

Agenda

Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 16 July 2024**

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 Laurence Fouweather (Vice-Chair)	Cuttesslowe & Sunnymead;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Nigel Chapman	Headington Hill & Northway;
Councillor Barbara Coyne	Headington Hill & Northway;
Councillor David Henwood	Rose Hill & Iffley;
Councillor Alex Hollingsworth	Carfax & Jericho;
Councillor Jemima Hunt	St Clement's;
Councillor Rosie Rawle	Donnington;
Councillor Dianne Regisford	Holywell;
Councillor Louise Upton	Walton Manor;

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

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

Agenda

Pages

Planning applications - background papers and additional information

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

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

1 Apologies for absence and substitutions

2 Declarations of interest

3 23/02411/FUL: Land North of Charlbury Road, Oxford, Oxfordshire

11 - 70

Site Address: Land North Of Charlbury Road, Oxford

Proposal: Erection of accommodation for boarding pupils to include access, landscaping associated bin/recycling stage, cycle storage and associated 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 subject to the required planning conditions set out in section 12 of the report and grant planning permission subject to:
 - the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in the report; and

*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.*

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

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

4 24/00732/FUL: U Y S Ltd, Garsington Road, Oxford OX4 2BW

71 - 96

Site Address: UYS Ltd, Garsington Road, Oxford

Proposal: Development of up to 22,375sqm open storage (Use Class B8) together with associated highways works, site-wide hard and soft landscaping works, and boundary treatment

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

*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.*

5 Minutes

97 - 100

Recommendation: to approve the minutes of the meeting held on 25 June 2024 as a true and accurate record.

6 Forthcoming applications

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

22/02954/OUT: Land at Oxpens Road, Oxford OX1 1TB	Major
22/02955/FUL: Land at Oxpens Road, Oxford OX1 1TB	Major
23/01001/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in
23/02262/FUL: Churchill Hospital, Old Road, Headington, Oxford OX3 7JT	Called-in
23/01870/FUL: 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
23/02136/FUL: 111 and 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00667/FUL: 111 and 113 Wytham Street, Oxford OX14TN	Applicant is a member of staff
24/00668/FUL: 113 Wytham Street, Oxford OX1 4TN	Applicant is a member of staff
24/00318/FUL: Land to the North of Goose Green Close, Oxford	Major
24/00585/VAR: Car Park, Meadow Lane, Oxford OX4 4BJ	Called-in
24/00690/FUL: Beaver House and 39-42A Hythe Bridge Street, Oxford OX1 2ET	Major
24/00812/FUL: 14 Fair View, Oxford OX3 7EZ	Called-in
24/01302/FUL: 5000 John Smith Drive, Oxford OX4 2BH	Major
24/01225/FUL: 34 Bowness Avenue, Oxford OX3 0AL	Called-in

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24/01344/FUL and 24/01345/LBC: Waynflete Building, 1-8 St Clement's Street and 9-13 St Clement's Street, Oxford OX4 1DN	Major
24/01356/FUL: 145 Howard Street, Oxford OX4 3AZ	Applicant is a member of staff
24/01481/FUL: Cinema, George Street, Oxford OX1 2BL	Major

7 Dates of future meetings

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

20 August 2024

17 September 2024

15 October 2024

19 November 2024

10 December 2024

21 January 2025

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

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

Information for those attending

Recording and reporting on meetings held in public

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

The Council asks those recording the meeting:

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

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

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

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

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

Members' Code of Conduct and public perception

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

Members' Code – Other Registrable Interests

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

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

Members' Code – Non Registrable Interests

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

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

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

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

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

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

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

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

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

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

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

The following minimum standards of practice will be followed:

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

Public requests to speak

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

Written statements from the public

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

Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays of photos and/or pictures at the meeting or a room provided for that purpose as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified. Applicants or members of the public are not permitted to exhibit photos and/or pictures in any electronic format.

Recording meetings

This is covered in the general information above.

Meeting Etiquette

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

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

Application number:	23/02411/FUL		
Decision due by	23rd January 2024		
Extension of time	9 th August 2024		
Proposal	Erection of accommodation for boarding pupils to include access, landscaping associated bin/recycling stage, cycle storage and associated development.		
Site address	Land North Of, Charlbury Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Summertown		
Case officer	Michael Kemp		
Agent:	Ben Pridgeon	Applicant:	Simon Tyrrell
Reason at Committee	The Proposals are major development		

1. RECOMMENDATION

1.1. The Oxford City Council Planning Committee is recommended to:

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

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

1.1.2. **Delegate authority** to the Head of Planning and Regulatory Services to:

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

planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a development proposal for the erection of three detached, three storey buildings, which would provide 81 rooms for use as boarding accommodation by pupils of the Wychwood School, as well as 3 staff flats which would be occupied by full time house parents, who would have supervisory responsibilities and would be on site 24/7. It is proposed that accommodation may be provided for up to 120 pupils. The site includes six hard surfaced tennis courts, which were used by the Wychwood School and adjoins late 20th century housing at Charlbury Road to the south and the site of the Cherwell School (south) which lies to the west. Access to the site is via Charlbury Road to the south.
- 2.2. The adopted Oxford Local Plan does not include specific policy provisions relating to school boarding accommodation. Paragraph 99 of the NPPF and Policy G2 of the Oxford Local Plan supports in principle development, which assists in the improvements to educational provision, which the development would help to facilitate. The proposals would not comply with Policy H16 of the Emerging 2040 Local Plan, as the location of the accommodation would not be within or adjacent to the school site, however this policy cannot be afforded significant weight given the present status of the 2040 Local Plan and unresolved objections to Policy H16. The principle of boarding accommodation on the development site is therefore considered to be acceptable.
- 2.3. The proposals include the removal of 6 tennis courts, which were privately used by the Wychwood School. To mitigate for the loss of the tennis courts, a financial contribution of £150,000 has been proposed by the applicant, which would be secured by S106 agreement for the purposes of improving/providing tennis, pickleball or paddleball provision in North Oxford, targeted at Alexandra Park in Summertown or Cutteslowe Park. This is considered to represent enhanced sports provision, given the private use of the tennis courts and lack of formal community access and would comply with Policy G5 of the Oxford Local Plan and Policy HCS3 of the Summertown and St Margarets Neighbourhood Plan.
- 2.4. The design, scale and siting of the development is considered appropriate, and officers consider that the proposed development would not result in harm to the setting of the North Oxford Victorian Suburb Conservation Area and accords with Policies DH1 and DH3 of the Oxford Local Plan. The buildings would incorporate high standards of energy efficiency and sustainable design, which exceed the requirements of Policy RE1 of the Oxford Local Plan. It is considered that the scale and siting of the buildings would not have a demonstrably adverse impact on the amenity of any adjoining residential, or non-residential uses, including the Cherwell School, subject to conditions requiring the provision of obscure glazing on windows facing the school and screening along the adjoining staircases.
- 2.5. 7 parking spaces are proposed within the application site for operational purposes only and pupil pick up and drop off by parents is not proposed to take place at the site, this would be controlled through a pupil management plan. Several representations have raised concerns regarding the safety of the proposed access

