. Refuse and emergency vehicles would be able to enter and exit the site safely in forward gear.
- 9.3. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works to the site access.
- 9.4. Conditions required for a construction traffic management plan, travel plan statement and a travel information pack.

Oxfordshire County Council (Education and Property)

- 9.5. Schools serving the area would be expected to have sufficient capacity to accommodate the expected pupil generation from the proposed development. As such no S106 contributions are sought.

Oxfordshire County Council (Waste Management)

- 9.6. A financial contribution of £940 is sought towards expansion and efficiency of household waste and recycling centres as sites are currently no longer fit for purpose and are over capacity.

Thames Water Utilities Limited

- 9.7. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application.

Thames Valley Police

- 9.8. Initially concerns were raised that bin should be stored to the rear so it does not obstruct overlooking of Lanham Way, concerns about the design and location of bin stores, neighbour disputes over parking, surveillance of parking areas, prevention of parking in front of plot 4 with a bollard, all properties should have rear garden access and concern with boundary treatment on plot 16.
- 9.9. Following reconsultation concerns that the parking level would cause neighbour disputes if parking overflows from the site. Surveillance of the car parking area is limited. Lighting plans are missing from the application. Lack of detail about boundary treatments and concern that the biodiversity area would be accessed for maintenance through the garden of plot 10.
- 9.10. However, it was further agreed that parking could be managed with a car park management plan, the access to the biodiversity area would be moved and other details could be addressed by conditions. Subject to this the objection was removed.

Littlemore Parish Council

9.11. Impact on the setting of heritage assets, impact on existing residents of pedestrian and cycle access along Lanham Way, issues of contaminated land and pollution by old sewage systems, regards should be given to sustainability, increase in traffic on Medhurst Way and impact on pedestrians on Sandford Road. Reduced parking must be justified through improvement in alternative modes of transport. Littlemore is being overdeveloped.

Oxford Civic Society

9.12. Welcome the provision of more affordable housing and the use of solar panels. Concerns with the suitability of the access and road safety. Concern that there could be conflict between different types of users of the road.

Natural England

9.13. No comment.

Historic England

9.14. No comment, refer to local conversation and archaeology advice.

Environment Agency

9.15. No consultation required.

Public representations

9.16. 32no. third party comments from addresses in Medhurst Way, Lanham Way, David Nicholls Close, Oxford Road (Littlemore), Sandford Road

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

- Lack of parking provision.
- The site is not in a sustainable location for public transport.
- Too many housing developments in Littlemore adding to traffic problems.
- Road safety issues in Medhurst Way.
- Safety issues with refuse truck reversing in the site.
- Loss of privacy to residents in Lanham Way and creation of noise pollution. The lane should be kept closed.
- Sewage problems.
- Overshadowing of proposed trees.
- Inadequate garden sizes.
- Impact on Medhurst Way of construction impact.
- Transport statement refers to bus services which have been cut.

- The site should not be known as Lanham Way as there would be no vehicular access from this lane.
- Design is not in keeping with Medhurst Way, David Nicholls Close or Lawn Upton Close.
- Site should be used for a GP surgery or dentist.
- Land contamination issues.
- Lanham Way is a private road.
- 21 day consultation is not long enough. If it were a private developer 6 weeks consultation period would have been carried out.
- Negative impact on 3A Lanham Way and the wellbeing of the occupant.
- No details of boundary treatments proposed.
- Trees being retained should be protected.
- Consultation has not been carried out correctly.
- Impact on heritage assets.
- Poor design relationship between proposal and existing neighbouring dwellings.

9.18. In summary, the main points of support were:

- Good use of an infill brownfield site to add much needed social housing to Oxford.

Officer response

9.19. Where the above points relate to material planning considerations, they are addressed in the report below.

9.20. Public consultation was carried out in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Housing
- Neighbouring amenity
- Natural environmental
- Social and community
- Transport
- Environmental

a. Principle of development

- 10.2. The application site is an overgrown site which appears to have been disused for a substantial period of time. It is understood that the site was last used as a playing field depot. This could be classed as an employment use under policy E1 of the Oxford Local Plan 2036.
- 10.3. Policy E1 classes employment sites not identified as category 1 or 2 as category 3 sites. This would apply to this site. The policy allows for the loss of employment uses on category 3 sites for residential development where a balanced judgement is made in relation to the need to deliver housing in sustainable locations within the city, avoid the loss of or significant harm to a successful high employment business, creating satisfactory residential living conditions and achieving biodiversity and environmental enhancements.
- 10.4. The proposal would create 10no. affordable homes, would not result in the loss of a high employment site, would provide satisfactory living conditions (as explained in more detail below and would also result in biodiversity enhancements. When balancing these considerations, it is considered that the benefits of the scheme outweigh the loss of the potential for a very small employment use and is therefore in compliance with the requirements of the policy.
- 10.5. The proposed redevelopment of the site for housing is therefore considered acceptable in principle, subject to other material considerations set out in the report below.

b. Design and Heritage

- 10.6. Paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including their setting).
- 10.7. Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.8. Special attention also has to be paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.
- 10.9. The Littlemore Conservation Area encompasses the historic core of Littlemore, the special character of which derives from its retention within the

modern settlement of a village atmosphere, and its traditional buildings that survive in much of the original street pattern with representative types of structures from several centuries that are archetypal to an evolved village settlement.

10.10. As noted in the Conservation Area Appraisal (2008), characteristics that make a particular contribution to the significance of the Conservation include:

- long views along Sandford Road and Oxford Road, together with gradually unfolding views along the curving Cowley Road;
- an organic building pattern representing various development periods
- characteristic coral ragstone boundary walls and buildings;
- historic connections with John Henry Newman, a notable leader of the Oxford Movement and parish priest who built the first parish church in Littlemore in 1835-6 and established a religious 'College' in the village in the 1840s;
- mature trees that contribute to the skyline and street scape;
- the village qualities that survive despite suburban growth enveloping it as part of Oxford;
- the survival of spaces between buildings.

10.11. The site does not fall within the Littlemore Conservation Area, but lies adjacent to its boundary, and its development will impact on the setting of this designated heritage asset, in particular the continuation of Lanham Way, which the Conservation Area Appraisal describes in the following way:

- 'Lanham Way, just to the north of the Speedwell School site, is a narrow rural trackway, the majority of which is outside the conservation area. The lane is an enclosed space formed by high boundary walls, buildings directly onto the lane and planting. The lane eventually leads to the school playing fields forming part of the more open setting to the conservation area.'

10.12. The site also falls within the setting of listed buildings. Lawn Upton House is a large Gothic residence designed and built for Charles Crawley in 1846, on the 10-acre plot previously acquired by John Henry Newman for his monastic college. It is listed at Grade II. The development site comprises part of the original 10 acres of land acquired by Newman for his monastic house and on which Lawn Upton House was built, and therefore shares an historic association with the asset. It appears never to have formed part of the parkland landscape in which the house was set, but sits as a backdrop to the south-west of the grounds, which are now occupied by a residential development constructed at the beginning of the 21st century.

10.13. The proposal is also considered to sit within the setting of The Old House. This is a two-storey 2-unit baffle entry plan house (which has an entry to a lobby in front of an axial chimney-stack) constructed of limestone rubble and rendered

dating from the early-18th century or possibly earlier. It is listed at Grade II. The development site shares no known historic association with The Old House, but shares a degree of visual connection with the asset, lying c.85m to the south-east beyond intervening properties along Lanham Way. It therefore forms a part of the asset's setting, although at present it makes no particular contribution, either positive or negative, to the significance of the asset.

- 10.14. The submitted Design and Access Statement (DAS) contains a thorough analysis of the character of the Littlemore Conservation Area and its surroundings, and it is demonstrated that this analysis has positively informed the design development of the scheme.
- 10.15. The linear configuration of the development would reinforce the historic route of Lanham Way, and the front boundary walls and tree planting would help to continue something of the sense of enclosure that characterises the western part of the trackway.
- 10.16. Existing built form along Lanham Way predominantly comprises detached buildings with a fairly organic and irregular grain and layout. However, it is considered that the introduction of semi-detached pairs of dwellings would not be at odds with the grain and layout of the wider area, where the historical development of the village has resulted in a high degree of variation. As is illustrated in the DAS, it is typical for larger detached buildings to be interspersed with groups of other housing within the historic village.
- 10.17. The proposed layout is therefore considered an appropriate response to the site and the character and distinctiveness of the locality.
- 10.18. The proposed 1.5 to 2.5 storey height of the buildings is considered to be appropriate for the site, having regard to the scale and massing of surrounding development. As demonstrated in the proposed site sections and elevations, the scale of the proposed semi-detached properties would relate to existing properties along the western part of Lanham Way and to those on Medhurst Way. Grading up the height towards eastern extent of the site is suitable given that this part of the site is less visually sensitive.
- 10.19. It is clearly shown in the DAS that a detailed analysis of the Conservation Area has informed the chosen palette of materials and design details, which would appear to be of a high quality and would help to ensure that the design of the scheme, whilst contemporary, is nonetheless rooted in the character and appearance of the conservation area, whilst also helping to break up the massing of the buildings. Samples of the proposed materials would be secured by condition.
- 10.20. The incorporation of front gardens and stone boundary walls into the scheme is welcome as these are a characteristic feature of the conservation area, and would help to soften the appearance of the proposed semi-detached properties. The siting of bin storage enclosures along the front boundary walls would somewhat compromise the integrity of these boundaries; nonetheless it is acknowledged that building regulations requirements on drag distance would prevent there being a single bin storage unit for the development. The majority of

bin stores would be positioned behind the wall which is considered a suitable compromise. It is welcomed that bike storage would be located within the properties' gardens to prevent further compromise of the integrity of the boundary wall. However, it is considered that the visual impact of both the bin and bicycle stores could be further mitigated through bespoke design, and this could be secured through a suitably worded condition.

- 10.21. Overall, it is considered that the proposed development is of a suitably high quality of design that respects and responds positively to the significant character and distinctiveness of the historic village.
- 10.22. Consequently, whilst it would result in change to a part of the setting of the Littlemore Conservation Area, it would preserve the Conservation Area's character, appearance and significance.
- 10.23. It is noted that no specific assessment of the significance of either Grade II listed Lawn Upton House or The Old House is provided in the submitted DAS, nor an assessment of the impact of the scheme on their significance. However, at section 7.0 some consideration is given to views of the site from, and in conjunction with, Lawn Upon House, as well as views along Lanham Way from Sandford Road; and as the development responds well to the local character and appearance of the Conservation Area, it is considered that it would not harm the contribution that setting makes to the significance of either listed building.
- 10.24. The proposal is therefore considered acceptable in relation to policies DH1 and DH3 of the Oxford Local Plan 2036 and the NPPF. Great weight has been given to the higher duty set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 10.25. Oxford Local Plan policy DH4 requires consideration to be given to archaeology, as does the NPPF. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.26. NPPF Paragraph 205 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.27. This site is of interest because it lies within a landscape of extensive and dispersed Roman manufacturing activity related to the nationally important local Roman pottery industry. In this instance land directly to the north, south and east of the depot has been subject to archaeological investigation over the last 20 years providing information on the context of the site.

- 10.28. In 1995 an archaeological evaluation for a housing development at David Nicholls Close by Thames Valley Archaeological Services identified two small pits and a ditch along with a small amount of residual 12th-15th century pottery and a piece of possible Roman kiln daub. These features were located 56m north of the maintenance depot site. Trenches directly north of the depot did not identify any significant features in this area. Subsequently a watching brief Oxford Archaeology in 1996 failed to identify any further features.
- 10.29. A watching brief was also undertaken during the construction of buildings for John Henry Newman Primary School directly east of the site by Tempus Reparatum in 1994, no significant features were identified. Furthermore John Moore Heritage Services undertook a two-phase archaeological evaluation at Speedwell First School in 2002 and 2005, here a small amount of Roman pottery was discovered along with two undated gullies 30m south west of the maintenance depot site.
- 10.30. The limited number of features and the small number of residual finds from the surrounding sites suggests a low level of activity in the area. However there is a sufficient question mark over undated features and the kiln daub to warrant conditioned trial trenching in this instance.
- 10.31. In this case, bearing in mind the site history and context, Officers consider that, in line with the advice in the NPPF, any consent granted for this application should be subject to a condition to secure archaeological trial trenching followed by further mitigation as appropriate.
- 10.32. Subject to this condition the application is considered to comply with policy DH4 of the Oxford Local Plan and the requirements in the NPPF.

c. Housing standards

Affordable Homes

- 10.33. Policy H2 of the Oxford Local Plan requires that proposals for major housing developments (10 dwellings or more) should provide 50% of the homes as affordable units. 40% of proposed dwellings provided should be available for social rent. In this case the entire site is proposed as affordable social rent to be managed by Oxford City Council. The proposal therefore exceeds the policy requirement. Whilst the provision of 100% social housing has the potential to create unbalanced communities, in this case considering the small scale of the development and its integration into an area of predominantly market housing, it is considered that the proposal would not result in an unbalanced community.
- 10.34. The Written Ministerial Statement published 24th May 2021 set out the requirement for first homes to form a percentage of affordable housing delivered on site. This requires that 25% of affordable units should be first homes, sold with a minimum of 30% discount against market value to eligible buyers. The ministerial statement also sets out that where specific developments are exempt from delivering affordable homes under the NPPF, first homes does not apply. Paragraph 65 of the NPPF states that 10% of a development should not have to be made available for affordable home ownership where a site is exclusively for

affordable housing, as in this case. The site is therefore exempt from providing first homes.

Mix of Dwelling Sizes

10.35. The site does not seek to provide 25 or more homes and is therefore not expected to deliver a mix of dwelling sizes as set out in policy H4 of the Oxford Local Plan 2036.

Accessible and Adaptable Homes

10.36. Policy H10 of the Oxford Local Plan 2036 sets out that all affordable dwellings shall be constructed to optional category 2 standard of Building Regulations Approved Document M4. The proposal seeks to achieve this standard which could also be secured by condition.

Privacy, Daylight and Sunlight

10.37. All new homes should have adequate daylight, sunlight and privacy in accordance of the requirements of policy H14 of the Oxford Local Plan 2036. The application has been accompanied by a daylight/sunlight assessment to demonstrate that the habitable rooms of the proposed dwellings would receive an adequate level of daylight and sunlight.

10.38. The two storey dwellings would sit south of properties in David Nicholls Close. Plot 1 would sit approximately 6.5 metres from 3a David Nicholls Close (formerly a garage, Plot 2 would sit approximately 15 metres from 3 David Nicholls Close, Plots 3-4 would sit approximately 13 metres from 4 David Nicholls Close. Given that these proposed units would all sit within 20 metres of windows looking directly towards to the development, limited amenity space is located to the rear of the properties and first floor windows would be high level to protect the amenity of the occupiers of the future dwellings. Other proposed plots would be adequately distanced from existing neighbouring occupiers to ensure that they would benefit from adequate privacy.

Internal Space

10.39. Policy H15 of the Oxford Local Plan 2036 requires that all new homes are building to the nationally described space standard.

10.40. The proposal comprises of 6no. two bedroom, two storey homes suitable for occupancy for up to 4no. residents. These would meet the minimum space standard of 79m².

10.41. 4no. three bedroom, three storey homes suitable for occupancy for up to 6no. residents are also proposed. These would meet the minimum space standard of 108m².