and its proximity to National Cycle Network Route 51. The Transport Statement notes that traffic generation is likely to be low at 18 regular movements a day and vehicle speeds are low along routes approaching the site. Oxfordshire County Council Highways have raised no objection to the proposed development on highway safety grounds. A Construction Traffic Management Plan will be required by condition, which shall include specific details regarding the management of large vehicles entering and accessing the site, which will be prevented at peak hours and during school pick up and drop off times. Officers therefore consider that the proposed development would not have a severe impact on highway safety and amenity and the proposals are compliant with Policies M1, M2 and M3 of the Local Plan. Cycle parking is proposed in accordance with Policy M5 of the Oxford Local Plan.

- 2.6. The proposals seek to retain all existing trees on the site, and it is indicated that the development would significantly exceed the 5% biodiversity target net gain requirement outlined under Policy G2 of the Oxford Local Plan, subject to securing the biodiversity scheme and long-term ecological management of the site by Section 106 agreement.
- 2.7. The submitted Flood Risk Assessment and Drainage Strategy are considered to set out appropriate measures to manage the risk of flooding for existing and future occupiers and ensure the appropriate management of surface water drainage. The proposals are therefore considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.
- 2.8. It is recommended that the application be approved subject to the completion of a Section 106 agreement.

3. LEGAL AGREEMENT

- 3.1. This application would be subject of a legal agreement to cover the following matters:
 - Financial contribution of £150,000 payable to Oxford City Council towards improvements towards existing tennis courts/facilities in the North Oxford area.
 - An obligation to enter into a Section 278 Agreement to secure the construction of an appropriate means of access between the highway and application site and provision of off-site measures to encourage the reduction in vehicle speeds and raise awareness of the adjacent cycle route.
 - An obligation to secure on-site provision of biodiversity net gain (minimum of 5%).
 - A pupil management plan to include measures relating to the management and movement of vehicles associated with the transport and travel of pupils on a daily basis and of Pupils / students and their belongings to and from the Wychwood School Site on a weekly basis and at the start and end of term, and also for students and pupils occupying the development during the school holidays.

- Measures to control and prevent noise disturbance from occupiers and other activity which may cause disturbance to surrounding residents. The management plan must also cover uses outside of term time.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL contribution of £551,182.46.

5. SITE AND SURROUNDINGS

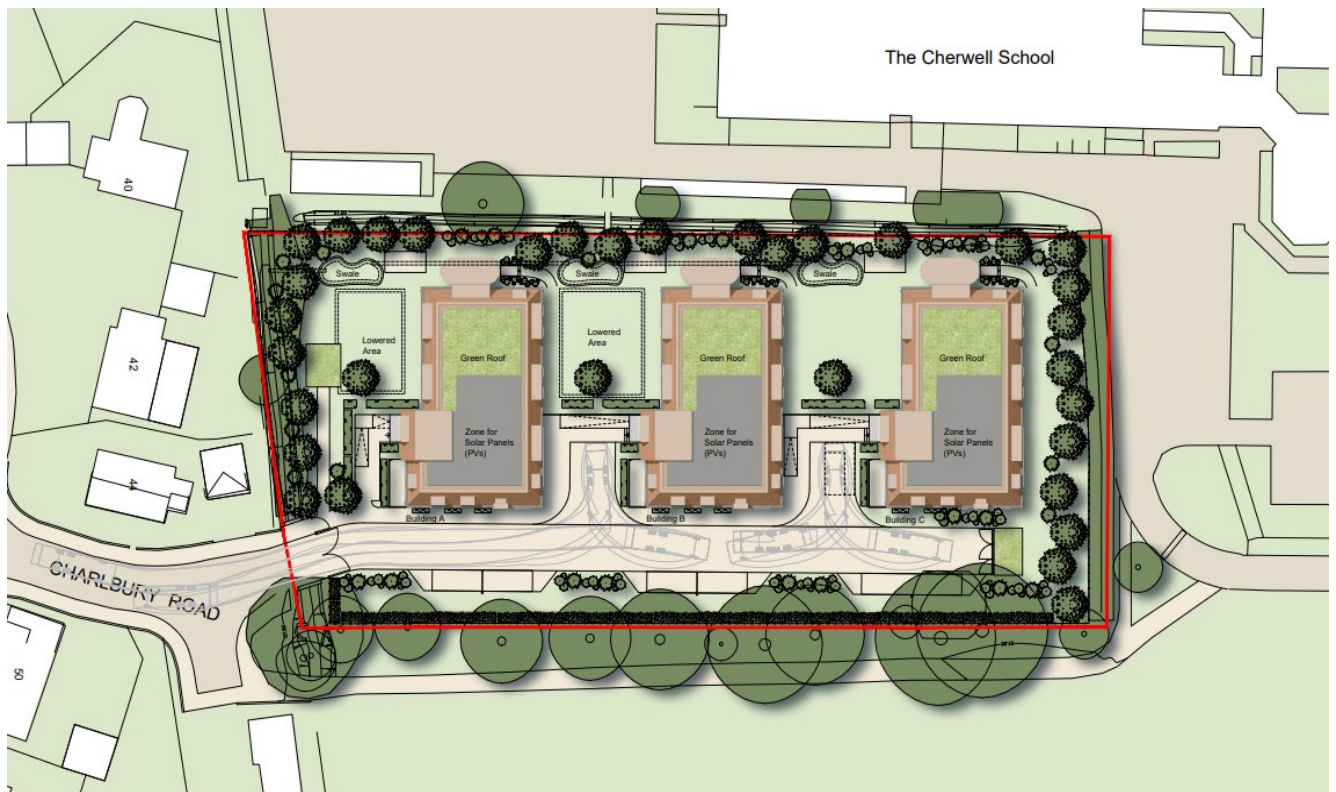
5.1. The site consists of a rectangular parcel of land located to the north of Charlbury Road. The site contains 6 hard surfaced tennis courts, surrounded by green metal fencing. Surrounding the fencing is a landscaped border consisting of areas of grass and vegetation. The site is surrounded by fencing on all sides. The tennis courts are owned and used by the Wychwood School, an independent school, which is located around 1.1km from the site on Banbury Road.

5.2. There are smaller boundary trees along the western edge of the site with larger, more mature trees along the eastern boundary. Existing access to the site is from Charlbury Road to the south. A hard surfaced pedestrian and cycle access runs to the east of the site, which connects Charlbury Road and Marston Ferry Road via an access road serving the Cherwell School, this forms part of the National Cycle Network Route 51.

5.3. The land to the east of the site consists of an area of the southern part of the Cherwell School site. There are classrooms and a hard surfaced play area which immediately adjoin the site. Beyond this is Oxford High School. There is a car park to the north of the site, which is used by the Cherwell School, whilst there are other buildings associated with the school between the site and Marston Ferry Road. There is a large playing field to the west of the site, which is used by the Cherwell School.

5.4. Development to the south of the site consists of late 20th century housing, typically large, detached red brick houses occupying large plots. There are two properties which immediately adjoin the site (Nos. 42 and 44 Charlbury Road). Access into the site adjoins a turning head located immediately to the south of the site. Currently, there is a section of pavement to the north and a hard surfaced path leading into the site, although there is no vehicular access at present into the site. The vast majority of the site falls outside of the Conservation Area, however a very small strip of land along the southern boundary falls within the Conservation Area to the north of Nos. 42 and 44 Charlbury Road and the turning head to the south of the site.

5.5. The proposed site plan is included below:



6. PROPOSAL

- 6.1. Three detached buildings are proposed, each of which would be three storeys. The buildings would provide boarding accommodation for pupils of the Wychwood School, with 120 bedspaces provided. 81 bedrooms are proposed within the building along with three self-contained flats. The self-contained flats would be occupied by teachers or qualified 'house parents' who will provide oversight and pastoral care when the facility is occupied. Social spaces are provided in each of the buildings at ground floor level, with small kitchen facilities provided at first and second floor. Red brick external materials are proposed along at ground and first floor level, whilst the clay tiles are proposed to the roof area at second floor level.
- 6.2. Landscaped spaces are proposed around the buildings to the south of each of the proposed blocks, which would function as external amenity areas. External bin and cycle stores are proposed within the site.
- 6.3. Vehicular access would be provided to the south of the site, with a new access road formed off the turning head with Charlbury Road. Seven parking spaces are proposed within the site, alongside the internal service road, which includes turning heads.

7. RELEVANT PLANNING HISTORY

7.1. There is no planning history on the site of material relevance to the proposed development.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Summertown and St Margarets Neighbourhood Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking	HOS2 - Local Character and Distinctiveness HOS3 - Density, Building Design Standards and Energy Efficiency HOS4 - Backland Development
Conservation/Heritage	184-202	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains	
Housing	59-76	H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight	HOS3 - Density, Building Design Standards and Energy Efficiency
Commercial	170-183		
Natural environment	91-101	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	
Social and community	102-111	G5 - Existing open space, indoor and outdoor	HCS3 - Protect/Enhance Sport, Leisure and Community
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	TRS1 - Sustainable Transport Design TRS2 - Sustainable Transport

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	
Miscellaneous	7-12	S1 - Sustainable development	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 2nd November 2023 and an advertisement was published in The Oxford Times newspaper on 2nd November 2023.
- 9.2. Following the submission of amended plans and further details, the application was readvertised by site notice on 9th February 2024 and an advertisement was published in The Oxford Times newspaper on 8th February 2024.
- 9.3. The application readvertised by site notice on 10th June 2024 and an amended advertisement was published in The Oxford Times newspaper on 6th June 2024. This was to reflect minor changes to the red line application site boundary and amended certificates received.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

- 9.4. Updated comments were submitted on 7th May 2024.
- 9.5. No objection is raised subject to conditions and a requirement to enter into a Section 278 agreement.
- 9.6. The site is located in a sustainable location which has good access to public transport and is within walking/cycling distance to local amenities and the city centre. The site is within the North Oxford Controlled Parking Zone (CPZ) meaning that the units can be excluded from eligibility for parking permits.
- 9.7. The site is to be provided with six car parking spaces and one disabled parking space. Each of the parking spaces is set to be provided with an electric vehicle

charging point, with the proposals complying to policy M4 of the local plan. Details of the electric vehicle charging points will need to be provided prior to first occupation. Section 4.23 of the transport statement states that Pupils staying at the accommodation would be strictly prohibited from using the on-site parking provision. This will need to be secured by condition and the site will need to be excluded from the parking permit scheme, preventing students and staff from parking within Charlbury road.

- 9.8. The proposals will provide a covered two-tiered cycle store which contains 24 cycle parking space and is to be located at the end of the driveway. The provision is currently based on one space per five people at the site (pupils and staff). The cycle parking provision will need to be amended to reflect the standards for a student accommodation as per the requirements of minimum bicycle standards included in appendix 7.4 of the local plan. This can be secured by way of planning condition.
- 9.9. The proposed refuse collection for the site is accepted, with the applicant demonstrating in appendix D of the transport statement that refuse vehicles accessing the site can safely manoeuvre within the site and both enter/exit in a forward gear.
- 9.10. A Residential Travel Information Pack is required for a development of 81 bedrooms. This document should be designed with the students and families in mind, containing information that is relevant to them. The pack should be produced prior to first occupation and then distributed to all students and staff at the point of occupation. This is to ensure all staff; students and their families are aware of the travel choices available to them from the outset. Further information regarding the required criteria can be found within the OCC guidance document.
- 9.11. The applicant has amended the transport statement to indicate that the proposals would be expected to generate a total of 18 daily trips per weekday, 12 of which being made by 'house parents' with the remaining being made by security/maintenance/delivery persons. All trips made from the staff to and from the school would be by either cycle or foot. The proposed number of trips expected to be generated from the proposals are unlikely to have a significant detrimental impact in traffic terms on the local highway network.
- 9.12. The operational management of the school's pick -up/drop- off has also been amended to now state that proposed drop-off and pick-up for both weekly and termly boarders will take place at the main school premises. The amended pick-up/drop-off strategy will result in a significant reduction in the previous expected trips being made to the accommodation at both weekends and the start/end of terms.
- 9.13. Prior to occupation at the site, the applicant will need to produce a student accommodation management plan, which should set out control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of term as well as daily vehicle movements.