10.42. The proposal is therefore considered to comply with policy H15 of the Oxford Local Plan 2036.

Outdoor Amenity Space

- 10.43. Policy H16 of the Oxford Local Plan 2036 sets out that houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint. This would be the case with the proposed dwellings.
- 10.44. The policy also requires that consideration is given to the accessibility, usability and privacy of the space. Given that the development site is reasonably constrained, it has been a challenge to ensure that all dwellings would have usable and private amenity space. To ensure the amenity spaces get adequate sunlight and would be private from dwellings to the north in David Nicholls Close, a larger proportion of the gardens are unusually proposed to the front of the dwellings. Adequate boundary treatments and planting, which could be secured by condition, would ensure that they would be of a suitable appearance and provide adequate privacy.
- 10.45. Given that private amenity space is limited and just meets the policy requirement, it is considered reasonable to recommend a condition to remove permitted development rights for extensions and outbuildings to ensure that adequate private amenity space would be retained for future occupiers.
- 10.46. Subject to these conditions, the proposal is considered to comply with policy H16 of the Oxford Local Plan 2036.

d. Neighbouring amenity

- 10.47. Policies RE7 and H14 of the Oxford Local Plan 2036 require consideration to be given to the amenities of neighbouring occupiers during the course of construction and post completion of the development in relation to privacy, daylight and sunlight and sense of enclosure.
- 10.48. The application has been accompanied by a daylight/sunlight assessment to demonstrate that the proposal would not be harmful to the amenity of neighbouring properties. The submitted report concludes that the proposed development would have no impact on the vertical sky component (VSC) of the majority of neighbouring windows. Where there is impact, this is assessed as negligible. Where there is an impact, overall the rooms are still considered to achieve the required daylight factor ensuring adequate daylight would still be received during the day. All neighbouring windows would also achieve the required sky view percentage on the working plane level which would ensure that there would not be an unacceptable loss of outlook.
- 10.49. The report also concludes that the greatest impact would be on the Annual probable sunlight hours (APSH) to window 6 (W6) of 4 David Nicholls Close. This is a small side facing which serves a kitchen diner and is one of 5 windows plus glazed doors serving the room. The impact on this room overall would not be considered a significant impact therefore, given the other existing windows and doors to the room.
- 10.50. The two storey dwellings would sit south of properties in David Nicholls Close. Plot 1 would sit approximately 6.5 metres from 3a David Nicholls Close (formerly

a garage, Plot 2 would sit approximately 15 metres from 3 David Nicholls Close, Plots 3-4 would sit approximately 13 metres from 4 David Nicholls Close. Given that these proposed units would all sit within 20 metres of windows looking north from the proposed development the proposed high level windows in the rear of Plots 1-6 would protect the amenity of the neighbouring occupiers. Other proposed plots would be adequately distanced from existing neighbouring occupiers to ensure that they would benefit from adequate privacy.

10.51. In relation to properties in Lanham Way and Medhurst Way the proposed dwelling are considered to be located adequate distance with windows in appropriate locations to ensure that there would not be a detrimental impact on privacy or enclosure.

10.52. To ensure that privacy is retained between the proposed development and properties and their private amenity space in David Nicholls Close, permitted development rights under Class A are recommended to be removed by condition to allow further consideration to be given to the installation of any further windows.

10.53. Concerns have been raised that the proposed trees would overshadow 5 David Nicholls Close. 2no. trees are proposed along this boundary (T33 and T34). These are to replace existing trees and therefore it is considered there would be a neutral impact on this property and garden in terms of daylight and sunlight.

10.54. The proposal is therefore considered acceptable in relation to policies RE7 and H14 of the Oxford Local Plan 2036.

e. Natural environment

Ecology

10.55. Oxford Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator. The LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.

10.56. 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.

10.57. 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.

10.58. The application site is of limited ecological value at present. The primary features of interest are the trees, which it would be preferable to retain. However, where losses are proposed these are necessary and the proposed mitigation measures are considered adequate and appropriate.

10.59. A robust assessment has been undertaken with regards to protected species, with appropriate mitigation proposed for nesting birds, reptiles and great crested newts. Officers are satisfied there are no likely adverse effects on these species and protected species licences would not be required. The mitigation would be secured via planning condition.

10.60. Within the application site the proposals would result in a net gain of 0.16 habitat units (+8.57%) and a net loss of 0.38 hedgerow units (-24.39%).

10.61. The applicant thoroughly explored options for delivering net gain in both habitat and hedgerow units within the application site and Officers are satisfied this is not viable. The applicant is proposing to fund the delivery of 100m of hedgerow on a recreation ground in Thames View Road, which would result in an overall gain of 0.39 hedgerow units for the proposed development (+34.96%).

10.62. Whilst the development would provide a lower level replacement habitat for a lost tree of medium biodiversity distinctiveness (quality) overall this is considered insignificant in respect of the scheme as a whole which otherwise would provide appropriate biodiversity replacement and delivers net gain. Officers therefore consider the application to accord with the net gain requirements in Policy G2 of the Oxford Local Plan 2036.

10.63. Management of the on-site element of the biodiversity net gain should be secured through a suitable management plan. Officers are therefore recommending a planning condition requiring a landscape environment

management plan (LEMP), in addition to a Landscape Plan to ensure no invasive species are planted (at present a Cotoneaster is proposed, which would need to be removed from the planting list). Funding for the off-site element of net gain could be appropriately secured through a section 106 agreement.

Trees

- 10.64. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible. Trees should be retained unless not feasible and if they are lost the loss must be mitigated for on-site with replacement tree canopy cover. If that is not possible other onsite mitigation measures will need to be provided.
- 10.65. As the proposal is for a major development, policy G7 identifies that as a major residential development there should be no net loss in tree canopy cover associated with development compared with baseline + 25 years against a no development scenario baseline + 25 years.
- 10.66. The technical advice note that accompanies the policy states that there may be occasions where it is not possible to incorporate the existing trees into the design of the development, but developers will need to demonstrate that alternative site layouts are not achievable (on small sites in particular it may be difficult to achieve any layout that would not require the removal of the existing trees). The constraints from trees may prevent a level of development that is viable, which is another consideration.
- 10.67. The application involves the removal of all the generally poor quality trees and shrubs from the site to facilitate development without unrealistic spatial conflicts arising with inappropriately retained trees. Indicative landscape proposals are included in the Design and Access Statement (DAS); this shows species selections for replacement tree planting. The main feature of this is a linear tree arrangement along the notional line of an extension to Lanham Way. Discrete sections of hedge are indicated for the fronts, and between, houses, and a long continuous hedge is indicated for the rear boundary to the north. A species rich shrub area for biodiversity enhancement is located in the rectangular area at the east of the site.
- 10.68. The selection of trees indicated in the DAS are acceptable in principle and have been chosen in order to grow and develop in sustainable spatial relationships to the built scheme; this demonstrates the principle of achievable mitigation through replacement planting. The loss of T30 (a 12.5 metre early mature sycamore) would be mitigated by a fastigate maple - *Acer x freeman* 'Armstrong', which is considered acceptable.
- 10.69. However, Officers are not convinced that the species mixtures indicated are appropriate in all situations, or that they work well as unifying elements to the scheme; and this requires further refinement by a landscape architect which could be resolved by condition requiring a finalised landscape scheme.
- 10.70. The tree canopy baseline is measured at 918m², which is 32% of the total application area of 2,859m². The study assumes that if the site were not

developed it would be used for some other purpose, such as for storage, and for this vegetation would need to be cut back. The forward projection of canopy cover, assuming the site was not abandoned, is therefore given as the same as the baseline at 918m². Officers do not object to this methodological approach in these circumstances.

10.71. The canopy sizes after planting are taken from information published by the Trees & Design Action Group (TDAG). This generates a post planting canopy area of 400m². The canopy extent after 25 years is also shown on the plan. This has been estimated by considering the growth rate and form of the specified species and the proximity to buildings, roads and gardens where future pruning will be carried out. This generates an anticipated canopy area after 25 years of 749m². This equates to 26.2% of the site.

10.72. Therefore there would be a 6% net loss of canopy cover on the site after a 25 year period; this is considered inevitable in the context of development being acceptable in all other policy regards as set out elsewhere in the report. The overall impacts of the development on canopy cover would initially be a significant reduction, then a recovery to near parity would take place after 25 years. In addition the quality of the canopy cover would be enhanced over existing by being more diverse and in its impact by virtue of being by design. Therefore on balance, given the constraints of the site and layout, it is considered that the development would result in a net enhancement of the site over time and is therefore acceptable.

10.73. The proposal is therefore considered acceptable in relation to policies G1, G7 and G8 of the Oxford Local Plan 2036 subject to conditions requiring a finalised landscape plan, implementation of the landscape proposals, reinstatement of any landscaping which fails to survive with 5 years of planting, a landscape management plan, landscape surface design in relation to tree roots, underground services in relation to tree roots and compliance with the submitted tree protection plan.

f. Transport

Highways Impact

10.74. The tracking details submitted with the application demonstrate that emergency and refuse vehicles would be able to safely enter the site and leave in forward gear. Adequate room has been provided for turning on site and the Local Highway Authority have no objection to this proposed layout.

10.75. Further information was requested during the course of the application of carriageway and footway widths to demonstrate that the proposed road could be adopted and that the application site boundary met that of the adopted highway. This information was provided and this objection was removed.

10.76. An obligation to enter into a section 278 agreement would be required to secure mitigation/improvement works to the site access. The requirement to do this would be secured by the proposed section 106 agreement.

Car Parking

- 10.77. Policy M3 of the Oxford Local Plan 2036 sets maximum parking standards for residential developments. Wherever possible it seeks to encourage car free developments where certain criteria are met. This is where the development falls within a controlled parking zone, is within 400m of a bus stop with a regular bus service (with a service every 15 minutes) and is within 800 metre of a food store. In this case the development does not fall within a controlled parking zone, is within 230 metres of a bus stop (currently served by the 3A on a half hourly basis), 400 metres of a bus stop (served by the 5A bus service on a half hourly basis) and within 800 metres from a full sized supermarket (Sainsbury's at Heyford Hill). Given that the site is not within a controlled parking zone and the bus service is not every 15 minutes, the site does not therefore meet the requirements for a car free development.
- 10.78. Concerns have been raised through public consultation that the transport statement referred to bus services which have been cut or altered. This has been raised with the Local Highway Authority who are aware of what current bus services are available and are still satisfied that the parking provision is adequate.
- 10.79. The application now proposed a total of 9no. spaces to serve 10no. dwellings, one space below maximum parking standards. This would be comprised of 1no. car club space to encourage car sharing and lower car ownership, 3no. disabled sized spaces and 5no. standard spaces. This therefore meets policy M3.
- 10.80. Concerns were raised by Thames Valley Police that parking levels were too low. Following further conversations it was explained that whilst three of the parking spaces would be disabled sized, they would be not be restricted to disabled users. If there was a disabled occupier, they would however have priority to use one of these spaces. Thames Valley removed their objection on this understanding and suggested a car park management plan should be secured by condition so that occupiers were aware of the availability of parking.
- 10.81. Concerns have been raised that the parking provision should be based on a survey carried out by a resident of Medhurst Way who calculated that the average car ownership in Medhurst Way is 1.28 cars per dwelling. These car ownership levels are above maximum parking standards set out in policy M3, which seeks to encourage reduced car ownership through reducing maximum parking levels to 1 space per unit (where developments do not fall within car free requirements). The level proposed, including a car club space, is therefore considered acceptable in line with M3.
- 10.82. The Local Highway Authority (Oxfordshire County Council) has also raised no object to the level and type of parking proposed.
- 10.83. The proposal is therefore considered acceptable in relation to policy M3 of the Oxford Local Plan 2036.

Cycle Parking

10.84. Policy M5 of the Oxford Local Plan sets minimum cycle parking standards for all new dwellings. Houses of up to 2 bedrooms are required to have at least 2no. spaces and houses of 3 or more bedrooms are required to have at least 3no. spaces. The proposed development complies with these minimum standards and the final design and layout of the bicycle storage would be secured by condition to ensure it is of a suitable appearance and is covered and secure in order to meet the requirements of policy M5.

g. Environmental

Energy

10.85. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and requires that new commercial development meets BREEAM excellent standard and achieves a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. The proposed development has been assessed against Part L1A 2021 of the Building Regulations which was adopted during the course of the application. In this case the proposal meets these requirements with a fabric first approach to reduce energy demand (with good building insulation) and also through the use of solar PV panels on the roofs and air source heat pumps to rear gardens. Furthermore the proposal seeks to use sustainable materials and minimise waste during construction and operation. A compliance condition would ensure that the proposed development is built to comply with the commitments of the energy strategy. This would also ensure that the proposed development reaches a minimum of four credits under BREEAM assessment in relation to water efficiency given that Oxford is located in an area of water stress.

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

Flooding/Drainage

10.87. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.

10.88. A flood risk assessment is not required as the site is under 1 hectare and is located within Environment Agency Flood Zone 1.

10.89. The application was accompanied by a drainage scheme. Infiltration testing has been carried out on site. Whilst infiltration rates were found to be low across the site, they were within the useable range, indicating that soakaways would function. The new buildings would be constructed in an area which is currently soft landscape or old concrete slabs with no positive drainage. The proposals would therefore be an improvement on the current situation.

10.90. This report has been reviewed by the Lead Local Flood authority (LLFA) who have raised no concern but requested further information:

- Provide site boundary on the drainage strategy plan.
- Provide flood risk assessment for the proposed site.
- Provide detailed drainage drawing.
- Provide surface water catchment plan.
- Provide infiltration testing location plan.
- Provide discharge rates of all proposed SuDS on the drainage strategy plan.
- Provide surface flood exceedance plan.

10.91. Further information was providing during the course of the application to address these concerns. In response to this further information was still requested in relation to:

- Addition of 10% urban creep to the surface water catchment plan.
- Provision of discharge rates of all proposed SuDS on the drainage strategy plan.

10.92. This information is currently being provided. It is considered that the issues raised by the LLFA are technical in nature and they have not raised a fundamental objection to the proposed development. On this basis Officers recommend that the application be approved subject to receiving the drainage information requested by the LLFA and confirmation that they are satisfied with it. Subject to conditions, the proposal is considered to comply with policies RE3 and RE4 of the Oxford Local Plan 2036.

Thames Water

10.93. Thames Water have no objection to the proposal. They consider that the scale of the development would not materially affect the sewer network. In relation to foul water sewage network capacity, Thames Water have no objection to the proposal. Also surface water would not be discharged into the network so this capacity does not need to be accounted for.

10.94. The proposal is therefore considered acceptable in relation to policy V8 of the Oxford Local Plan 2036.

Air Quality

10.95. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

10.96. The baseline assessment shows that the application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). The potential for exposure of future occupants to exceedances of the AQOs was assessed based on the AQMA designation, proximity of pollution sources to the site, local monitoring results and predicted background concentrations. Analysis of DEFRA's urban background maps and of all pollutant

concentrations at monitoring locations in the surrounding area of the application Site, show air pollutant concentrations to be below their relevant air quality objectives and the application site is therefore considered suitable for its intended use.

10.97. According to the site's energy statement, the building's heat demand is to be met by air source heat pumps (ASHPs) coupled with PV technology systems, which are proposed to be grid connected. These technologies are zero emission, and as such there will be no negative impacts on local air quality from the use of these systems.

10.98. According to the site's transport assessment, the proposed development is anticipated to generate 6 trips in the AM peak, 8 trips in the PM peak and 65 daily vehicle movements. This is below the indicative criteria set out in the Institute of Air Quality Management planning guidance (100 AADT within or adjacent to an AQMA). As the maximum generated trips (as AADT) are not predicted to exceed the relevant EPUK/IAQM Screening Criteria, Effects associated with the operation of the Proposed Development can therefore be considered as insignificant and require no further consideration.

10.99. According to the site's transport and sustainability statements, the site the proposed parking provision of 9 spaces (including 7 resident spaces, 2 visitor spaces and 1 car club space). The development is required to be compliant with local plan policy M4 with regards to Electric vehicle charging infrastructure which would be secured by condition.

10.100. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, the Site is found to be at worst 'Medium Risk' in relation to dust soiling effects of Earthworks on people and property and 'Low Risk' in relation to human health impacts. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. This could be secured by condition.

10.101. Subject to these conditions the proposal would comply with policy RE6 of the Oxford Local Plan 2036.

Noise

10.102. Policies RE7 and RE8 require consideration to be given to the impact of a proposed development on the nearest noise sensitive receptors (in the interests of neighbouring amenity) and also the impact of any existing noise sources external to the site on the occupiers of the proposed development to ensure that the site would be habitable.

10.103. An acoustic assessment has been submitted by AF Acoustics, document ref: 1540-AF-00001-02 dated 27 September 2021 which adequately identifies the nearest noise sensitive properties to the proposed site.

10.104. The proposed development is not considered to be a source of noise which would cause an unacceptable level of disturbance to the amenity of neighbouring occupiers other than construction noise and disturbance which could be controlled by condition. The facade sound insulation performance for all elevations of the development has been sufficiently assessed and adequate glazing sound reduction specifications have been suggested within the acoustic submission to ensure adequate living conditions for any future occupiers.

10.105. The proposal is therefore considered acceptable in relation to policies RE7 and RE8 of the Oxford Local Plan 2036 subject to conditions requiring the final scheme for the protection of habitable rooms from road noise and a construction management plan.

Land Quality

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

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

10.66. Officers have reviewed the submitted Desk Study and Ground Investigation report and agreed that the contamination risks at the site are moderate to low, being limited to slightly elevated lead contamination risks in near surface made ground soils.

10.107. The identified lead contamination risk to future occupiers and construction workers could be effectively mitigated with installation of an appropriate clean cover soil system in landscaped and garden areas of the site and appropriate health and safety measures during the construction phase. To ensure that the proposed remediation measures for the site are implemented, a formal remediation plan should be submitted to this authority for approval. A validation report would also need to be submitted documenting completion of the approved remediation measures. Conditions requiring a phase 3 remediation strategy, carrying out of remedial works and submission of a validation report and a watching brief during the course of construction for any unexpected contamination should therefore be imposed.

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

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. The proposal is suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036 (subject to the receipt of finalised details), contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. In relation to heritage assets, the proposal would not result in harm to the setting of nearby heritage assets.
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of conditions.
- 11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the

Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report and the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

1. Time limit

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

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

2. Approved plans

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

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

3. Materials

Prior to their installation on site, samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

4. Boundary treatments

Prior to the occupation of the dwellings, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. A sample panel of any stone boundary walls shall also be made available for inspection on site. Prior to the occupation of the dwellings the boundary treatments shall be provided on site in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the site, setting of the Littlemore Conservation Area and neighbouring amenity in accordance with policies DH1, DH3 and H14 of the Oxford Local Plan 2036.

5. *Bin and bicycle storage details*

Prior to the occupation of the dwellings, details of bin and bicycle storage including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the dwellings the bin and bicycle storage shall be provided on site in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the site, setting of the Littlemore Conservation Area and sustainable modes of transport in accordance with policies DH1, DH3 and M5 of the Oxford Local Plan 2036.

6. *Lighting details*

Prior to the occupation of the development details of a scheme of lighting shall be submitted to and approved in writing by the local planning authority and implemented on its first occupation or use and retained thereafter. There shall be no variation to the approved details without the further prior written approval of the local planning authority.

Reason: In the interests of the safety of the occupiers and the surrounding area, visual amenity and the residential amenities of neighbouring occupiers in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

7. *Archaeological trial pit*

No development shall take place until the applicant, or their agents or owner or their successors in title, has secured the implementation of a programme of archaeological work comprising stage 1) trial trenching and stage 2) archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

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

8. *Scheme for affordable housing*

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Oxford Local Plan 2036 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The

scheme shall include, unless otherwise agreed in writing by the Local Planning Authority:

- i. The numbers, type, and location on site of the affordable housing provision to be made which shall consist of not less than 50% of the housing units as detailed in the schedule accommodation (dwg. no. 3679-LB-ZZ-ZZ-DS-A-350003 Rev. 3), the tenure location plan (dwg. no. 3679-LB-ZZ-00-DP-A-120011 Rev. 1), the site location plan (3679 - LB - XX - XX - DP - A - 101000 Rev. 3) and the supporting planning statement.
- ii. Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Oxford Local Plan 2036 or any future guidance that amends or replaces it.
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no Registered Social Landlord involved).
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- v. The occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced
- vi. The arrangements to ensure that such provision remains affordable housing subject to any statutory rights or where 100% of the equity in an affordable housing dwelling has been acquired and that dwelling subsequently sold.
- vii. Comply with the National Space Standards then applicable.
- viii. Show compliance with Secure by Design standards then applicable.

Reason: In order to secure the affordable housing provision on site in accordance with Policy H2 of the Oxford Local Plan 2016-2036.

9. *M4(2)*

The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with policy H10 of the Oxford Local Plan 2036.

10. *PD right removal*

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

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area, the amenity of

neighbouring occupiers and amenity of the occupiers in accordance with policies DH1, DH3, H14 and H16 of the Oxford Local Plan 2036.

11. Compliance with biodiversity method statement

The development hereby approved shall be implemented strictly in accordance with the Reptile & Amphibian Pre-Construction Ecological Method Statement at Technical Appendix 6 of the Ecology Report produced by Aluco Ecology (dated July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

12. Protection of breeding birds during construction

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

Reason: To protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (as amended).

13. Ecological mitigation and enhancements

Prior to commencement of the development, details of ecological mitigation and enhancement measures including at least three bird nesting devices for building dependent birds (e.g. swift, house sparrow, house martin) and three bat roosting devices shall be submitted to and approved in writing by the local planning authority. Details must include proposed locations and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved dwellings and retained as such thereafter. Any new fencing will include holes suitable for the safe passage of hedgehogs.

Reason: To improve the biodiversity in Oxford City in accordance with Policy G8 of the Oxford Local Plan 2036 and the National Planning Policy Framework.

14. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.

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

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 approved plan will be implemented in accordance with the approved details.

Reason: To ensure the delivery of biodiversity net gain as required by Policy G2 of the Oxford Local Plan 2036.

15. *Landscape Plan Required*

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.

16. *Landscape Proposals: Implementation*

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 2036.

17. *Landscape Proposals: Reinstatement*

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

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

18. *Landscape Management Plan*

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

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

19. *Tree Protection Plan (TPP)*

The development shall be carried out in strict accordance with the Tree Protection Plan (Ref: 1563-02 REV B) and other tree protection measures contained within the approved planning application 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 2036.

20. *Landscape Surface Design – Tree Roots*

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

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

Reason: To avoid damage to the roots of retained trees in accordance with policies G1 and G7 of the Oxford Local Plan 2036.

21. *Underground Services - Tree Roots*

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 2036.

22. Arboricultural Monitoring Programme (AMP)

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, and thereafter shall be carried out in accordance with the AMP. 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 2036

23. Car Park Management Plan

Prior to the occupation of the dwellings, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The parking shall be managed in accordance with the approved plan thereafter.

Reason: In the interests of sustainability and neighbouring amenity in accordance with policies M3 and RE7 of the Oxford Local Plan 2036.

24. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works, and thereafter implemented and operated in accordance with the approved details. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,

- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents, including the adjacent care home.

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

25. Travel Plan Statement

Prior to the first occupation of the development hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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

26. Travel Information Pack

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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

27. Energy Efficiency

The development shall be carried out in accordance with the recommended measures set out the in 'Energy and Sustainability Statement – August 2022'. All measures shall be retained thereafter unless agreed in writing by the Local Planning Authority.

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

28. Dust mitigation

No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Table 17 (page 27) of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental

Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved 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 2036.

29. *EV Charging Infrastructure*

Prior to the occupation of the development, the Electric Vehicle charging infrastructure as shown on the approved plans shall be installed on site and shall remain in place thereafter.

Reason: To contribute to improving local air quality, and to achieve compliance with policy M4 of the new Oxford Local Plan 2036.

30. *Noise – internal areas*

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy RE8 of the Oxford Local Plan 2036.

31. *Insulation between dwellings*

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, e.g. living room and kitchen above bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policy RE8 of the Oxford Local Plan 2036.

32. Construction Management Plan

Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays. No works to be undertaken on Sundays or bank or public holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

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

33. Phase 3 Remediation Strategy

Prior to the commencement of the development a phase 3 remediation strategy, validation plan, and/or monitoring plan must be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use, taking into account contamination risks identified within the approved Phase 1 and Phase 2 Desk Study and Ground Investigation reports. This 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.

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 2036.

34. Contaminated Land – Remedial Works

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

35. Contaminated Land – Watching Brief

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

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

Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
2. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
3. The archaeological investigation should consist of stage 1) trial trenching followed by stage 2) further mitigation as required (including open area excavation if appropriate). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.
4. 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.

13. APPENDICES

- **Appendix 1 – Site plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Plan



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Oxford City Planning Committee

22nd September 2022

Application number:	22/00675/RES		
Decision due by	18th July 2022		
Extension of time	30 th September 2022		
Proposal	Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 317 dwellinghouses (Use Class C3).		
Site address	Part Of Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Michael Kemp		
Agent:	Mrs Dawn Brodie	Applicant:	Hill Residential Ltd
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant reserved matters approval.

1.1.2. **Agree to delegate authority** to the Development Management Service Manager to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary; and issue the reserved matters approval.

2. EXECUTIVE SUMMARY

2.1. This report considers a reserved matters planning application for the erection of 317 dwellings on the Canalside parcel of the Oxford North site located to the south of the A40 and north-west of Wolvercote. The residential development would consist of a total of 317 dwellings, 223 of the units would be provided as apartments, whilst the remaining 94 dwellings would be houses. The proposals also include the provision of the 'Neighbourhood Square', a centrally located

area of public open space, as well as cycle and pedestrian accesses, secondary access roads and parking areas. A Linked planning application (22/00081/RES) relates to the provision of the spine road, which will provide vehicular (and pedestrian/cycle) access into the site from the A40, as well further public open space and drainage infrastructure, which was granted planning permission for which was approved at the meeting of the Oxford City Planning Committee in August this year. Delivery of the infrastructure approved under 22/00081/RES reserved matters application is essential to the development proposed within this residential reserved matters application and will be secured through a Grampian planning condition ensuring provision prior to occupation.

- 2.2. The delivery of residential development on this parcel of the Oxford North site aligns with the land use parameter plan and overall site masterplan, which accompanied the hybrid planning permission. The percentage of affordable homes to be provided within the development (35%) would align with the agreed percentage of affordable housing outlined within the accompanying Section 106 agreement, whilst the overall mix of dwellings is compliant with the requirements of Policy H4 of the Oxford Local Plan.
- 2.3. The design approach aligns with the principles established in the overarching masterplan for this section of the Oxford North site, as approved under the hybrid planning permission. The proposed housing is considered to be well-designed and gives consideration to the character and context of the site in terms of the housing typologies, architectural appearance and use of materials and the proposals are considered to align with the Council's design Policy DH1, as well as the National Design Guide and Model Code. Building heights align with the maximum permitted heights outlined within the building heights parameter plan accompanying the hybrid planning permission and officers have concluded that whilst the development would have an impact on the surrounding landscape character and openness of the Green Belt, this impact would be no greater than expected and previously assessed under the hybrid application.
- 2.4. Officers conclude that the development would result in a moderate level of less than substantial harm to the setting of the Wolvercote with Godstow Conservation Area and a low level of less than substantial harm to the setting of the Grade II listed Manor Farmhouse and Church Farmhouse. When assessed under the balancing exercise required under Paragraph 202 of the NPPF, the identified moderate level of less than substantial harm to these designated heritage assets would be outweighed by the multiple benefits associated with the delivery of the housing development on the site. The public benefits of the development proposed within this application are considered substantial in particular the delivery of 317 homes, a significant proportion of which would be affordable would demonstrably outweigh the less than substantial harm to the Conservation Area and Grade II listed Manor Farm.
- 2.5. Given the development's detachment from Wolvercote, the proposals are considered to not have an adverse impact on the amenity of any surrounding residential occupiers. Whilst a number of buildings proposed on the site would be adjacent to the Jury's Inn hotel, it is considered that the development would not fundamentally impact on the function of this adjoining land use. The proposals are considered to provide acceptable standards of amenity for future

occupiers accounting for the relative density of development, this is in terms of the quantity and quality of amenity space and standards of privacy and natural light. The design and layout of the development accounts for the existing noise constraints from the adjoining A40 and A34 roads and appropriate mitigation is outlined within the accompanying noise assessment. The proposals are therefore considered to provide acceptable standards of amenity for both existing and future occupiers in accordance with Policies H14, H15, H16, RE7 and RE8 of the Oxford Local Plan.

- 2.6. The proposed access arrangements, in conjunction with the related reserved matters application for the loop road comply with the access parameter plan approved under the hybrid planning application and provide appropriate access arrangements for road users, cyclists and pedestrians. Car parking provision is considered appropriate in line with the requirements of Policy M3 of the Oxford Local Plan, as well as the Section 106 agreement which was completed in respect of the hybrid planning permission. The plans include provision for cycle parking that would comply with the minimum standards required under Policy M5 of the Oxford Local Plan.
- 2.7. The proposals alongside the reserved matters permission on the adjoining site include an appropriate strategy for the provision of biodiversity net gain and ecological enhancements, in line with the requirements of Policy G2 of the Oxford Local Plan and the appropriate provision of sustainable drainage in accordance with Policies RE3 and RE4 of the Oxford Local Plan.
- 2.8. Overall, the proposals are considered to be compliant with the Oxford Local Plan; the Wolvercote Neighbourhood Plan and the NPPF. For the reasons outlined within this report it is recommended that the Committee resolve to grant reserved matters approval for the details of this development.

3. LEGAL AGREEMENT

- 3.1. Hybrid planning application 18/02065/OUTFUL was the subject of a Section 106 Agreement covering several matters including:
 - Provision of affordable housing including review mechanism.
 - Financial obligations
 - Highways and Transport related provisions
 - Delivery of biodiversity net gain
 - Public art
 - Provision of public open space
 - Energy and sustainability measures
- 3.2. The Section 106 agreement covers all subsequent reserved matters planning applications and sets parameters applicable to future phases on the site and details required to be submitted under future reserved matters applications. These requirements are addressed where appropriate in the following sections of this report.
- 3.3. A separate legal agreement is not required to cover any matters proposed within this reserved matters application.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The original planning agreement was the subject of a detailed CIL agreement, no additional CIL would be payable based on the proposals submitted under this reserved matters application.

5. SITE AND SURROUNDINGS

- 5.1. The application site comprises a section of a wider 26-hectare area of predominantly grazing farmland located in the north of Oxford, just inside the ring road which was the subject of planning application 18/02065/OUTFUL.

- 5.2. Planning approval was granted on 23rd March 2021 for planning application 18/02065/OUTFUL. This followed a resolution to grant planning permission made by the Planning Review Committee held on 16 December 2019 and the prior completion of the Section 106 agreement. The description of development is listed below:

Hybrid planning application comprising: (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m² (GIA) of employment space (Use Class B1), up to 550 m² (GIA) of community space (Use Class D1), up to 2,500 m² (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (ii) Full application for part of Phase 1A comprising 15,850 m² (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019)

- 5.3. The application site to which planning application 18/02065/OUTFUL relates falls into three, fan-shaped parcels of land which run adjacent to the A44 and A40 trunk roads, converging at Wolvercote roundabout. The northern boundary of the site is formed by a raised section of the A34 road. The eastern boundary of the site is formed by a section of railway line. The south-western boundary is formed by Joe White's Lane bridleway (National Cycle Route 5) and the fields to the west that lead down to the Oxford canal and separate the site from much of the settlement of Wolvercote.