Councillor John Howson

- 9.14. As this project is adjacent to the National Cycle Network 51 my main concerns would be the safety of all users of the NCN when joining and exiting the road on Charlbury Road. This junction is already quite constrained with visibility due to the nature of the road. I am as concerned about traffic during the construction phase as when the project is complete. This cycle/pathway is heavily used by pedestrians and cyclists, especially during peak times for commuting - both for work and for schools including Cherwell, The Swan and Oxford High School in addition to The Dragon and Wychwood School itself.
- 9.15. I would ask for a traffic management plan during construction that ensures construction vehicles are not allowed east of the Banbury Road at times when the various schools in the area are either starting or finishing, including taking into account the additional after school activities. There are six schools whose pupils may use the cycle path in addition to the many adults that also use the cycle path.
- 9.16. I note that Sports England have expressed concerns about the loss of tennis courts. Were the school a state-funded school, it seems likely that the Secretary of State would not allow such a loss of a sporting amenity in a state school. As a private school, the applicant is, of course, not governed by this approach, but any loss of a sporting amenity is a matter of concern.

Thames Water

- 9.17. With regard to surface water network infrastructure capacity, Thames Water do not have any objection to the planning application, based on the information provided.
- 9.18. With regard to foul water sewerage network infrastructure capacity, Thames Water do not have any objection to the planning application, based on the information provided.

Oxford Civic Society

- 9.19. Object to the originally submitted plans that the location of the proposed development is unsuitable for the provision of boarding accommodation for pupils aged 7 - 18 enrolled at Wychwood School, whose main campus, including all teaching and dining facilities, is located over 1km away.
- 9.20. The current Local Plan has no specific policy relating to 'boarding school' accommodation, however, policy H8 refers to 'student accommodation', defined as "Accommodation whose main purpose is to house students of sixteen years of (sic) above, registered on full-time courses of an academic year or more in Oxford." At least some of the occupants of the proposed development would conform to this definition of occupiers. Policy H8 stipulates (inter alia) that planning consent will only be granted for student accommodation on or adjacent to an existing academic site; the academic sites in proximity to this development have no relationship with the applicant institution, and the development would clearly breach condition H8.
- 9.21. The emerging Local Plan 2040, now approved for submission for Secretary of State approval, includes policy H16, specifically referring to accommodation

associated with boarding schools providing education for students under the age of 18. This policy explicitly precludes any development of accommodation not on or adjacent to a teaching campus of the school the children will attend. Although this Local Plan has not yet been adopted, the adoption process is well advanced and considerable weight should be given to the concerns which have led to the inclusion of policy H16, with which the current proposal is in clear breach.

- 9.22. Notwithstanding breach of these policies, the suggestion that 114 school children could feasibly travel, perhaps several times per day, to and from the remote teaching campus, on foot, is implausible. The route in question would involve the use and crossing of suburban roads heavily used by traffic associated with attendance of pupils at Oxford High School and the Dragon School, with serious implications for safety. Similar concerns would arise, were significant numbers of pupils to use cycles, though only 24 cycle parking spaces are proposed, and there is no reference to cycle parking accommodation at the main school destination campus. If safety concerns were to lead to transport of pupils by coach, the generation of more traffic on roads already congested at peak times would be unacceptable, and, in any case, no provision has evidently been made for coach drop-off and pick-up parking, at either end of the journey.
- 9.23. Referring to the detail of the development proposals, the architecture of the three identical blocks is unimaginative and intimidating, and the crime-related requirements of Thames Valley Police, for a secure perimeter fence at least 1.8m high, intensively monitored by CCTV would make the site more suggestive of a prison than educational accommodation. Little consideration appears to have been given to climate change mitigation or accommodation, or to recreational amenity for occupiers.
- 9.24. In response to the updated plans and additional information submitted, OCS maintain their objection to the development on transport grounds and have further commented that the Transport Statement states that boarding students arriving at the school will be dropped off at the tuition premises on Banbury Road, but there is no explanation of how this will be enforced, where at the Banbury Road premises the drop-off for the 114 students will take place or how baggage will be transported to the boarding premises.
- 9.25. The suggestion that 114 young schoolchildren could safely make multiple journeys of around 1km each way, every day, on foot, in conflict with car, bicycle and pedestrian traffic associated with the 3 other schools and the nursery in the immediate vicinity is unconvincing. The statement that at night or in bad weather the journey could be made by minibus is implausible because transporting 114 passengers by minibus would involve around 10 return trips. There is no way the restriction to the use of buses only in adverse conditions, and to small vehicles could realistically be enforced, or the routine use of full-size buses be prohibited. The design of the roads in the immediate vicinity of the site is incompatible with their use by traffic of this kind. The response to Thames Valley Police regarding security measures at the site reinforces our suggestion that the development would have the appearance more of a prison than residential accommodation, and the minor amendments to the details of the architecture of the three identical blocks do nothing to ameliorate their appearance or to alleviate the forbidding appearance.

Sport England

9.26. Sport England raised an objection to the application within their initial consultation response and outlined that the arguments for the loss of the tennis courts were unsound and fails all three of the exceptions set out in Paragraph 99 of the NPPF. Sport England outlined that they would withdraw their objection if the applicants were to replace the tennis courts elsewhere within a reasonable travel distance.

9.27. Further to their initial response, Sport England have discussed the applicants revised proposal to contribute of £150,000 towards improvements to existing tennis provision in North Oxford and have advised that they support the proposed contribution and consider that this would overcome their previous reasons for objecting to the application.

Environment Agency

9.28. Do not wish to comment.

Thames Valley Police

9.29. No objection subject to securing a security and access strategy by planning condition and subject to an application being made to achieve Secured by Design accreditation which should be secured by planning condition.

9.30. The following recommendations are also made:

- CCTV should be provided to cover all external areas and access points into the site, this system should be designed holistically with planting and lighting to ensure no areas of conflict arise.
- Lighting throughout the development should meet the requirements of BS5489-1 2020 and ensure uniform levels of lighting across the site that facilitate good surveillance and support the effective operation of CCTV.
- The buildings should be robustly secured to meet the requirements of Secured by Design, Homes 2023 and all easily accessible ground floor glazing should be formed with laminated glass meeting or exceeding the requirements of BS EN 356:2000 class P1A.
- The primary entrance doorset to each residential block should meet the requirements of BS 6375 class 4.
- The internal and external doors of the MoE stairs should be closed and signed/alarmed for emergency egress use only.
- Each building should be accessible only via electronic fob activated entry control system, with compartmentation across floorplates also provided to prevent excessive permeability through buildings. The system should be able to be remotely accessed and controlled by supervising staff, to enable rapid dynamic lockdown of the site in case of an incident.
- Ground flood windows (if openable) should have restrictors fitted to prevent them opening wide enough to permit a person to gain access into the building bypassing access-controlled doors.
- Boundary treatment plans should be provided before planning permission is granted. the bike store plan mentions that perimeter fencing will be 1.5m

in height, however this is insufficient for security. The entire development should be fully enclosed with secure fencing of a minimum 1.8m height to prevent unauthorised entry. Hedge planting can be used to screen views into the site from the public footpath to provide privacy for boarders.