- 5.4. The masterplan for planning application 18/02065/OUTFUL refers to three parcels of land as the following:

- East: the parcel to the east of the A44, south of the Peartree Park and Ride and west of the railway line

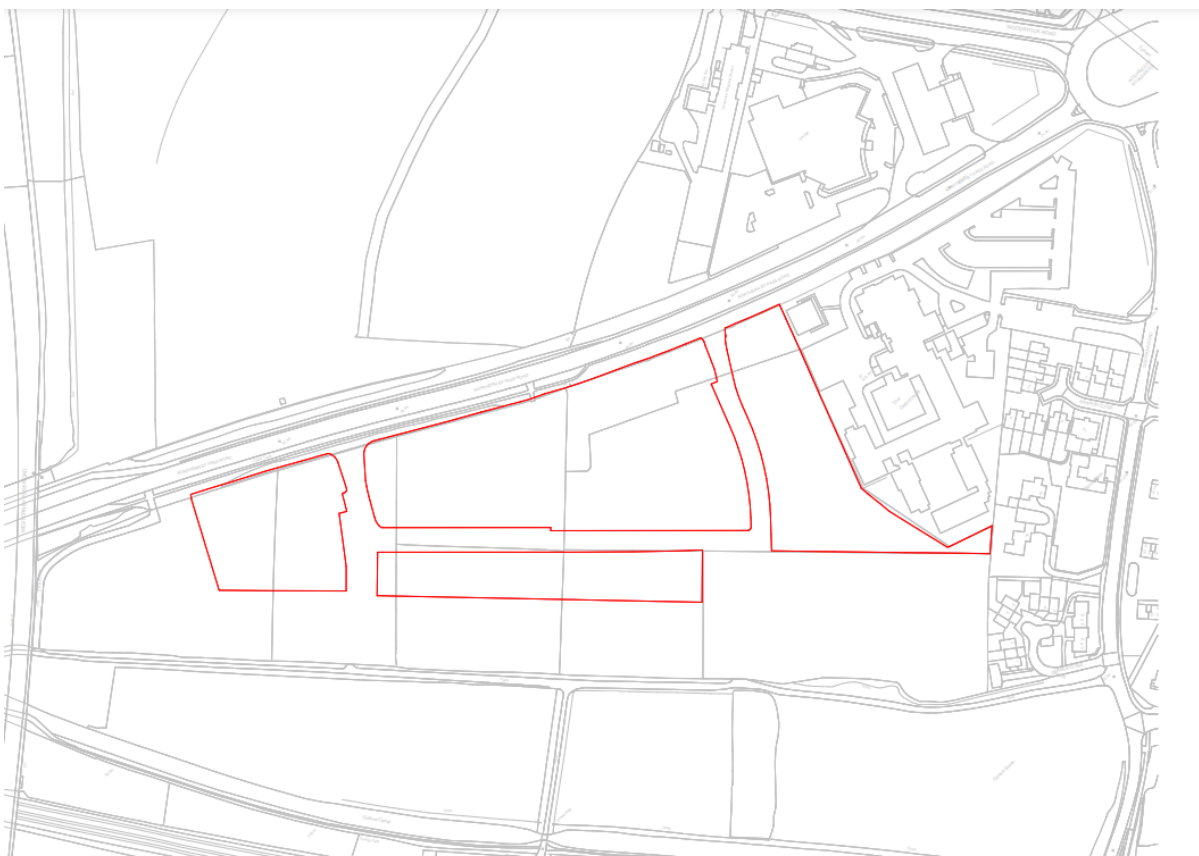
- Central: the largest parcel, to the west of the A44 and to the north-east of the A40
- Canalside: the parcel to the south-west of the A40 and the north-east of Joe White's Lane

5.5. This application relates to development on the Canalside parcel of the Oxford North site which slopes downwards from the A40 to Joe White's Lane. The land was used predominantly as agricultural grazing land but has more recently been subject of a series of earthworks, which were approved under reserved matters planning application 21/01053/RES. The site now consists of exposed soil and excavated land.

5.6. The application site forms a setting to the Wolvercote with Godstow Conservation Area and the historic Goose Green, a registered common and an important open space in the area. Both lie to the south-west of the site, with the Conservation Area boundary taking in the field in the south-west of the application site.

5.7. Oxford City Planning Committee resolved to grant planning permission in August 2022 for the provision of a U shaped spine road and Canalside Park (22/00081/RES) on the land adjoining the application site. The planning permission was issued on 26th August 2022. The access road and park forms a key part of the access and public realm strategy for the residential development proposed within this planning application.

5.8. The site location plan is included below:



6. PROPOSAL

- 6.1. The application seeks reserved matters planning approval for a residential development on the Canalside parcel of the Oxford North site located to the south of the A40. The residential development would consist of a total of 317 dwellings, 223 of the units would be provided as apartments, whilst the remaining 94 units would be houses.
- 6.2. There is variance in the scale of development proposed across the site. The largest and more prominent buildings consisting of four to five storey flats are aligned with the A40 and include a new continuous frontage to the road, with the exception of where the road access points are proposed into the site. The south west corner of the site includes an arrangement of three to four storey flats surrounding an internal courtyard. The south facing elevation of the flats would face the Canalside Park. The central, southern and western parts of the site located behind the front facing flats would consist of houses arranged in terraces facing both the primary streets and secondary 'mews' streets located in the central and western parts of the site. Two rows of terraced houses are located along the southern edge of the site. The rear elevations of these houses, including the garden spaces would face the Canalside Park as approved under application 22/00081/RES.
- 6.3. Linked planning application (22/00081/RES) relates to the provision of the spine road, which will provide vehicular (and pedestrian/cycle) access into the site from the A40, in addition to the Canalside Park, a large area of public open space which provides an important area of public open space for future residents of the development proposed within this application and for existing residents of Wolvercote. The linked application for the park and the road provide essential access and open space infrastructure to support the development proposed under this reserved matters application. It is therefore necessary to condition that the access road and park are both provided in their entirety prior to the first occupation of the units within the new development, secured via a Grampian condition (condition 20).
- 6.4. A new park area is proposed at the centre of the site, this is referred to as the 'Neighbourhood Square'. This would form a key part of the public open space for the residential element of the site. This includes an event lawn, tree planting and provision of play and exercise equipment.
- 6.5. A total of 202 parking spaces will be provided on site equating to a ratio of 0.63 spaces per unit. This would consist of a mix of on-plot parking, including garages and residential parking spaces; on street parking adjacent to the secondary access roads; and undercroft parking to serve the blocks of flats. 2 car club spaces are also proposed within the site. Cycle parking is also proposed, with 836 spaces provided across the site.
- 6.6. The originally submitted plans have been the subject of amendments, the key change being the omission of a three bedroom house in the south east corner of the site, with an additional one bedroom flat being provided in its place. This

included a change to the overall mix of dwelling sizes, though no change to the affordable housing mix. Changes were also proposed to the site landscaping and planting proposals and the enlargement of garden spaces serving a number of units.

7. RELEVANT PLANNING HISTORY

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

<p>18/02065/OUTFUL - Hybrid planning application comprising:</p> <p>(i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 sqm (GIA) of employment space (Use Class B1), up to 550 sqm (GIA) of community space (Use Class D1), up to 2,500 sqm (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.</p> <p>(ii) Full application for part of Phase 1A comprising 15,850 sqm (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019). Approved 23rd March 2021.</p> <p>21/01053/RES - Reserved matters approval for earthworks, attenuation ponds, substations, services and areas of permanent and temporary landscaping.. Approved 18th August 2021.</p> <p>22/00081/RES - Construction of a Spine Road for access to Phases 1b, 1c and 1d of the Oxford North development and the provision of landscaping to create Canalside Park – Approved 26th August 2022.</p>
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8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Wolvercote Neighbourhood Plan:
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Design	117-123, 124-132	DH1 - High quality design and placemaking DH7 - External servicing features and stores	
Conservation/Heritage	184-202	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains	
Housing	59-76	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H7 - Community-led housing/self-build housing H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure	GBS2 - Green Belt, Designated Land GBS3 - Play Areas GBS5 - Biodiversity GBS6 - Green space in developments
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	CHS1 - Community Connectivity CHS2 - Electric Vehicle Charging Points CHS3 - Safe Access Routes CHS4 - Travel Plans
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	BES2 - Air Pollution BES1 - Brownfield sites BES3 - Noise Pollution BES4 - Drainage and Flooding
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions V8 - Utilities	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 1st April 2022 and an advertisement was published in The Oxford Times newspaper on 31st March 2022.
- 9.2. Following receipt of amended plans, the application was re-advertised by site notice on 11th August 2022 and was published in The Oxford Times newspaper on 11th August 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways Authority:

- 9.3. No objection, subject to planning conditions.
- 9.4. The Transport Statement provides a drawing of vehicle tracking for a refuse vehicle and the Design and Access Statement sets out the refuse collection and servicing strategy. The vehicle tracking drawing shows that the refuse vehicle needs to reverse in to the cul-de-sac streets at the east of the development. Whilst some reversing will be required in a few locations it should be avoided and Manual for Streets advises that it should be straight which this is not. A public space should be made available to allow for collection from the Loop Road.
- 9.5. There is a central pedestrian and cycle route north south through the site from the A40 along the eastern edge of the central square and through the southern houses to reach the open space and connect with Joe White Lane. This route is identified as a key walk/cycle route within the wider Oxford North proposals. The route between the houses is identified as steps with hand rails and seating. There is no detailed drawing however the proposals would appear to be restrictive for cyclists. Whilst the level differences might require steps this is the most direct route and still likely to be a desire line. The gradient of the steps should be minimised and wheeling ramps provided along with appropriate widths.
- 9.6. The Loop Road and Housing are under separate planning applications however they need to have regard to the other. The forward visibility splay for the bend in the south east of the loop road extends outside of the loop road application boundary into the adjacent plot. A condition is recommended to ensure that a drawing is provided demonstrating an adequate forward visibility splay adjacent to the front of the dwelling adjacent to the south eastern corner of the site and to ensure that the area containing the visibility remains unobstructed.
- 9.7. The proposals have an overall car parking ratio of approximately 0.6 spaces per dwelling with a maximum of 1 space per dwelling. This is slightly less provision than the Area Action Plan and Local Plan policy numbers. Car club spaces are proposed which would allow for occasional use by residents.

- 9.8. The number of cycle parking spaces for the apartment's element of the development is slightly higher than the minimum policy requirement and the number for houses meets the minimum requirement but would allow for additional spaces if future residents required them.
- 9.9. The basement car park for the apartment block at the west of the development has an access ramp that does not allow for simultaneous two way movements and uses a controlled access system. The Transport Statement provides information on the expected number of movements and the Highway Authority are satisfied that any queuing associated would not impact the wider network.
- 9.10. Revisions are required before the Travel Plan can be agreed. A condition is therefore recommended requiring an update to the Travel Plan to be agreed prior to the first occupation of the development.

Lead Local Flood Authority

- 9.11. No objection following receipt of further information in respect of the wider site drainage strategy, updated drainage calculations, flood exceedance plan and outfall details.

Thames Water

- 9.12. No objection as surface water will not be discharged into the public sewer. Based on existing foul water capacity Thames Water do not object to the development.
- 9.13. 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 Thames Water do not object. Thames Water would advise that with regard to water network infrastructure capacity, that they would not have any objection to the above planning application.

Environment Agency

- 9.14. Do not wish to comment.

Historic England

- 9.15. Do not wish to comment

National Highways

- 9.16. The Proposals continue to be in accordance with the principles and assumptions considered through the outline application. We are satisfied that the proposals would not affect the safety, reliability and/or operation of the Strategic Road Network and have no objection.

Natural England

- 9.17. No comments

Thames Valley Police

- 9.18. No Objection – subject to conditions including provision of a lighting plan and requirement to obtain Secure by Design (SBD) accreditation.
- 9.19. Recommend addition of a number of security features to control access into the buildings and secure surveillance over the public realm.

Wolvercote Neighbourhood Forum

9.20. Made the following summarised comments in relation to the application as originally submitted:

- Supportive of provision of play facilities in development but ask that additional facilities are provided on the eastern side of the site.
- Pleased that outdoor exercise facilities are proposed within 500 metres of all dwellings.
- No evidence is provided to offset loss of biodiversity on site. Concern that hedge clearance on site has damaged biodiversity.
- The Air Quality Assessment conducted in 2019 relies on old data that does not account for recent completed developments.
- Detailed information is required on the present state of air pollution and risks to the health of residents. Those most at risk are obviously the residents in the apartments flanking the major roads. There is no evidence of any design features that would provide appropriate mitigation.
- Concern regarding noise levels and impact on future residents, particularly from the adjoining roads.
- Concern regarding foul water capacity in the area.
- Concern regarding the extent of natural light for future occupiers of the flats adjoining the A40 in terms of the internal and external amenity spaces.
- The energy efficient of the development is commended.
- The development does not include older persons housing, but instead provides a significant number of accessible homes. Thus for the elderly and disabled, the developer is minimally providing for the elderly.
- Agree with the County Council's comments regarding the inadequacy of the submitted travel plan.
- Support provision of permeable paving and hard surfacing.
- Reassurance is needed that all car parking spaces in flats will be provided with charging points, alongside spaces for electric cycle and e-scooter charging.
- Access from the site to Wolvercote Primary School is being improved a little by provision of highway refuges at a few locations. We are disappointed that no more substantive safety measures (such as Zebra crossings or controlled crossings) are proposed instead.
- Pleased that footpaths and cycle tracks are provided across the site, and also that all housing will be provided with suitable cycle storage.
- We are concerned that inadequate provision has been made for wheelchair users needing to traverse the site from the area of the A40 down to Joe White's Lane.

9.21. Following re-consultation carried out on the 11th August 2022, Wolvercote Neighbourhood Forum reiterated that the revisions to the plans had not

addressed concerns previously raised. In addition to this concerns are expressed in relation to the submitted biodiversity strategy, namely that it seems unlikely that off-site enhancements could be provided within Wolvercote ward, which they should be to comply with Policy GBS5 of the Wolvercote Neighbourhood Plan.

Public representations

9.22. Three members of the public have commented in relation to the submitted planning application. One of these comments sought clarification on the street names as labelled on the plans. The other two comments noted that the developer should ensure that the 5% increase in biodiversity promised by the applicants is delivered.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and heritage
- Trees, landscape and public realm
- Amenity
- Transport
- Energy and Sustainability
- Ecology
- Flooding
- Air Quality
- Contamination

Principle of development

Residential Development

10.2. The site benefits from outline planning permission under hybrid planning permission 18/02065/OUTFUL. The hybrid permission allows for the provision of up to 480 dwellings amongst the permitted uses. The land use parameter plan for the Oxford North site indicates that residential development is appropriate on the Canalside parcel of the site, alongside potential mixed uses facing the A40 though providing a mix of uses is not a requirement and non-residential uses are not proposed within this application. The site masterplan for Oxford North indicated that this section of the site would deliver the majority of the residential development on the Oxford North site, with the bulk of the remaining residential development proposed for the Eastside area to the east and north east of the A44. The overall quantum of development proposed and residential use of the site complies with the outline planning permission for the Oxford North site.

Environmental Impact Assessment

- 10.3. An Environmental Statement (ES) was prepared as part of hybrid planning application 18/02065/OUTFUL, which covered in outline all development across the Oxford North site.
- 10.4. This Reserved Matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, the likely significant effects of the proposed development need to be considered.
- 10.5. The proposals submitted under this reserved matters application do not deviate from the parameters of the hybrid planning permission and the fundamental details outlined within the previously submitted Environmental Statement, in terms of the scope of development and overall scale and layout of the development. Officers conclude that the development would not give rise to any new or different significant effects to those identified and assessed previously within the ES prepared under application 18/02065/OUTFUL.

Affordable Housing and mix of dwellings

- 10.6. The Section 106 agreement that was completed in respect of the hybrid planning application 18/02065/OUTFUL, includes a requirement that no less than 35% of all dwellings provided on the site will be delivered as affordable homes. Of the affordable units, 80% of the affordable homes shall be provided as socially rented dwellings. This requirement relates to each phase of the development, unless a previous phase included a higher provision of affordable housing than the 35% requirement.
- 10.7. The affordable housing scheme submitted as part of this reserved matters application states that 111 of the 317 dwellings would be affordable units (35%) of which 89 of the dwellings would be socially rented (80%) with the further 22 of the dwellings (20%) being proposed as shared ownership units. The affordable housing provision would therefore align with the terms of the Section 106 agreement completed in respect of planning application 18/02065/OUTFUL.
- 10.8. It should be noted that the affordable housing percentage and mix agreed as part of hybrid planning application was the subject of substantial viability testing on behalf of the applicant's and the Council's independent viability consultants at that time. Policies CS24 of the Core Strategy and HP9 of the Sites and Housing Plan, which were applicable at the time of determining the planning application, required on all qualifying sites that 50% of all housing is affordable, of which 80% of the dwellings must be socially rented with the remaining 20% provided as intermediate units. Policy H2 of the now adopted Oxford Local Plan 2016-2036 replicates these provisions. Policy HP9 of the Sites and Housing Plan, included a provision to deviate from the required affordable housing mix provided specific circumstances justified a departure, and this was robustly demonstrated through a viability assessment applying a cascade approach. This is similarly included within Policy H2 and at Appendix 3.3 of the Oxford Local Plan 2016-2036.

10.9. The reasons for the departure from the standard affordable housing percentage mix sought under the Sites and Housing Plan and Core Strategy which were adopted at the time that the outline application was determined are explained in depth in the officer's report to the West Area Planning Committee included at Appendix 2 of this report. The report highlighted that the infrastructure costs and bespoke nature of the development as a whole significantly impacted on the viability of the development and justified departure from the target housing mix required under policy. It must also be noted that the proposals included a review mechanism, which requires the provision of either additional on-site affordable housing, or a financial contribution towards off-site provision should the development prove to be more viable than expected, secured via the Section 106 Agreement completed in respect of the hybrid planning permission 18/02065/OUTFUL.

10.10. Taking into account the viability work previously undertaken, the submitted affordable housing percentage proposed within this reserved matters application accords with the affordable housing provision consented under the hybrid permission.

10.11. The Section 106 agreement includes a target housing mix for the affordable element of the proposals, this replicates the target housing mix requirements specified under Policy H4 of the Oxford Local Plan. The proposed mix of units is outlined in the table below alongside the target affordable housing requirement specified under Policy H4.

	Number of Units	Percentage of affordable units	Policy H4 and S106 target mix
1 Bedroom	31	28%	20-30%
2 Bedroom	36	32%	30-40%
3 Bedroom	35	32%	20-40%
4 Bedroom	9	8%	8-15%

10.12. The above table demonstrates that the proposed affordable housing mix would comply with the target housing mix specified under the S106 agreement accompanying the hybrid permission as well as Policy H4 of the Oxford Local Plan.

10.13. It is also a requirement of the Section 106 agreement which was completed in respect of planning permission 18/02065/OUTFUL that an Affordable Housing Scheme for the phased delivery of the affordable housing is submitted and approved in writing prior to implementing any dwellings on this phase of the development.

10.14. The Section 106 agreement includes a requirement that the applicant's affordable housing scheme demonstrates compliance with the following phasing requirements:

- No market dwellings within each sub phase shall be occupied until at least 5% of the affordable dwellings in that sub phase are provided.
- No more than 50% of the market dwellings shall be occupied until 75% of the affordable dwellings within the same sub-phase are provided.
- No more than 75% of the market dwellings in the sub-phase shall be occupied until all of the affordable dwellings in that phase are provided.

10.15. It is a requirement of the Section 106 agreement that affordable housing will be designed to be tenure blind and provided in small clusters, as far as possible throughout the development site. The tenure plan included within the applicant's design and access statement for this application includes the clustering of affordable housing along the western boundary of the site and the north and eastern sections and is therefore not concentrated in a single area of the site. There is also a balance in terms of houses and flats, whilst the units would not be solely concentrated in areas of the site adjoining the road, given that a number of the houses are located along either secondary mews streets, or face the primary spine road through the site. It is considered that there is no imbalance in the design quality of the affordable homes, compared with the market sale units and the proposals would in this sense be tenure blind.

10.16. It is considered that the overall delivery of affordable housing, as outlined within this planning application, aligns with the requirements of the hybrid planning permission and accompanying legal agreement.

Self-Build

10.17. Policy H7 of the Oxford Local Plan includes a requirement that on residential sites of 50 units or more, 5% of the site should be made available as self-build plots. Planning approval 18/02065/OUTFUL does not include the provision of self-build units as the scheme was developed prior to the adoption of the current Oxford Local Plan and the former development framework did not include a requirement to provide self-build units. As the development benefits from outline planning permission which is the subject of a legal agreement relating specifically to housing delivery it would not be reasonable to require the provision of self-build housing under subsequent reserved matters applications.

Adjacent Land Uses

10.18. The hybrid planning permission 18/02065/OUTFUL excluded an area of land allocated within the Northern Gateway Area Action Plan which was also the subject of the EIA prepared for the Oxford North development, the scope of which included the provision of 500 dwellings (20 above the number currently benefitting from planning permission). This is the area of land to the south east of the application site located to the south of the Jury's Inn hotel and north east of Goose Green Close. The land falls under the ownership of Oxford City Council and given the sites inclusion within the Northern Gateway Area Action Plan and release from the green belt it is anticipated that this site may come forward for

residential development in the future. This area of land was also included within the parameters of the Northern Gateway Area Action Plan.

10.19. It is a requirement of the Section 106 agreement completed in respect of planning permission 18/02065/OUTFUL that development on the Canalside parcel of the site allows for access into this adjoining site. The related planning application for the spine road, accounts for this requirement in accessibility terms, whilst the site layout proposed within this application would not compromise the effective residential development of the adjoining site, by reason of the layout of the proposed dwellings and the position of secondary access roads.

Design, Scale and Heritage Impact

Design

10.20. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Paragraph 129 of the NPPF requires that all developments are considered in line with the National Design Guide and Model Code.

10.21. Condition 24 of the hybrid planning permission requires substantial accordance with the building heights parameter plan (02 Rev 4); the Design and Access Masterplan and Public Realm Strategy Masterplan. The heights parameter plan sets a maximum height limit of +83m AOD (Above Ordinance Datum). This maximum height relates to the area of the site adjoining the A40. The AOD is set at +79m for development within the middle section of the site and +75m for the area of the site adjacent to the Jury's Inn and +74m for the land adjacent to the Canalside Park. The heights of the proposed buildings would fall within the height limits outlined within the heights parameter plan. The upper sections of the pitched roof gables facing the A40 extend up to +83 metres in terms of the AOD. The maximum height of the flats would be 18.6 metres from ground level along the south elevation of Blocks 4-5 and 17.9 metres in the case of Blocks 2 and 3, as measured along the north elevation of the flats.

10.22. The Design and Access Masterplan accompanying the hybrid consent outlined an overarching vision for the development of the Canalside site and key design principles guiding future development on this parcel on the site.

10.23. In respect of the flats facing the A40, the masterplan for the original hybrid permission outlined that this area of the site would contain larger buildings (generally 4 storeys) and within the maximum height limit of +83m AOD. The proposed larger flats would provide an urban frontage to the A40 assisting in the transition towards the road becoming an urban avenue and would also assist in buffering the dwellings to the rear against traffic related noise. The proposed apartments sited along the A40 would be principally four storeys. A section of Block 2 would be five storeys along the A40 frontage, though all of the blocks of flats to the north of the site would comply with the maximum heights outlined

within the parameter plan. The flats would have a presence along the new section of the A40 and would provide a new frontage to the road. Whilst the scale of the flats would be substantial, the building heights and general scale and massing would relate to the large scale and relatively tall employment buildings located on the opposite side of the A40. The front facing gables and varying ridge heights would assist in breaking up the visual mass of the front elevation of the buildings. Tree planting is proposed to the front of the flats as a means of softening the public realm along the A40, which aligns with the landscape strategy approved under the hybrid permission.

10.24. The houses to the rear of the flats would consist principally of three storey townhouses facing the primary spine road, with smaller two storey dwellings facing the secondary mews streets in the central and eastern sections of the site. There would be a variance in house types and roof forms. A palette of varying colours of brick is also proposed. Frontages would be provided along the primary street to the central pedestrian and cycle access and to the neighbourhood square (the centrally located area of public open space). A row of two terraced houses would back onto the Canalside Park with a hedgerow proposed along the southern boundary with the park. Surveillance over the park would be provided via the first and second floor south facing windows, first floor balconies and second floor terraces.

10.25. The request from Thames Valley Police that the applicants obtain Secure by Design (SBD) accreditation is noted as is the request that a lighting plan is provided by condition. These suggested conditions are replicated under the hybrid planning permission (conditions 37 and 38) and are applicable to subsequent reserved matters phases of the development and do not need to be replicated under this specific reserved matters application.

10.26. The lesser scale of the dwellings to the rear of the site takes into account the landscape sensitivities of views from Joe Whites Lane. These have been designed to relate more appropriately to the more modest scale of development within the surrounding parts of Wolvercote, consisting primarily of 20th Century suburban forms of housing and more traditional housing, particularly in the Conservation Area. The use of materials and dwelling design has been developed following contextual analysis of existing housing typologies in Wolvercote and North Oxford. Whilst the architectural design approach is contemporary, it is considered that this the appropriate given the need to create a new and unique sense of place within the Oxford North development whilst respecting local design characteristics.

10.27. A Landscape and Visual Impact Assessment (LVIA) was prepared in support of the hybrid planning application, this studied views of the site from important viewpoints such as Port Meadow and Wolvercote as well as applying a zone of theoretical visibility to the surroundings of the site. The LVIA tested the areas of the development site where permission was sought in outline; this included modelling of the likely heights and massing, according to the development masterplan and accounting for the maximum heights outlined in the heights parameter plan. The officer's report concluded that the development as a whole on the Oxford North site would alter the perception of arrival in Oxford from the north and west with an immediate sense of the urban rather than the current

more gentle suburban transition, whilst the transition coming in to the city along the A40 would arguably be more acute with the distinctly rural character presently continuing east of the embanked A34 to the Wolvercote roundabout at Jurys Inn.

- 10.28. The building heights, as proposed within this reserved matters application would comply with the building heights parameter plan. However the development tested within the LVIA prepared at outline stage was indicative and the proposals contained within this reserved matters application differ in terms of the siting, scale and massing of the development compared with the masterplan approved under the hybrid permission. Officers therefore requested that the proposed layout of the development was tested in the views prepared under the previously prepared LVIA in order to test the proposed siting and massing of the final design approach, given that the previous model accounted only for indicative siting and massing. Officers conclude from the review of the LVIA that the development would not have any greater impact in landscape and visual terms compared with the scope of development previously tested under the hybrid application accounting for the height, scale, siting and massing of the proposed built form.
- 10.29. The application site was removed from the Oxford Green Belt prior to the adoption of the Northern Gateway Area Action Plan and no part of the proposed development lies within land falling within the Green Belt. Although no development is proposed within the Green Belt there is a requirement to consider whether the proposals would preserve the openness of the Green Belt in accordance with Paragraph 137 of the NPPF and Policy G3 of the Oxford Local Plan, which is relevant given that the site is adjacent to land remaining within the Green Belt.
- 10.30. The impact of the proposals submitted under this reserved matters application on the openness of the Green Belt must however be considered in the context of the hybrid planning application, which outlines parameters for building heights, the likely quantum of development on the Canalside Site, as well as the site masterplan. Officers in their analysis of the landscape and visual impact of the hybrid proposals concluded that there would be an impact in visual terms, given the scale and height of development proposed on the site, in turn this would impact on the openness of the green belt in spatial and visual terms given the urbanising impact of what is a substantial edge of city urban development.
- 10.31. Likewise the development proposed within this application would impact on the openness of the green belt in spatial and visual terms, given the scale and siting of the built form and the site's visual presence experienced from the surrounding land to the west which remains within the Green Belt. Nevertheless it is considered that the development would have no greater impact on the openness of the Green Belt than that considered under the hybrid approval given that the proposals align with the scope of the hybrid permission in terms of the height of the development, siting of the built form and overall vision for this part of the site. It is considered that the proposals would generally accord with Policy G3 of the Oxford Local Plan or Paragraph 137 of the NPPF.

Heritage Impact

- 10.32. A section of the south east corner of the application site lies within the Wolvercote with Godstow Conservation Area, whilst the whole of the development on the site would be considered to fall within the setting of the Conservation Area given its spatial proximity and relationship to the Conservation Area.
- 10.33. In line with Paragraph 199 of the NPPF consideration must be given to the impact of a proposed development on the significance of this designated heritage asset and great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.34. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.35. The application site falls within the wider setting of the Grade II listed Manor Farm (26 Godstow Road a large former farmhouse originally dating to the 17th Century but which has been the subject of a number of later additions; as well as the Grade II listed Church Farmhouse, which was historically linked to surrounding agricultural land which includes the land which forms the site. Both buildings are located to the south of the Jury's Inn Hotel and are surrounded by housing constructed in the late 20th Century which has greatly altered the original setting of the listed buildings. There are also two late 18th Century Grade II listed tilting canal bridges which are located to the south west and west of the site, these bridges provide a connection from Joe Whites Lane onto the Canal towpath.
- 10.36. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering applications for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.37. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. When considering development proposals affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).
- 10.38. The wider impact of the redevelopment of the land at Oxford North in respect of the Wolvercote with Godstow Conservation Area and the aforementioned

listed buildings was considered in depth by officers at the time application 18/02065/OUTFUL was determined. This was informed by an Environmental Statement accompanying the hybrid planning application which included an assessment of the impact on the Conservation Area, the Grade II listed Manor Farm, Church Farmhouse; Grade II listed canal bridges, St Peter's Church and Port Meadow, which is a scheduled ancient monument.

- 10.39. Officers' assessment of the hybrid application considered the relative harm to the setting and significance of the Conservation Area, which was deemed to be a moderate level of less than substantial harm, this was as a result of an overtly urban development replacing surviving, historically agricultural land which currently provides a green gap and permits uninterrupted views from these assets to the rural hillside backdrop beyond the city to the north west and north-east. The introduction of buildings to the south-west of the A40 resulting in built development encroaching closer to the settlement of Wolvercote than at present which would harm the surviving character and appearance of a rural settlement
- 10.40. In terms of the setting of the Grade II listed Manor Farm and Church Farmhouses it was considered that whilst the setting of the farmhouses had been eroded by residential development and non-residential development including the Jury's Inn hotel, there would be further harm arising from the loss of agricultural land on the Oxford North site which forms part of the wider setting which contributes to the significance of these buildings, furthermore the approved development would also be of a significant scale. This harm to the setting of the Grade II listed buildings was identified as less than substantial and at the low end of this classification.
- 10.41. The identified harm to these designated heritage assets was balanced against the significant package of public benefits delivered by the proposed development, including the provision of 480 homes and significant economic benefits deriving from the provision of 87,300sqm of employment space. A conclusion was reached that the benefits arising from the development would outweigh the respective moderate and low level of less than substantial harm to the Wolvercote with Godstow Conservation Area and the Grade II listed Manor Farm.
- 10.42. Since the outline application was determined further development has taken place to the south of the A40, namely cut and fill earthworks consented under reserved matters application 21/01053/RES. This has notably transformed the character of the application site from its previous condition as open agricultural land.
- 10.43. The scope of development on the site, including the overall quantum of units, the siting of the proposed built form and overall scale and massing would not fundamentally depart from the scope of development consented under the hybrid planning application. Officers consider that the level of harm to the setting and significance of the Conservation Area resulting from the scale and siting of the development, as proposed within this reserved matters application would be no greater than the moderate level of less than substantial harm assessed at the time that the hybrid application was approved. The overall design quality of the

scheme and approach would mitigate the level of harm that would occur as a result of the development proposed under this reserved matters application.

10.44. In the context of Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. In the context of the development proposed specifically within this reserved matters application, there are substantial public benefits. The proposals would provide 317 homes, which represents a significant portion of the 480 homes approved under the hybrid permission, this includes the provision of 111 affordable homes. The proposals, as secondary benefits would also deliver additional public open space in the former of the neighbourhood square, which would provide an area of public realm for future and existing residents. The proposals must also be considered in the context of the wider public benefits which would be delivered as part of the hybrid application, including the provision of 87,300sqm of employment space, transport and connectivity improvements; and the provision of the further 163 dwellings that would be provided in the later phases of the development. The public benefits as a whole; and as proposed within this reserved matters application are considered to outweigh the less than substantial harm that would be caused to the setting and significance of the Conservation Area and the setting of the Grade II listed Manor and Church Farmhouses.

10.45. As such it is considered that the development accords with Policies DH1 and DH3 of the Oxford Local Plan and the NPPF. In coming to this conclusion great weight and due regard has been given to the requirements of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990

Trees, Landscaping and Public Realm

10.46. Policy G8 of the Oxford Local Plan requires that new developments incorporate green infrastructure within the development proposals where relevant. This includes public access, health and recreation uses and biodiversity linkages with existing green and blue infrastructure, biodiversity and SuDS features. Policy G7 of the Oxford Local Plan affords protection to existing green infrastructure features, including hedgerows, trees and woodland.

10.47. Policy GBS6 of the Wolvercote Neighbourhood Plan promotes provision of publically accessible green space within new development proposals, including proposals that enhance biodiversity.

10.48. The outline masterplan for the Oxford North site included an Access Parameter Plan, which was one of the approved drawings and is intended to guide the delivery of public open space over the subsequent phases of the development across the site. The parameter plan included an area of public open space located in the centre of the site, this was intended as a centrally located park, intended to function as a key area of amenity space for future residents and for potential events. The site plan includes the provision of the 'Neighbourhood Square' within the centre of the site, this aligns with the parameter plan. The landscaping plan for the neighbourhood square includes a mix of wildflower planting, new tree planting and lawn space for general amenity use, in addition to the provision of play and exercise equipment. Officers

consider that this would be an attractive new area of public open space, which would benefit both existing and future residents.