- Vehicle and pedestrian gates should be of the same construction as the boundary fence and be linked to the same access control system as the buildings, with secure fob activated electronic controlled gates to prevent unauthorised access when the site is secured.
- Bin and cycle stores should be covered by CCTV and well-lit to facilitate good surveillance. The external bin store should be sufficiently secured to prevent unauthorised entry, and advice in respect of a safe stand-off distance, fire and smoke detection devices and fire sprinkler systems should be sought from the appropriate fire authority.

Public Representations

Summertown Ward Councillor – Katherine Miles

9.31. While it is welcome that the pupil site management plan notes that pupils will move between the proposed boarding house and school via foot, my main concern is regarding traffic impacts related to this development. This is both during the construction phase and post construction.

9.32. The proposed development may result in an increase in delivery vehicle and parent related traffic which could significantly impact the National Cycle Network (NCN 51) route which runs via the narrow Charlbury Road and alongside the existing tennis courts to be removed as part of the planning application. The NCN 51 is a key north south route for people taking bikes (and local residents going by foot) traversing the neighbourhood. In particular it is a key route for children cycling to and from school in the immediate area including for neighbouring schools such as the Oxford High School and the Cherwell school both of are proximate to the development. It is both narrow and there is limited visibility around the sharp corners both outside the OHS school gate and immediately next to the current tennis courts. The visibility issues at these junctions may result in conflicts between vehicles and people on bikes. Access to the site both during construction and post construction would be better suited to the Marston Ferry Road access point, however there are also potential conflicts between vehicles and school children and other residents using the NCN 51 on the MFR side. For both child and resident safety in line with the county council's Vision Zero I have concerns regarding traffic access and impacts on vulnerable road users.

9.33. Further to this I would like to flag that the development will result in a loss of sports facilities, which goes against the NPPF and also the local plan. Moreover, the plan to situate a boarding house away from the main school site raises safeguarding questions and goes against the new policy on school boarding houses (H16) in the draft local plan 2040 currently out for consultation before going to the planning inspectorate for examination.

Sustrans

- 9.34. The project is adjacent to the National Cycle Network 51. Sustrans are commenting on the behalf of the users who would use this section of the path and also come out on the same junction as this planning application would use.
- 9.35. Our main concerns would be the safety of all users of the NCN when joining and exiting the road on Charlbury Way. This junction is already quite constrained with visibility due to the nature of the road so this is something that should be considered throughout the construction phase with traffic as well as when the project is complete.
- 9.36. This pathway is heavily trafficked by pedestrians and cyclists, especially during peak times for commuting - both for work and for schools. It would be good to see what is being done to ensure the safety of all of those that would be using this area and to also ensure that continued use is kept throughout the process of construction.
- 9.37. As the building itself is proposing a cycle shed and will also be built for students, hopefully this is already taken into account.

Cyclox

- 9.38. An updated response was received following the submission of updated plans. The response states that the Applicant has made various changes to the application in response to comments and objections from interested parties. Some of these changes address concerns, but there are still significant grounds for objection.
- This development does not comply with National Planning Policy Framework in that it would reduce priority to pedestrian and cycle movements by increasing vehicle congestion in neighbouring areas.
 - The creation of a boarding house approximately a kilometre's walk from the school does not address the needs of children with disabilities. The location of this development at the end of a curving cul-de-sac would create congestion and safety hazards from delivery and refuse collection vehicles.
 - The development would negatively impact the use of National Cycle Route 51 by making it less safe. This path already fails to comply with LTN 1/20 in respect to Stopping Sight Distance (SSD). The curved road and blind corners already constitute a risk in that even at 20 kph (a relative slow cycling speed) the recommended stopping sight distance is 17 metres. The County has committed to a Vision Zero strategy and this development would undermine that commitment.
 - There is a large volume of children cycling and walking along Charlbury Road North accessing Cherwell School, Oxford High, Swan School and Summertown Nursery. This traffic occurs every school morning and afternoon. Any delivery of weekly boarders on Monday mornings or Friday afternoons would conflict with, and increase danger for, cyclists and pedestrians. (We already have a hazard at the Dragon School caused by drop-off and pick-ups in a congested area conflicting with Cycle route. We need to avoid repeating this on Charlbury Road North.

- The construction of this development would be extremely hazardous to pedestrians and cyclists. It is hard to imagine how construction vehicles and cranes could operate in the area whilst keeping this important route open.

9.39. Other observations include:

- No consideration of how the boarding house could be used in the holidays e.g., for summer schools.
- No Construction Management Plan.
- No mention of how children would return safely to the boarding house from the school campus after an evening meal. After dark walking does not seem to be an option in winter.
- No mention of how the school would propose to enforce timing of pick-up and drop-off slots given the traffic congestion in and around Oxford.

Tennis Oxfordshire (Oxfordshire LTA)

9.40. Share the view of Sport England that this application does not fully meet the requirements of the NPPF and Policy G5 within the Oxford local plan (2036).

9.41. Active Lives survey (April 2023) from Sport England shows a significant rise in adult tennis participation in England.

9.42. The number of adults reporting that they had played tennis during the year increased 43% compared to the previous year, rising from 3.3 million to 4.7 million from January through to December. This is the highest total recorded since 2017 and has continued the growth seen in 2018-19 which was interrupted during the pandemic.

9.43. Children's weekly participation in tennis has seen positive growth in the past year with over three and a half million children playing tennis with an extra 328,000 children playing tennis in schools. We note there are five schools with the local catchment for the proposed scheme whose pupils could benefit, along with wider local communities, from access to these courts.

9.44. This growth is not confined to one demographic or part of the country with all areas seeing strong growth. Many of these participation growth metrics will be mirrored within Oxfordshire as a whole and Oxford City at a local level, suggesting an increased demand for playing facilities not a reduction.

9.45. In the context of this increased participation growth, then demonstrating a full assessment has been completed to show that the existing tennis facilities at this location are surplus to requirements, would seem required to address the relevant NPPF and Local Plan requirements, unless alternatives are provided as part of the development.

Officer Note

9.46. The response was received prior to the applicant's proposal to contribute £150,000 towards tennis provision in North Oxford. Tennis Oxfordshire were

invited by officers to respond in relation to the updated proposals but have not issued further comments at the time of writing.

Wolfson College

9.47. The proposed development would enable Wychwood School to make more efficient use of its estate whilst providing purpose-built student boarding accommodation. It is important that an educational institution can provide up-to-date, modern facilities to meet the aspirations of the Local Plan, to provide facilities which will promote educational excellence. Many schools have plans and aspirations to modernise and expand to provide such facilities and it is important that Council policies and decisions concerning the proposed development do not prevent the delivery of such facilities or limit where they should be located. The proposed development will facilitate delivery of up-to-date facilities and allow expansion of the school and educational facilities in Oxford which is encouraged by the Local Plan and should be viewed as a catalyst for the wider sustainable growth of the city.