10.49. Policy GBS3 of the Wolvercote Neighbourhood Plan states that all new developments of more than 10 dwellings must include provision for children's play areas that are safe, and nearby (within 100 metres). The majority of the units within the site fall within 100 metres of the area of the site where children's play equipment is proposed in the centrally located neighbourhood square, though there are some dwellings which are more peripheral, all of the dwellings are within at least 200 metres of the play area, which is an accessible, close walking distance. The vast majority of the dwellings on the site would also be within 100 metres of either the Neighbourhood Square, or Canalside Park, the exception being some of the houses along the eastern edge of the site and the block of flats in the north east corner of the site. Whilst some of the units would be more than 100 metres, from the play area and parks, which would be above the distances recommended in Policy GSB3 of the Wolvercote Neighbourhood Plan, these recreation spaces remain very accessible to future occupiers and the location of the public open space and play equipment aligns with the outline Access Parameter Plan.

10.50. The removal of trees already consented under the hybrid planning application and the subsequent reserved matters application for earthworks have already taken place on the site. As the site was former agricultural land there were previously a relatively low number of trees on the site. The proposals submitted under this reserved matters application do not involve the removal of any additional trees or green infrastructure features. A total of 205 new trees are proposed as part of the development, which would equate to a substantial increase in tree canopy cover compared to both the existing planting and the previous baseline level of tree cover. Sedum and green roofs are also proposed throughout the site on areas of flat roof. The final details of the landscaping will be secured by planning condition prior to the first occupation of the development.

10.51. Overall the proposals make appropriate provision for landscaping, significant tree planting and the delivery of new public open space. The proposals are therefore considered to comply with Policies G7 and G8 of the Oxford Local Plan and Policy GBS6 of the Wolvercote Neighbourhood Plan.

Amenity

Existing Residential and Adjoining Land Uses

10.52. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan also requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses.

10.53. The nearest residential dwellings to the site are located at Goose Green Close and Godstow Road to the south east of the site. Notably the Jury's Inn hotel is located between much of the development proposed on the site and the nearest neighbouring properties. A single dwelling is proposed in the south east corner of

the site, this property would be the nearest of the proposed units to the adjoining properties in Goose Green and Godstow Road. There would be a separation distance of 38 metres between the rear elevation of this property and the rear elevation of No.30 Godstow Road and 32 metres between the rear elevation of this dwelling and the garden area of this adjoining property. A first floor terrace is proposed to the rear of this property, this would be at a distance of 30 metres from this property. It is noted that there is dense screening in the form of trees between the proposed dwelling and No.30 Godstow Road. The terrace of dwellings located to the north west of this single unit would be located at a distance of 70 metres from the rear elevation of No.30 Godstow Road and 62 metres from the garden of this property. In relation to the properties in Goose Green, the nearest of these would be sited 47 metres from the side elevation of the nearest dwelling within the development site, this being the distance to the rear elevation of No.6 Goose Green. There is a distance of 38 metres between the nearest proposed dwelling and the garden of this property.

10.54. Officers consider that the separation distances would ensure that the nearest residential dwellings would not lose privacy by virtue of overlooking and would also ensure that there would not be a loss of light to habitable rooms or the gardens of the adjoining properties, whilst the scale of the development is considered to not be overbearing in relation to these properties. Accounting for the separation distances between the proposed and existing properties it is considered that the siting of the development would not have an unacceptable impact on the amenity of any adjoining residential dwellings and accords with Policy H14 of the Oxford Local Plan.

10.55. The Jury's Inn Hotel adjoins the site boundary to the south east. The hotel includes a range of extensions, including two and three storey elements which adjoin the site boundary and include several rooms which overlook the eastern edge of site. The siting of the easternmost terraced houses and the easternmost apartment block facing the A40 (Block 8) would impact on the outlook and light to the west facing windows in the hotel, however hotel rooms are not subject to the same level of amenity standards as residential dwellings owing to the fact that residents occupy rooms for a temporary period and for a limited amount of time. Whilst there would be an impact on the rooms in terms of light and outlook, it is considered that the development would not fundamentally impact on the function of the rooms and operation of the hotel and therefore it is considered that there would be no conflict with Policy RE7 of the Oxford Local Plan.

Future Occupiers

10.56. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1. Each of the proposed units has been assessed as compliant with Nationally Described Housing standards and the development and internal spaces are considered to be of an appropriate standard, which would comply with Policy H15 of the Oxford Local Plan.

- 10.57. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.
- 10.58. Each of the proposed houses would be served by private gardens. Amendments have been made to the proposed plans to increase the size of the gardens serving several of the dwellings following concerns expressed by officers. The amendments included the exclusion of one of the three bedroom houses located in the south east corner of the site (Plot 74) as the level of amenity space provided to serve this dwelling was deemed to be inadequate, when taking into account the size of the garden and extent to which this north facing space would be overshadowed. In turn, removal of this unit also allowed adequate garden size for the adjoining plot. In the case of three of the four bedroom end of terrace dwellings, amenity space would include the provision of first floor terraces, as the garden spaces are relatively small compared with the size of the dwellings. Of the 93 houses proposed, 77 of the dwellings have amenity spaces that would be equivalent to the footprint of the houses. There are 16 properties where the footprint of the garden spaces would be smaller than the footprint of the houses, however in the case of each of these homes, officers consider that the outdoor spaces associated with the houses would be adequate and allow space for outdoor dining and circulation. In addition, all of the dwellings on the site would also be located in close proximity to both the central neighbourhood park and the Canalside Park. It is therefore considered that future occupiers of the houses would benefit from adequate external amenity space, both in the form of access to private gardens, or upper level terraces and close access to large, new areas of public open space.
- 10.59. Each of the proposed flats would be served by private balconies, which are of adequate dimensions. The flats would also have access to new areas of public open space at the Canalside Park and Neighbourhood Square, whilst a further area of publically accessible space would be provided at ground floor level between Blocks 1 to 3. A private communal roof terrace is also proposed at third floor level to serve the occupiers of Block 1. The balconies serving the flats facing the A40 would be orientated away from the road, this is with the exception of secondary balconies in the case of some of the flats; however no flats would be dependent solely on balconies facing the A40, as a single area of amenity space. This ensures that the balconies would be orientated away from the road, which helps to preserve the amenity of future occupiers by ensuring that the amenity spaces are orientated away from the primary source of noise and air pollution. In the case of Block 2, there would be balconies facing the A34 to the west of the site, although it is noted that there would be a distance of 98 metres between the A34 and the west facing balconies.
- 10.60. A Daylight and Sunlight Assessment has been submitted, this includes an assessment of the amount of natural light which properties in the new development would benefit from, this is important for the general amenity of future occupiers. Notwithstanding this Paragraph 123 of the NPPF states that

when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site.

10.61. The Daylight and Sunlight Assessment confirms that 88% of the rooms within the new development would achieve BRE compliance in relation to the Average Daylight Factor (ADF) and that 76% of the rooms would achieve BRE compliance in terms of Annual Probable Sunlight Hours (APSH), two key measures of measuring whether future homes would benefit from acceptable levels of natural light. The Daylight and Sunlight Assessment also includes an assessment of the natural light to the proposed garden spaces. This indicates that the vast majority of the garden spaces would benefit from 2 hours of direct sunlight for at least 50% of the private gardens, which complies with BRE criteria. There are 6 houses located in the eastern part of the site that do not meet these requirements, though it is noted that all of these gardens are north facing. Plot 74 in the south west corner, which was previously proposed and performed poorly in amenity terms given the small size of the garden and lack of natural light has been excluded from the set of amended plans. Though the aforementioned north facing gardens fall short of BRE standards in terms of natural light, the gardens are of a good size. The proposals deliver a relatively high density of development, which is expected given the requirement to make effective use of land, in accordance with Policy RE2 of the Oxford Local Plan and to deliver the overall quantum of residential dwellings approved under the hybrid permission. This means that a number of north facing gardens would be expected across the site, where it would be difficult to meet BRE standards and on balance, officers consider that the proposed dwellings on the site would benefit from acceptable standards of daylight.

10.62. It is considered that the site layout would allow for adequate privacy for future occupiers, accounting for the relative density of development. The outdoor amenity areas serving the east facing flats in Block 8 and the garden areas serving the properties along the eastern edge of the site would be overlooked to a degree by the adjoining Jury's Inn hotel as there are a range of windows in the hotel located along the west elevation of the building facing into the site. In order to limit overlooking of the nearest dwellings, a combination of hedging and pleached trees are proposed along this boundary, which in combination with the fencing would provide screening of the adjacent gardens. Measures to ensure that appropriate screening would be provided will need to be secured before first occupation of the development and secured by condition. The side elevations of the easternmost terrace of houses would not include any side facing windows which would otherwise be overlooked from the windows in the adjoining Jury's Inn hotel.

10.63. In summary officers consider that the development would provide adequate amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan.

Noise Impacts

10.64. Policy RE8 of the Oxford Local Plan requires that planning permission will only be granted for development proposals which manage noise to safeguard or

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

10.65. Condition 60 of the outline planning permission includes a requirement that construction work for each phase or sub-phase of development shall not begin until a scheme for protecting noise sensitive uses from existing and predicted noise is submitted. There is a requirement that all works which form part of the approved scheme are completed prior to occupation of the relevant part of the phase or sub-phase of the development.

10.66. A scheme for protecting noise sensitive uses has been submitted alongside this planning application with the aim of discharging these requirements. As the proposed uses on the Canalside site would be residential, it is considered important that measures outlining how these uses would be protected from sources of noise are provided prior to determination of the application. The site lies in a location where there are several sources of background noise, mostly emanating from several highly trafficked roads surrounding the site including the A40, A44 and raised section of the A34 to the west of the site. The northern areas of the site, particularly the apartments facing the A40 would be most affected by noise from the A40 and A34.

10.67. A façade specification is provided within the Noise Assessment, alongside a specification of glazing to be installed within the dwellings. The Assessment indicates that the implementation of the suggested measures would achieve acceptable living standards for future occupiers in terms of attenuation against background noise.

10.68. It is noted that noise levels in external amenity areas would be higher than BS8233 levels, though as the report outlines this is not uncommon within urban areas and is not unexpected on this site given the surrounding sources of background noise. The majority of external amenity areas are orientated away from the A40. Each of the flats in the blocks facing the A40 include balconies that are either south, east or west facing so that there are amenity spaces away from the A40. Some of the flats do include north facing balconies, though in all cases where this occurs, this is not the only external amenity space serving the flats.

10.69. It is noted that the noise report includes guidance on external boundary treatments for the housing, this includes the recommendation that 1.8 metre high fencing is included. This must be balanced against relevant design considerations and officers consider that it would be reasonable to require submission of further details relating to external boundary treatments through an appropriately worded planning condition.

10.70. In summary it is considered that appropriate measures are proposed to mitigate the impact of noise from the adjoining roads to safeguard the amenity of

future occupants. The proposals would therefore comply with Policy RE8 of the Oxford Local Plan.

Transport

Access and Cumulative Highways Impact

10.71. All vehicular access into the site would be provided via the A40 to the north through two new junctions, which have already been constructed as part of the A40 improvement works undertaken by Oxfordshire County Council. The primary road through the site would consist of a loop road running between both junctions, which would provide access to a series of secondary streets and direct access to a number of the houses facing the loop road. The general suitability of this access was considered under approved Planning Application 22/00081/RES. As delivery of the accesses consented under this related application are essential in terms of providing vehicle, pedestrian and cycle access to serve the residential development on the Canalside parcel, approval of the development would be conditional on the accesses to be delivered under application 22/00081/RES being delivered in full prior to first occupation of the dwellings approved under this permission and will be secured through a Grampian planning condition.

10.72. The outline planning application included detailed modelling of the transport impacts of the Oxford North development as a whole, this included overall forecast trip generation for the cumulative scope of the residential development proposed across the whole of the Oxford North site (up to 480 dwellings). Both the Highways Authority and Highways England advised that the cumulative residential impact of the development would not be severe in terms of the function of the surrounding road network.

10.73. Forecast trip generation specifically relating to the residential development proposed within this planning application has been provided within the applicant's Transport Statement, this is shown in the table below:

Table 4.1: Trip generation for Oxford North Canalside by mode

Mode	Morning peak period (0700 to 1000)		Evening peak period (1600 to 1900)		Daily (0700 to 1900)	
	Arrive	Depart	Arrive	Depart	Arrive	Depart
Total person	149	469	462	304	1156	1269
Baseline vehicle trips	69	218	215	142	538	590
Target vehicle trips	50	15	155	102	387	425

10.74. The Transport Assessment accompanying this reserved matters application does not include further modelling of the impact of the development on the surrounding road network, as it is stated that the forecast trip generation aligns with the assumptions agreed under the outline planning consent. The overall scope of development aligns with the quantum of development benefitting from outline planning approval, whilst car parking would be provided at a relatively low

level (0.63 spaces per unit). It is noted that the Transport Assessment prepared for the outline application assumed higher parking provision for the residential dwellings equating to 0.75 units per dwelling in line with the AAP standards and therefore a high level of traffic generation. Officers concluded that the development approved under the hybrid application would not have a severe residual impact on the road network in terms of overall traffic generation. As the proposals fall within the scope of development permitted under the outline consent, officers have reached the same conclusion in respect of the development proposed under this application and there would be no conflict with Paragraph 111 of the NPPF.

10.75. The accompanying Transport Statement includes swept path analysis, which demonstrates that the secondary internal access roads would provide suitable access for refuse vehicles to manoeuvre and turn. Whilst the transport statement indicates that refuse vehicles would be able to get within an acceptable distance of bin stores and collection areas, the Highways Authority have recommended a condition requiring that collection points are provided close to the loop road for no-through access streets given the difficulties identified in reversing into the easternmost secondary streets. Swept path analysis is also provided for fire tender access within the site.

10.76. The access parameter plan approved under the hybrid planning permission included key cycle/pedestrian connections which would provide key routes through the canalside site linking the A40 and central parcel of the site with Joe Whites Lane to the south west. This is important in maintaining permeability through the wider Oxford North site and providing key cycle and pedestrian connections between the site, Wolvercote and the Canal Path. Pedestrian and cycle connections have been approved under the linked planning application (22/00081/RES) for the loop road and canalside park. The proposals submitted under this reserved matters application include the provision of a central pedestrian and cycle access through the site, adjacent to the proposed central area of public open space. This would continue past the southern row of terraced houses linking to the adjacent canalside park to align with the centralised pedestrian and cycle connections. The levels difference on the site would require steps, however in order to ensure that cyclists can use this access, wheeling ramps will be required alongside the steps. Level access would be provided for cyclists through Canalside Park, however as this provides a more direct route from the north, it is necessary that cyclists are also able to use the central access route. Details of access for cyclists will be secured by condition.

10.77. Overall the access proposals would align with the approved access parameter plan and indicative masterplan and accords with the aims of Paragraph 112 of the NPPF and Policy M1 of the Oxford Local Plan, which prioritise accessibility for cyclists and pedestrians.

Car and Cycle Parking

10.78. Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local

supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.79. Wolvercote does not currently fall within a Controlled Parking Zone. The site would fall within 800 metres of a supermarket, as defined in the Council's Car Parking Technical Advice Note (M&S Food at BP Garage, Wolvercote Roundabout). There is also a likelihood that small retail units may be provided in the future on the central parcel of the Oxford North development site. Formerly the nearest bus stops benefitting from frequent services were located more than 400 metres from the centre of the development site, the nearest being at Woodstock Road (approx. 540 metres) and Godstow Road (approx. 570 metres). However bus stops have recently been provided on the northern and southern sides of the A40 which provide frequent services linking the site with the City Centre, as well as Witney and Carterton via the A40 and lies within 400 metres of the centre of the site. Though the site is peripheral it is considered that it would be reasonably sustainable in terms of access by public transport and access to local services and facilities.

10.80. The Northern Gateway Area Action Plan required compliance with the parking standards contained within the now superseded Sites and Housing Plan. The Section 106 agreement completed in respect of the hybrid planning permission sets limits on parking for future commercial uses (20% below the maximum rate specified within the Northern Gateway AAP). For residential uses, compliance with Policy M3 of the adopted Local Plan would be expected.

10.81. 202 parking spaces are proposed, in addition to 2 car club parking spaces. A further 7 visitor parking spaces are proposed in planning application 22/00081/RES adjoining the spine road. This includes a combination of allocated on plot parking, including garages; on-street parking; and in the case of the apartments, undercroft parking. Overall parking provision would be equivalent to 0.63 spaces per dwelling. This would be lower provision than the maximum standards specified in the Northern Gateway Area Action Plan and lower than the maximum standards outlined under Policy M3 of the Oxford Local Plan (1 space per dwelling). The parking standards proposed would be compliant with Policy M3 of the Oxford Local Plan and are considered appropriate when accounting for the overall sustainability of the site in terms of access to public transport, local services and facilities.