9.48. As a local educational establishment, the proposed development meets the criteria above and presents a sustainable location for the proposed development. The site is in an area with a range of pedestrian and cycle infrastructure. The approximate journey time between the site and Wychwood School (approximately 15-minutes on foot) is suitable commuting distance for pupils occupying the proposed development who would be aged between 13-18. Through the successful employment of Management Plans, Schools within the locale actively seek to maximise their positive contributions to the local community, whilst minimising any potential disruption. Strict policies are employed to minimise disruption to neighbours, including the prohibition of student vehicles on-site. Overall, we believe that the proposed development will provide an in-demand and high-quality boarding facility which will meet the needs of an established and high attaining school, to the benefit of the wider economy and educational offerings in Oxford. Together, the Schools and institutions within the locale remain committed to minimising any operational disturbance to their neighbours.

9.49. We express our support for the proposed development and trust that the opportunity for growth and expansion will be afforded weight in determining this planning application as it promotes the ambitions of the Local Plan and National Planning Policy Framework. Educational institutions are committed to maximising the benefits of such growth and expansion and are in a unique position whereby any adverse impacts associated with growth can be mitigated by outreach to the community and tools such as Management Plans which can enforce and manage any such effects.

Summertown and St Margarets Neighbourhood Forum

9.50. Object for the following reasons:

- The application site is on the current HELAA 2023 list of assessed sites for housing, provision of boarding accommodation would prevent the site coming forward for alternative residential uses for which there is greater need as set out in Policy H16 of the Oxford Local Plan.

- Concerns regarding the adequacy of the transport plan and potential traffic generation particularly with regard to the impact on the adjacent national cycle route.

Linton Road Residents Association

9.51. Object for the following reasons:

- The site is not suitable for development due to the height of the proposed buildings, flood risk and non-compliance with Policy H16 of the Oxford Local Plan 2040 with regards to the siting of boarding accommodation.
- The development would result in the loss of a sports facility.
- There are traffic concerns due to the potential increase in traffic movements and the impact of the siting of the access on users of the national cycle route.

The Transport Consultancy on Behalf of Linton Road Residents Association

9.52. An independent review of the highways impacts has been submitted on behalf of the Linton Road Residents Association. The Highways and Transportation Review submitted by the Transportation Consultancy states that whilst the Transport Statement produced in support of the proposal states that any impact on the local highway network will be imperceptible, no tangible evidence has been provided to support this conclusion. Furthermore, due to the significant presence of cyclists and pedestrians observed during a site visit, any additional conflicts have the potential to cause safety risks for both existing users of Charlbury Road and new users of the proposed site.

9.53. The collisions analysis completed within the submitted Transport Statement excludes significant areas where collisions have been recorded and cannot therefore accurately forecast the likely impacts on safety.

9.54. At present it is considered that the proposed development falls short in meeting the requirements of the NPPF due to a lack of information and assessment of key metrics. Significantly more information should therefore be requested to support the proposals, clarifying any forecast impacts on the local transport networks and demonstrating that the safety of pedestrians, cyclists or vehicle users will not be compromised.

9.55. Without further information to support the proposals, in relation to access design, collision analysis and trip generation it is not possible to determine that the proposals are not in breach of NPPF paragraphs 108,114,115 and 116 in delivering a safe and secure environment for all users, with priority given to pedestrian and cyclists, with no severe impacts on the surrounding transport networks.

Cherwell School

9.56. Have submitted the following comments in relation to the proposals:

- There is a need to consider safeguarding. It is queried how obscured the glass will be in the windows facing the school. The external staircase appears to be open and not fully enclosed, which is inappropriate given the proximity to the Cherwell school playground.
- Fencing and screening along the boundary would be insufficient and more secure fencing at the maximum possible height would be sought.
- The elevation drawings do not provide sufficient context of the proximity of the building to the Cherwell School site and its adjacent buildings.
- Concerned that the windows on the eastern elevation which overlook the Cherwell school playing fields could become a distraction for our students during their sports activities and recreational break times, as well as those who use the fields for approved community use outside of the school hours.
- Concerned about the increased use of the Cherwell Schools access from Marston Ferry Road as this will make it much more difficult for our students and staff on a day-to-day basis, but also the increased safeguarding risks presented by the increased number of 'strangers' around our school site.
- Concerned about noise impact during lesson time and need reassurance around how this will be mitigated. Particularly concerned about arrangements for use outside of Wychwood's term time, as they have longer holidays than Cherwell.
- The height of the proposed building will also have an impact on the light into Cherwell classroom rooms and the adjacent playground area. Natural daylight is important in creating good teaching spaces, but also for wellbeing, and we will want to ensure that the proposed building does not have an adverse effect on this.
- Want assurances that the building will not become a blot on our landscape.
- Highly concerned about traffic. The area in and around the South Site is already highly congested, particularly at the entrances to the South Site and the club house. Cherwell School is in regular consultation with the Local Authority about the best ways of reducing the impact of congestion and increased traffic safety. We have to already employ our own traffic marshalls. Unfortunately, despite this, there have been accidents and near misses and therefore we are concerned that any further traffic movement in and around the area will be unsustainable.
- Concerned that the boarders, staff and parents and other visitors to the school, will use Cherwell's private car parks and access road, either as a drop off/collection point or for parking. It must be made clear that this is RLT/Cherwell property and that we fully expect Wychwood School to put in measures which will ensure that all necessary controls are in place to ensure this does not happen and that appropriate enforcement measures are provided and maintained.
- Concerns regarding the period during construction, including the increase in construction traffic and the impact of noise dust and deliveries which will be an interruption to our students' teaching and learning, throughout the period of construction. This disruption will include key periods of both mock and public examinations. Cherwell school is an 'outstanding' school, and we cannot allow anything which will cause disruption to the success of our students and the school. We will need to have sight of and will need to agree a robust plan which shows how these issues will be mitigated during the

construction phase. We will need to be completely assured that there will be appropriate formal power in place which helps to enforce this.

- Need assurances that the below ground and supporting infrastructure for the proposed new building will not adversely affect the school. In particular that the existing sewer and surface water drainage requirements will be fully factored into the design and build and will be independent of that used by Cherwell School. We cannot allow the build to overload the existing infrastructure causing flooding and odours making our own site and playing fields unsafe or unpleasant. We have noted that swales have been proposed on the eastern boundary adjacent to our playground and so need assurances that these will not cause us any problems in the future.

Cherwell School Travel Action Group

9.57. Object to the proposals for the follow reasons:

- The location of the development and collections carried out by delivery and refuse vehicles would create substantial traffic, creating an unacceptable safety risk for schoolchildren and pedestrians and cyclists.
- There appears to be no space to U turn on the site. Turning space should be provided in the site.
- It is not clear where the parking spaces would be on the site for parents and school vehicles.
- No construction traffic management plan has been provided.
- The scale of the development should be reduced to reduce the impact on national cycle network route 51.
- Cycling infrastructure on Charlbury Road should be improved.
- If the development is approved, then extra protection for students at the Cherwell School must be provided.
- Measures suggested include two segregated cycle paths on the south site access road, a moratorium on HGV's entering or leaving the south site access road between 08:00-08:45 and 14:50-15:30 on school days; and traffic marshals must be provided.

Public Comments

9.58. 48 public comments have been received in objection to the planning application from members of the public during the first consultation. 11 further comments were received following publication of the revised plans. The main points of objection are as follows:

Principle of Development

- Development would result in the loss of the tennis courts.
- Sport England have objected to the application.
- The tennis courts were previously used by the community initially for free and latterly and annual charge was requested, which was withdrawn in 2012 as the school used the courts for Easter and summer camp visitors. Only after covid was use of the courts withdrawn.
- The tennis courts should be refurbished and reused.

- If no longer required for tennis, the space could be repurposed for sports use.
- The proposals would be contrary to Policy H16 of the emerging 2040 Local Plan.
- Concern regarding use of the accommodation outside of term time that this may be used for other commercial ventures or purposes.
- The location of the site would be unsuitable for international students.
- The site is one of the last open spaces that has been accessible to the wider community for sports use.

Highways and Access

- The proposals would increase traffic use during and after construction.
- Existing road access is unsafe and unsuitable for the increase in traffic that would result from the development.
- Concern regarding position of the access entrance into the site and its relationship to the adjacent National Cycle Route and the safety impact of vehicles using the access on users of the cycle route.
- Concern regarding unauthorised parking during pick up and drop off times.
- Term time traffic could be reduced in other ways such as providing buses from Oxford Parkway Station or use of the park and ride stop outside the Wychwood School.
- Concern regarding use of the road by large servicing and delivery vehicles.
- The travel plan put forward is entirely dependent on the voluntary cooperation of staff and parents and the school cannot enforce this.
- The Transport Plan argues that the additional boarding capacity will reduce the total number of car trips even after expansion. This takes no account of the objective of reducing daily pick up and drop offs as outlined in the School Streets initiative and also makes unrealistic assumptions regarding the split between weekly boarders and daily pupils. It is likely that there will be a significant overall increase in car traffic.
- For weekly boarders there would be a significant increase in car trips a week (450) concentrated on Friday evening, maybe Saturday morning and Monday morning. Additional trips during the week by Staff, service personnel, service deliveries and deliveries to the pupils themselves will add many, many more to this total as well as parents potentially driving children to school in the mornings.
- This increase would run counter to the "School Streets" initiative of Oxford County Council to create a safer street environment.
- There would be a risk to students at Cherwell School and Oxford High School as a result of the increase in traffic.
- There would be an increase in e-commerce and delivery vehicles.
- Wychwood school has no way of enforcing its stated intention that it will minimise car traffic (e.g. assigning time slots to parents wanting to collect or drop off pupils).
- There is no mention of a banksman or management measures that would be put in place during construction to manage safe movement of vehicles.
- The development would result in an increase in pedestrians, bikes and traffic in Belbroughton Road, which is overcrowded during school open and closing hours.

- It is not clear where construction vehicles will park during the development stage and there would be concerns about unauthorised parking in the surrounding streets.
- The reliance on processes and procedures to attempt to mitigate the adverse traffic consequences raises the question of how these will be enforced going forward.
- The traffic surveys were carried out in the winter or holidays and should be carried out at a time when traffic of all sorts is higher.

Amenity

- Concern regarding amenity impact associated with siting of boarders on the site and impact of behaviour.
- Concern regarding pollution generated during construction including dust and noise.
- Concern regarding safety of the site for boarders and management including staff presence on site.
- There would be minimal on-site parking and space for vehicles to turn.
- There will be no recreational facilities for the boarders.
- The gardens of the adjoining properties would be overlooked.
- There would be safeguarding issues associated with overlooking of the Cherwell School alongside noise, pollution and dust issues that will disrupt the education of the children attending the school.
- The building would cause overshadowing of the Cherwell School playground.
- Extra security lighting will impact on the amenity of surrounding residents.
- No.46 Charlbury Road would be considerably overlooked by the development.
- The development would have an oppressive and overbearing impact on the amenity of No.42 Charlbury Road and would result in a loss of privacy.
- The impact of construction will have a negative impact on the amenity of surrounding residents.

Design and scale

- The buildings would be 2 metres higher than the existing houses.
- The development would result in the loss of the existing open aspect.
- The building design is unimaginative and unambitious.
- The scale of development would be overbearing and out of character with the surrounding area.

Flood Risk and Drainage

- Site has a history of flooding and is located in Flood Zone 2.
- The mitigation suggested in the Flood Risk Assessment uses a 15% "central allowance" for Climate Change, this would not be sufficient, given the already visible increase in extreme weather events, would expose a large population of vulnerable people to unnecessary risk.
- The flooding report suggests that the risk of flooding is less than or close to a 1:100 year event based on the site flooding in 1947 and 1998 though this

ignores flooding of the site in 2007. This indicates a continuing pattern of flooding on a much greater frequency than that suggested by the applicants.

- Planning permission for the St. John's Fields site specified that there should be no raising of the levels of the ground at the rear of plots 26,27, 29 and 30 (now 36, 40, 42 and 44 Charlbury Road) because the land forms part of the flood plain and any raising of the land would displace the flood storage area which could result in other land or properties being flooded outside the application site.
- The development would put pressure on the existing drainage infrastructure.
- The applicant has not maintained the adjoining drainage ditches leading to the ditches becoming overgrown.
- The ditch waters do not flow back into the river from the site or are prevented from doing so by blockages which causes ponding; the excess waters gradually seep underground into the water table.