10.82. Policy M4 of the Oxford Local Plan requires that all allocated parking spaces and 25% of unallocated parking spaces are provided with electric vehicle charging infrastructure. Details outlining the location and specification of the charging infrastructure can be secured by a planning condition.

10.83. Policy M5 of the Oxford Local Plan requires that all development complies, or exceeds the minimum bicycle parking standards outlined in Appendix 7.3 of the Oxford Local Plan. The submitted Design and Access Statement confirms the number of cycle parking spaces for the apartment's element of the development is slightly higher than the minimum policy requirement and the number for

houses meets the minimum requirement but would allow for additional spaces if future residents required them. Cycle parking for the housing would be provided within garages or within private enclosures to the rear of the houses, whilst cycle parking for the flats would be provided within the communal stores serving the flats. Overall cycle parking provision as shown within the reserved matters application would comply with Policy M5 of the Oxford Local Plan.

Energy and Sustainability

10.84. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations or future equivalent legislation. It should be noted that the application was received before May 2022 and the subsequent change in building regulations, therefore the 2013 regulations are applicable in this instance. In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement.

10.85. The submitted Energy Statement outlines that the energy strategy will incorporate air source heat pump for both the houses and apartments. For the apartments this will consist of communal roof mounted heat pumps with heat interface units provided in the individual apartments. For the houses standalone air-source heat pumps are proposed. Photovoltaic panels are proposed throughout the development on both the flat and pitched roofs.

10.86. Other measures to be incorporated into the design of the buildings to improve energy efficiency include:

- High insulation standards.
- Windows to be designed to high thermal performance specification.
- Air tightness and minimised thermal bridging.
- Mechanical ventilation with heat recovery.

10.87. The Energy Statement confirms that the proposed development would achieve a 56.6% reduction in carbon emissions from a 2013 Building Regulations compliant base, thereby exceeding the 40% requirement identified under Policy RE1 of the Oxford Local Plan.

Ecology

10.88. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Policy G2 of the Oxford Local Plan states that Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity

calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off-site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site when assessing whether a site is suitable for compensation. Policy GBS5 of the Wolvercote Neighbourhood Plan outlines that where ecological value is lost on a site this can be mitigated and compensated for on a like-for-like basis elsewhere within the WNPA by providing a replacement habitat of an equivalent or higher ecological value, that is appropriate for the habitat and species within it, and which provides net gains in biodiversity, which must be protected.

- 10.89. Condition 52 of the hybrid planning permission requires that details of ecological enhancements must be submitted with each reserved matters application (excluding enabling works, roads or infrastructure) for that phase or sub-phase to ensure that the minimum overall net gain in biodiversity of 5% will be achieved across the whole site or in conjunction with specific off-site enhancements approved by the local planning authority. The Canalside Park was highlighted within the outline access parameter plan as an area where significant ecological enhancements must be delivered. The enhancements that would be delivered from these works are outlined under the biodiversity enhancement plan submitted alongside planning application 22/00081/RES.
- 10.90. A biodiversity enhancement plan has also been prepared in support of this planning application. The plan outlines that the residential development would deliver a total of 3.01 biodiversity units and 2.51 hedgerow units, consisting of 1.94 units of native hedgerow and 0.57 units of ornamental hedgerow. The habitat units include a mix of ornamental planting, within private gardens and the public realm; managed wildflower grassland and amenity grassland within the park area of public open space and a combination of green and brown roofs.
- 10.91. Compared with the illustrative masterplan for the site consented under the hybrid planning application, there would be a net gain shortfall of 2.048 biodiversity units and 2.6 linear habitat units compared with the predicted delivery.
- 10.92. The Section 106 agreement which was completed in respect of the hybrid planning permission includes a requirement to deliver 5% biodiversity net gain across the wider site during the project duration. If this cannot be met wholly on-site, in addition to previously agreed off-site works at Cutteslowe Park, then a strategy for delivery of further off-site works will be required. An agreement in respect of this must be reached between the applicants and the Council prior to the occupation of more than 443 dwellings or 85,000sqm of employment GIA.
- 10.93. The shortfall in delivery of biodiversity units will need to be made up during later phases of the development and outlined under future reserved matters applications. This includes the provision of further habitat units on land adjacent to the attenuation basin between the Canalside Park and the A34 flyover. If the shortfall in units required to meet the 5% target for biodiversity net gain cannot be met wholly within the Oxford North development area, the Section 106 agreement allows in principle for biodiversity net gain to be delivered off-site, either on land under the ownership of the applicant/developer, or through a third

party off-setting provider, this is in line with both national policy and Policy G2 of the Oxford Local Plan.

- 10.94. Noting the comments of the Wolvercote Neighbourhood Forum, Policy GBS5 of the Wolvercote Neighbourhood Plan outlines a clear preference for compensation to be delivered within the WNPA and it remains the Councils preference for the 5% net gain target to be met wholly on site and therefore within the WNPA. It cannot be prejudged at this stage, what level of enhancement could be delivered in any subsequent reserved matters applications. In any event, as noted if the 5% net gain target cannot be achieved wholly on site, off-site enhancement including enhancement outside of the WNPA would not fundamentally run contrary to local and national policy and is therefore not unacceptable in planning terms.
- 10.95. Notwithstanding the predicted shortfall in biodiversity units compared with what was outlined under the hybrid application, the proposals would deliver identified biodiversity enhancements which would provide a contribution towards meeting the 5% biodiversity net gain target. It is considered therefore that the proposals accord with Condition 52 of the hybrid planning permission and the accompanying Section 106 agreement. The proposals also comply with Policy G2 of the Oxford Local Plan.
- 10.96. The proposals also include a series of ecological enhancements, including the provision of bat and bird boxes. The implementation of these enhancements could be secured by planning condition.

Flooding

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

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

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

10.99. The application is accompanied by a drainage strategy. This has been developed alongside the site wide drainage strategy approved under the hybrid planning permission and the surface water drainage scheme proposed under the related reserved matters application for the provision of the loop road and

Canalside Park (22/00081/RES). Both the site wide drainage strategy and the drainage strategy submitted under the reserved matters application (RMA) for the park and road, include the provision of a swale along the southern edge of the site adjoining Joe Whites Lane. Surface water from the Canalside site, including the roads and housing would discharge into the swale. Storage attenuation, in the form of a tank, is also proposed below the central area of public open space. The swale would drain to the east into the existing land drainage, which adjoins the southern boundary of the site. An area of the site comprising 1675sqm of land consisting of apartments along the north western boundary would drain into the attenuation pond to the north east of the site.

10.100. Permeable paving and asphalt surfaces are proposed for the secondary access roads and pedestrian and cycle access paths, this would reduce overall surface water runoff. Green roofs are proposed across the flats' roofs where proposed during the development.

10.101. The measures incorporated within the planning application align with the wider strategy for sustainable drainage of the site consented under the outline planning permission and the strategy approved under the related RMA for the park and access road. The proposals are therefore considered to make appropriate provision for the sustainable drainage and would adequately mitigate the risk of flooding. The proposals are considered to comply with Policies RE3 and RE4 of the Oxford Local Plan and Policy BES4 of the Wolvercote Neighbourhood Plan.

Air Quality

10.102. Policy RE6 of the Oxford Local Plan states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced. The planning application is accompanied by an Air Quality Assessment (AQA).

10.103. The modelling exercise used a conservative approach with regards to expected improvements to air quality in that no improvement in the pollutant background concentrations or road transport emission factors has been assumed between the base year (2019) and the future scenario (2031). This is in line with best practice to apply worst-case assumptions.

10.104. An ADMS-Roads dispersion model has been used to determine the impact of emissions from road traffic on sensitive receptors, to assess whether there were any changes with regards to the air quality assessment that had been conducted at the time of outline application 18/02065/OUTFUL. Predicted concentrations have been compared with the air quality objectives. The results of the assessment indicate that annual mean NO₂ concentrations continue to be below the objective in the 2031 HE Scenario and therefore no further mitigation is required. The development is therefore considered to comply with Policy RE6 of the Oxford Local Plan.

Contamination

- 10.105. Policy RE9 of the Oxford Local Plan requires 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 details the extent of investigations carried out to assess the nature and extent of any contamination and sets out detailed mitigation measures to deal with any potential risk.
- 10.106. Although significant contamination risks have not been identified on the wider Oxford North development site as a result of previous intrusive investigation works completed, there remains the requirement to confirm topsoil quality and depth in residential and landscaped areas of the site due to the sensitive nature of this end-use and the proposed re-use on site of soil materials.
- 10.107. The above requirements have been documented in the approved remediation strategy for the site submitted under planning permission (18/02065/OUTFUL). Subject to compliance with the previously approved Remediation Strategy and Validation Plan officers are satisfied that the development would not present a risk in terms of contamination in accordance with Policy RE9 of the Oxford Local 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 NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. This reserved matters application would provide a total of 317 dwellings, which represents a substantial proportion of the dwellings that would be provided within the Oxford North development as approved under the hybrid planning permission. The delivery of residential development on this parcel of the Oxford North site aligns with the land use parameter plan and overall site masterplan. The overall level of affordable homes aligns with the agreed percentage of

affordable housing, as outlined within the accompanying Section 106 agreement, whilst the overall mix of dwellings is compliant with the requirements of Policy H4 of the Oxford Local Plan.

- 11.5. The design approach aligns with the principles established in the overarching masterplan for this section of the Oxford North site, as approved under the hybrid planning permission. The proposed housing is considered to be well-designed and gives consideration to the character and context of the site in terms of the housing typologies, architectural appearance and use of materials and the proposals are considered to align with the Council's design Policy DH1, as well as the National Design Guide and Model Code. Building heights align with the maximum permitted heights outlined within the building heights parameter plan accompanying the hybrid planning permission and officers would conclude that whilst the development would have a clear impact on the surrounding landscape character and openness of the Green Belt, this impact would be no greater than expected and previously assessed under the hybrid application.
- 11.6. Officers conclude that the development would result in a moderate level of less than substantial harm to the setting of the Wolvercote with Godstow Conservation Area and the setting of the Grade II listed Manor Farmhouse and Church Farmhouse. When assessed under the balancing exercise required under Paragraph 202 of the NPPF, the identified moderate level of less than substantial harm to these designated heritage assets would be outweighed by the multiple benefits associated with the delivery of the housing development on the adjoining land. The public benefits of the development proposed within this application are considered substantial in particular the delivery of 317 homes, a significant proportion of which would be affordable would demonstrably outweigh the less than substantial harm to the Conservation Area and Grade II listed Manor Farm, giving great weight and due regard to the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.7. Given the development's detachment from Wolvercote, the proposals are considered to not have an adverse impact on the amenity of any surrounding residential occupiers. Whilst a number of buildings proposed on the site would be adjacent to the Jury's Inn hotel, it is considered that the development would not fundamentally impact on the function of this adjoining land use. The proposals are considered to provide acceptable standards of amenity for future occupiers accounting for the relative density of development, this is in terms of the quantity and quality of amenity space (taking into account the wider public open space proposed) and standards of privacy and natural light. The design and layout of the development accounts for the existing noise constraints from the adjoining A40 and A34 roads and appropriate mitigation is outlined within the accompanying noise assessment. The submitted AQA confirms that NO₂ levels fall below maximum guidance and therefore complies with Policy RE6 of the Oxford Local Plan

The proposals are therefore considered to provide acceptable standards of amenity for both existing and future occupiers in accordance with Policies H14, H15, H16, RE7 and RE8 of the Oxford Local Plan.

- 11.8. The proposed access arrangements, in conjunction with the related reserved matters application for the loop road comply with the access parameter plan approved under the hybrid planning application and provide appropriate access arrangements for road users, cyclists and pedestrians. Car parking provision is considered appropriate in line with the requirements of Policy M3 of the Oxford Local Plan, as well as the Section 106 agreement which was completed in respect of the hybrid planning permission. The plans include provision for cycle parking that would comply with the minimum standards required under Policy M5 of the Oxford Local Plan.
- 11.9. The proposals alongside the reserved matters permission on the adjoining site include appropriate tree planting, landscaping and strategy for the provision of biodiversity net gain and ecological enhancements, in line with the requirements of Policies G2 and G8 of the Oxford Local Plan and the appropriate provision of sustainable drainage in accordance with Policies RE3 and RE4 of the Oxford Local Plan. Subject to compliance with the previously approved Remediation Strategy and Validation Plan officers are satisfied that the development would not present a risk in terms of contamination in accordance with Policy RE9 of the Oxford Local Plan.
- 11.10. The proposals as a whole are considered to be compliant with the Oxford Local Plan, Wolvercote Neighbourhood Plan and the NPPF. For the reasons outlined within this report it is recommended that the Committee resolve to grant reserved matters approval for the development subject to the conditions listed in Section 12.

12. CONDITIONS

Time Limit

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

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

Approved Plans

2. Subject to condition 13, the development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

Materials

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

materials shall be used.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

Highways/Transport

4. Prior to the first occupation of the development details of the bin collection point(s) serving dwellings on the no through streets east of the loop road shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be provided prior to occupation of any dwellings which they serve and shall be retained thereafter.

Reason: In the interests of highway safety and in accordance with Policy M2

5. Prior to the first occupation of the development detailed drawings of the walk/cycle link between the southern houses and the Canalside Park providing for improved cycle provision shall be submitted to and agreed in writing by the Local Planning Authority. The agreed works shall be completed prior to the first occupation of the development.

Reason: In order to prioritise cycle movements in accordance with policies M1 and M2.

6. Prior to the first occupation of the development a revised Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport in accordance with policies M1 and M2.

7. No dwelling shall be occupied until the car parking, manoeuvring and turning areas which serve it, as detailed on plan Nos. OXN-PTE-ZZ-ZZ-DR-A-10015 and OXN-LDA-XX-00-DR-L-99101 have been provided unless otherwise agreed in writing by the Local Planning Authority. The approved car parking spaces shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and Policy M3 of the Oxford Local Plan 2016-2036.

8. No dwellings shall be occupied until the cycle parking spaces which serve them have been provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework and in accordance with Policy M5 of the Oxford Local Plan.

9. The development hereby permitted shall make available the designated car club spaces as set out in the approved plans by the occupation of the 220th dwelling provided under this planning permission. The car club spaces shall be laid out as set out in the approved plan prior to occupation of the development and shall retained as such thereafter.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with Policy M3 of the Oxford Local Plan.

10. Prior to the first occupation of the development, a drawing indicating forward visibility splays adjoining the south eastern corner of the loop road, as consented under planning application 22/00081/RES shall be submitted to and approved in writing by the Local Planning Authority. The area falling within the visibility splays shall thereafter be kept clear of obstruction to sight above a height of 0.6m above ground level unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate visibility is maintained on the adjoining section of road in the interests of highway safety in accordance with Policy M2 of the Oxford Local Plan.

Land Contamination

11. The development shall be carried out in accordance with the approved recommendations outlined within the 'Remediation Strategy and Validation Plan for Phase 1, Oxford North ref: 48201/3504/R002/Rev1 by Stantec UK Limited, dated May 2021.'

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.

Means of enclosure

12. A plan showing the means of enclosure for the new development including details of the treatment of all the boundaries of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The approved boundary treatments shall be completed prior to occupation of any adjacent dwellings. The boundary treatments shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the privacy of adjoining occupiers in accordance with Policy DH1 of the Oxford Local Plan.

Trees/Landscaping

13. Notwithstanding the submitted plans, 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 the 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 shall be provided of tree planting pits; their design, soil composition and means of tree stabilisation and watering systems. The landscape works shall be carried out in accordance with the approved details before first occupation of the development.

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

14. New trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation 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.

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

Energy Strategy Compliance

15. The development shall be carried out in accordance with the recommendations of the Energy and Sustainability Statement prepared by Max Fordham dated February 2022 accompanying this planning application.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

EV Charging

16. Prior to the first occupation of the development, details of the Electric Vehicle charging infrastructure to be installed on-site shall be submitted to and approved in writing by the Local Planning Authority. No dwellings or other buildings shall be occupied until EV infrastructure to serve them has been provided in accordance with the approved plan and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies

M4 and RE6 of the new Oxford Local Plan 2016- 2036.

Noise Assessment

17. The development shall be carried out in accordance with the noise mitigation recommendations outlined within the submitted document prepared by Cass Allen reference RP01-21262-R0, dated 31 January 2022 'Discharge of Condition 60' and the approved measures shall be retained thereafter.

Reason: To protect the amenity of future occupiers through the implementation of appropriate measures to manage existing noise risk on site in accordance with Policies RE7 and RE8 of the Oxford Local Plan.

Drainage Strategy

18. The development shall be carried out in accordance with the measures identified for the management of surface water drainage and maintenance of drainage features as outlined in the following documents and Plans:

- Oxford North Below Ground Drainage Strategy reference OXN-MHT-XX-XX-RP-C-0101 Issue P03 dated 04 March 2022 prepared by Meinhardt
- Foul and Surface Water Phasing Strategy reference 48201/CS/RMA/SK008 Rev A

The approved measures shall be implemented as approved prior to the first occupation of the development and shall be retained thereafter.

Reason: To prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

Removal of PD Rights

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

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

Requirement to provide infrastructure under related Reserved Matters Application

20. No dwelling shall be occupied until the vehicular, pedestrian and cycle accesses; access junctions; parking spaces; drainage measures serving it and

approved under planning application reference 22/00081/RES have been fully completed in accordance with the approved plans accompanying reserved matters planning permission 22/00081/RES.

Reason: The development approved under the related reserved matters planning application provides essential infrastructure required to provide access, drainage and public open space to support the residential use of the site in accordance with Policies M1, M3, RE3, RE4 and G8 of the Oxford Local Plan.

Ecology

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

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) Long term design objectives;
- e) Management responsibilities and maintenance schedules;
- f) Proposed intervention measures for achieving aims and objectives;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Where relevant, details of the body/organisation or qualifications necessary to implement certain conservation and landscape management measures;
- and
- l) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives 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 development shall be implemented in accordance with the approved details and the approved measures outlined shall be adhered to thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To deliver biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan 2036.

22. The ecological enhancements and biodiversity net gain provided by this phase of development shall be delivered in accordance with the details contained in 'Discharge of Condition 52 for Reserved Matters Application 22/00675/RES' produced by BSG Ecology dated July 2022 as submitted with the planning application and agreed in principle with the local planning authority prior to determination. The approved scheme shall be implemented in full prior to first

occupation of the dwellings and the enhancement measures shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the requirements of the NPPF, The Conservation of Habitats and Species Regulations 2017, The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – 22/00675/RES - Oxford North Canalside Site Plan

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Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 16 August 2022



Committee members present:

Councillor Diggins (for Councillor Aziz)	Councillor Fouweather
Councillor Hollingsworth	Councillor Malik
Councillor Pegg	Councillor Pressel (for Councillor Clarkson)
Councillor Rehman	Councillor Fry (for Councillor Upton)
Councillor Brown (for Councillor Chapman)	Councillor Mundy (for Councillor Hunt)
Councillor Roz Smith (for Councillor Altaf-Khan)	

Officers present for all or part of the meeting:

Sally Fleming, Planning Lawyer
Robert Fowler, Development Management Team Leader (West)
Hayley Jeffery, Development Management Team Leader (East)
Mike Kemp, Principal Planning Officer
Emma Lund, Committee and Member Services Officer
Sarah Orchard, Principal Planning Officer

Apologies:

Councillors Clarkson, Upton, Altaf-Khan, Aziz, Chapman and Hunt sent apologies.
Substitutes are shown above.

28. Election of Chair

In the absence of the Committee Chair and Vice-Chair, Councillor Fry was elected to chair the meeting.

29. Declarations of interest

General

Councillor Diggins stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda. Councillor Diggins said that she had not been party to any prior discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Pressel stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda, and was also a County Councillor. Councillor Pressel said that she had not been party to any prior

discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Roz Smith stated that she was a member and trustee of the Oxford Preservation Trust, which had commented on applications on the agenda, and was also a County Councillor. Councillor Smith said that she had not been party to any prior discussion of the applications and was approaching them with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

21/03582/FUL

Several committee members had been present at the meeting held on 19 July 2022 at which the application had initially been considered, and may have previously voted on it. Those Committee members were asked to declare if they were unable to approach the application with an open mind, listen to all the arguments and weigh up all the relevant facts before coming to a decision. None of those members made such a declaration and so it was not necessary to recuse themselves from that item on the agenda.

30. 21/03582/FUL: The Deaf and Hard of Hearing Centre, 10 Littlegate Street, Oxford OX1 1RL

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

The Planning Officer gave a presentation on the application. In addition to the information presented at the 19 July meeting this also included new information relating to consideration of paragraph 187 of the NPPF and policy V7 of the Oxford Local Plan 2036 in relation to noise breakout as had been requested by the Committee.

The following was highlighted:

- A noise breakout assessment had been submitted, which included proposed insulation and secondary glazing to ensure adequate noise insulation for the hotel bedrooms. This would not affect the fabric of the listed building.
- A further 33 objection comments had been received since the July Committee meeting. These broadly related to: concern that a live music venue would be lost; a reduction in the amount of parking; a lack of reference to live music in the application submission; lack of an operation and management plan for a live music venue, or a separate servicing plan; lack of benchmark analysis about how the live music venue had been run previously and whether this could continue in the same manner; concern that the capacity of the venue would be reduced from 150 to 100 people; concern that the opening hours of the hotel would not match those expected for a live music venue in the community hall; bar and licensing

arrangements; concern that a Section 106 agreement could be modified or discharged after 5 years; concern that the whole of the site would no longer be designated for a community use; comment that noise from the music venue disturbing local residents was not a material planning consideration, live music had not disturbed local residents in the past; comment that new developments should protect themselves from external noise sources and restrictions should not be put on the venue; concern that the building could not be adequately insulated; concern that the committee would have made its decision before noise breakout testing was carried out; and concern that Planning Officers could not impose restrictions on licensing.

- The Planning Officer reported that there had not previously been any community access agreement for the site, and the letting of the hall for community use had been at the choice of the Deaf and Hard of Hearing charity. Officers were seeking to improve public access to the facility by securing a community access agreement via a Section 106 agreement. Whilst it appeared that the objectors wanted more of the site, or the entire site, to be retained as a community facility officers felt that this would not be viable. The unviability of the hall had contributed to the reason for the site not currently being in use and having been put up for sale, as letting out the hall did not generate sufficient income to maintain it thus an enabling development was required. The proposed hotel use would ensure a viable income for the site which would mean that the hall could be brought back into use and let out at an affordable rate, comparable to Council-owned halls.
- The Planning Officer advised that the update report referred to the heads of terms for the S106 agreement. These could be found at paragraph 3.1 of the original committee report which was appended to the update report.

Councillor Smith arrived during the course of this item and so did not take part in the debate or vote on this application.

Gregory Owen and Glenda Huish spoke against the application.

Philip Atkins, acting on behalf of Z Hotels and Craig Crowley, CEO of Action Deafness, spoke in favour of the application.

The Committee's discussions included, but were not limited to, the following:

- There was a process whereby the owner of the land could, after five years, apply to modify or discharge a Section 106 agreement. The decision would be taken by the Council, who could decline the request if it was felt that there was a need for the Section 106 to continue. If this decision were then appealed, the Secretary of State could decide to hold a hearing or a public inquiry at which members of the public would be able to make representations. However, it was important to note that if there were good reason for the Section 106 agreement not to be discharged then the Council would not agree to it, and the Secretary of State would be likely to take the same stance.
- The proposal involved a reduction in car parking to two disabled parking spaces. The removal of the current informal car park would allow for landscaping in front of the listed building so as to improve its setting and would allow the creation of 10

cycle spaces. The reduction in the amount of parking was in line with Local Plan policies; additionally, the Highways Authority considered that the level of provision for deliveries and servicing could be met on street for the needs of the site.

- Specifications relating to the management, advertisement and fee hire of the community facility could be included within the Section 106 agreement for a community use agreement. This would be based on arrangements for other community facilities within the city and would be subject to monitoring by the Council. Z Hotels had indicated that it would be responsible for managing the bookings and promoting the availability of the facility, under the supervision of the hotel's General Manager. Z Hotels had also indicated that it did not wish to use the hall, and the Section 106 agreement was being drafted on the basis that it would be solely for community use.
- Indicative details relating to public art and revealing the significance of the archaeology of the site had been submitted. Submission and approval of further details had been included as a condition.
- The proposal would bring back into use a building which was under-used and in poor condition.

After debate and being proposed, seconded, and put to the vote the Committee agreed with the officer's recommendation to approve the application as set out in the report, subject to planning conditions and the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers.

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 5 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 shown in the original committee report; and
2. **delegate authority** to the Head of Planning Services to:
 - finalise the recommended conditions and informatives as set out in the report including such refinements, amendments, additions and / or deletions as the Head of Planning Services considers reasonably necessary;
 - finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report including refining, adding to, amending and / or deleting the obligations defined in the heads of terms set out in the original committee report (including to dovetail with and where appropriate reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

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

31. 21/01405/FUL: 1 & 3 Jack Straw's Lane and 302 304 & 312 Marston Road, Oxford

The Committee considered an application (21/01405/FUL) for the demolition of existing carpenters yard buildings; 302, 304 and 312 Marston Road; and 1 and 3 Jack Straw's Lane and erection of a residential care home (Use Class C2) with associated landscaping and car parking.

The Planning Officer gave a presentation and highlighted the following:

- The plans had been subject to minor amendment since publication of the report to include reinstatement of a pedestrian access path from Marston Road into the site. This was considered important in order to provide a link to Marston Road and the adjoining bus stops and pedestrian and cycle routes.
- 30 parking spaces were to be provided, comprising 18 spaces for staff (many of whom worked very early or very late shifts) and 12 for visitors. Operational need for the spaces had been outlined in the transport assessment. Four of the visitor spaces would be used by medical staff, contractors, and visitors hosting activities with the remainder to be used by those visiting residents.
- The development was expected to generate around an additional 86 vehicle movements per day. The County Council had indicated that this would not have a severe impact on the surrounding road network.
- The proposal would involve the loss of 5 housing units on the site, as well as an employment site. Policy H11 of the Local Plan supported the development of care accommodation in appropriate locations and acknowledged that there was a shortfall of 434 specialist care rooms by 2023 which would need to be delivered. The location of the accommodation proposed within the application was considered to align with policy H11 in that the site was located within a balanced community and accessible to local services and facilities. Whilst the loss of the housing units represented a departure from policy H5, the proposals would provide a total of 80 bedrooms falling within use class C2 which would equate to the provision of 44 dwellings using the Government's housing delivery test.
- As the accommodation was not self-contained there was no requirement to provide affordable housing on site, nor any financial contribution towards the off-site delivery of affordable housing.
- Following amendment of the plans, the proposal now included reduced height hipped roofs instead of pitched roofs. This was considered to more effectively integrate with the dwellings in Marston Road. It was not considered that the proposal would have adverse impact on the amenity of surrounding residents; the scale of the building was considered to be appropriate for the site and surrounding area; and the design was considered to be of a high standard.

Kerry Dearden of the Orders of St John Care Trust and Oliver Neagle, agent, spoke in favour of the application.

The Committee asked questions of officers and the applicant and agent, and discussion included the following:

- Consideration had been given in the design of the proposal to the wellbeing needs of staff and learning arising from the covid-19 pandemic.
- The development would sit below the skyline when viewed from Doris Field Close, and was not considered to have an adverse effect on the Headington Hill conservation area.
- There had been no reference within the County Council's response as statutory consultee to Jack Straw's Lane being a primary cycle route / designated quiet way and the potential for impact between those cycling along the route and those entering and exiting the application site by car. It was also noted that trees were shown close to the entrance to the car park which may serve to obscure the view of cyclists by car drivers. Although condition 5 required the provision of vision splays each side of the access, it was suggested that consideration also be given to modifying the landscaping to improve the siting of the trees and including signage to warn of the presence of cyclists. Planning officers advised that the developer would be required to enter into a Section 278 agreement with the Highways Authority in relation to highways works, and consideration could be given at that point to adding signage to warn drivers of the presence of cyclists. The landscaping plans were indicative at this stage; changes may be required as part of engineering works within the Section 278 agreement, and the final form of landscaping would be approved as part of the landscaping conditions. It was also suggested that the inclusion of a speed hump at the entrance to the car park could further help to improve the safety of cyclists, but again that any such requirement would be secured under Section 278 works if County deemed such measures necessary.
- A number of new trees would be planted as part of the landscaping proposals and it was considered that these should be of species which could tolerate extremes of climate.
- The proposal would provide employment which would exceed that provided under the previous employment site use as a carpenter's yard.

After debate and on being proposed, seconded and put to the vote the Committee agreed with the officer's recommendation to approve the application, subject to the conditions set out in the report, any necessary additional conditions, and the satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and an informative to refer to the possibility of the Section 278 agreement including measures aimed at protecting the safety of cyclists using Jack Straw's Lane in the vicinity of the site.

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 the informative referred to above; and

- the satisfactory completion of a legal agreement and / 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 set out in the report; and grant planning permission.

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

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

32. 22/00081/RES: Oxford North Northern Gateway, Land Adjacent A44, A40, A34 and Wolvercote Roundabout A40 Section from Cherwell District Council Boundary to Wolvercote Roundabout, Oxford OX2 8JR

The Committee considered a reserved matters application (22/00081/RES) for construction of a spine road for access to phases 1b, 1c and 1d of the Oxford North development and the provision of landscaping to create Canalside Park.

The planning officer presented the application, and highlighted the following:

- Following receipt of the biodiversity scheme shortly before the report was published, the Council's Ecology Officer had recommended that two further conditions should be added to the planning permission for the site, if granted. These related to (i) a requirement for the developer to submit a landscape and ecological management plan prior to first use of the access road; and (ii) a requirement that the biodiversity enhancement measures contained in the biodiversity strategy are implemented prior to first use of the access road.
- The application was a reserved matters application specifically for an access road and park intended to serve the southern parcel of the Oxford North site. It was aligned with another reserved matters application currently under consideration for 317 dwellings on the Canalside parcel of the Oxford North site, but had come forward first due to time pressure to commence the works on the loop road. Were approval for the spine road to be granted, a Grampian condition would be recommended to be applied to any permission for the housing development, in order to ensure that the road and park were delivered in full.

- The layout and landscaping of the Canalside Park aligned with the wider vision for the space as approved in the Oxford North masterplan in terms of providing a natural break between the residential development and semi-rural landscape to the south, as well as providing substantial open space for existing and future residents. The layout included the provision of pedestrian and cycle connections between the Canalside housing and Joe White's Lane, which was important in terms of the wider access strategy, as well as a swale which was important for the sustainable drainage strategy for the wider Oxford North site.
- The park was important in terms of the delivery of the 5% biodiversity net gain across the Oxford North site. The provision of wildflower grassland, wet grassland and hedgerows would be significant contributors to biodiversity enhancement measures.
- The proposal would provide fundamental supporting infrastructure which was vital for supporting the development of 317 homes. The moderate level of less than substantial harm to the Wolvercote with Godstow Conservation Area and the setting of the Grade II listed Manor Farm which the development as a whole was considered to involve, having been assessed under the hybrid application, would be outweighed by the public benefits of the development as a whole: principally the delivery of 480 homes and substantial employment provision and the benefits proposed in this application, namely the delivery of vital supporting infrastructure in terms of the access road and park.
- The proposal was considered to be in accordance with the wider vision for the Oxford North site, the Wolvercote Neighbourhood Plan, the Local Plan and the NPPF.

Councillor Diggins left the Chamber for a short time during the presentation of this item and so did not take part in the debate on this item or vote on this application.

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

Having been proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application, subject to the conditions set out in the report and the addition of two new conditions which the Planning Officer had updated the Committee on in the presentation of the application:

- (i) a condition that the developer submits a landscape and ecological management plan prior to first use of the access road; and
- (ii) a condition that the biodiversity enhancement measures contained in the biodiversity strategy are implemented prior to first use of the access road.

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 the addition of two conditions as noted above and grant planning permission;
2. **delegate authority** to the Head of Planning Services to:

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

33. Minutes

The Committee resolved to approve the minutes of the meeting held on 19 July 2022 as a true and accurate record.

34. Forthcoming applications

The Committee noted the list of forthcoming applications.

35. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 8.20 pm

Chair

Date: Tuesday 20 September 2022

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.

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