Other Matters

- Staverton Brook (the ditch) is not under the ownership of the applicant. Pedestrian only access has been granted to the site by St John's College, however the applicants are proposing to site a gate and widen the access into the site. The proposed works cannot be carried out in such a way as to allow and adopt ownership. Therefore, this must be removed from the original planning application.
- The boarding population will triple the population of this part of Charlbury Road.
- The boarding accommodation would be located an excessive distance from the school.
- There will be an annual problem: Wychwood will run summer schools for foreign students.
- CIL exemption is requested despite the applicant being only half a charity.
- In the unforeseen event that the school closes or the accommodation fails to attract boarders), it is unclear what will happen to the empty buildings if approved.
- Concern regarding safeguarding of pupils staying in the accommodation due to the isolated location and distance to the school.
- Concern about impact on wildlife.
- In the Applicant's Application Form, Ownership Certificates, they state that Certificate B applies. They answer "No" to the question "is the Applicant the sole owner of all land to which this application relates?" and "Yes" to "Could it give notice to all relevant owners?" However, they did not/have not given the requisite notice of "21 days before the planning application could be submitted", to those with a freehold interest in their intended development land outlined in red which is contrary to the provisions of Article 14 of The Town and Country Planning Development Management Procedure (England) Order 2015.
- Such notice should have been given/should still be given to the Diocesan via a re-submitted Application Form (who had placed the development access covenant on the Applicant's land) and to the owners of 44, 42 and 40 who have "freehold legal interests" of riparian rights which are immediately affected by the Applicant's development plan. Notice should have also been given to the Cherwell School who have a right of access through this land for their pupils to access the playground here through the gate on their boundary fence or at No. 36. This information has been readily available to the Applicant's lawyers

throughout the three-year period of preparation for this Planning Application.

- The Applicant's land is land-locked to development access, and it is unclear from the current distribution of land ownership and rights that this situation can easily be remedied, certainly not by any one given party.
- Planning Permission is needed to alter or undertake works on an ordinary watercourse such as this ditch and consent and permission from the joint riparian landowners of 40, 42, 44 and 46 must be given before this can be done. No such consent or permission has been sought nor is any given here. The Applicant's status as "access-holder only" means that it cannot give valid or sole consent or request such works.
- The use of the ditch should not have been included in the application to widen the access and should, therefore, be removed. In any event, all the documents relating to this aspect should have been placed on the planning portal for comment but have not been. These documents should now be added, and the consultation period extended to allow such comments to be made. There is only one comment from the Environmental Agency stating "it did not wish to be consulted where FRSA applies" but other relevant reports and consents were necessary in respect of the intended alterations to the ditch which should now be disclosed. If the Applicant had been a riparian landowner, these reports and consents would have formed part of the planning process. As the Applicant is not, it appears these matters are being covered separately in a S278 agreement matter which is not acceptable, as any intended alterations to an ordinary watercourse is a planning matter and must be treated as such.
- As the Risk Management Authorities discourage the construction of new culverts because they increase flood risk and damage to the environment, no consent or permission can be given by the joint owners of this stretch of the ditch. The boundary plan, showing a marked line through the hedgerow and the ditch of these owners has already been supplied and it is clear that our interests are being overlooked. The Authority has been supplied with images of the recent flooding on and around these tennis courts and it is clearly not in the residents' or riparian owners' interests for the ditch and its current culverts to be altered in any way.
- Concern that the FRA and drainage strategy use the wrong plan, which includes the provision of swales on land which the applicant does not own.
- No fire risk and safety assessment has been carried out on such a densely occupied set of dwellings.

9.59. Following the publication of revised plans in June 2024 which included minor changes to the red line plan, 4 additional letters of correspondence have been received from a resident adjoining the site. The correspondence raises the following matters:

- Validity of certificate C is queried as this must be served before a planning application is made not retrospectively.
- The certificate should be served on neighbouring riparian owners at Nos. 42 and 44 Charlbury Road and the Cherwell Academy Trust (being the successor in title of the Diocesan's development access clause and owner of the western strip of land) and the known owner of the entrance to the tennis courts before it made its planning application.

- Query whether St John's College had been served notice as the applicants own survey revealed St John's retained the site entrance (and that section of the culverted ditch).
- A new application form must be submitted for validation and service of statutory notices, both in the newspapers and on site, within the statutory time frames must be undertaken before determination of the application by the Local Planning Authority.
- A recent attempt has been made to post a certificate of ownership C notice in the name of only one of the Applicant joint owners (yet not served on known parties) which makes it legally invalid.
- Amended documents and plans were uploaded onto the planning portal within 3 days of the closing date for the revised planning notice.

Officer Response

9.60. Many of the above matters are addressed within the relevant sections of the report below. However, Officers are satisfied that following the amendments to the site plan during the application the correct ownership certificate has now been given and the application is a valid application. Officers would however clarify that matters of land ownership, riparian rights, and rights of access, relating to either the site ownership or to matters which can otherwise be secured by a suitably worded condition are not material planning matters to be considered in the determination of this planning application. The applicants have outlined that fencing will be set back from the brook to ensure that access can be granted to discharge any riparian obligations, The Council also understands that the applicants have sufficient rights to carry out necessary works in any event or that these can otherwise be secured by a suitably worded condition.

9.61. In relation to the advertisement of the amended plans, a revised location and site plan were placed on the public portal on 28th May 2024 whilst a copy of the certificate C was placed on the public on 10th June 2024 on the same date that the application was readvertised by site notice on 10th June. The purposes of readvertising the planning application was to provide notification that the red line area of the development site had been amended these changes were reflected on the site location plan, which is required to set out the site parameters. The changes to other plans and documents referred to by the objector were made on the basis that the drawings and documents included the former red line plan and have consequently been amended for consistency and no other reason. The reason for the amended documents being placed on file was also addressed within a submitted covering letter prepared by the applicant's solicitor which was also placed on file on the public portal on the Councils website.

9.62. 15 letters of support have been submitted. The main comments in support of the application are summarised as follows:

- The school is an important employer and education provider in North Oxford.
- Supporting the expansion of established schools assists in supporting economic development in Oxford.

- Wychwood School is currently constrained by its ability to take day pupils, which also places pressure on local transport infrastructure.
- The proposals would make effective use of underutilised land.
- The existing tennis courts have always been used exclusively by the school and have not been used for over two years.
- The change from single sex to co-ed and the evolving nature of sport in the school means the school is moving away from tennis in favour of Hockey, Rugby and Rowing as 'core sports' which is provided in conjunction with Oxford Hawks, Quins and Hinksey respectively.
- Any adverse impacts associated with the development of the courts can be mitigated through measures such as management plans.
- Support for the educational provision provided by Wychwood School.
- Support the school's contribution to local business.
- Expansion of the school would enhance the partnership which exists between the School and Oxford Quins RFC on a range of projects to support the growth of Rugby and support the club with much needed revenue via the provision of summer rugby camps and jointly run school rugby festivals that are made accessible to the broader Oxfordshire community.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Impact
- Energy/Sustainability
- Neighbouring amenity
- Highways and Transport Impacts
- Ecology
- Trees
- Flooding/Drainage
- Land Quality
- Air Quality
- Utilities

Principle of development

Proposed Use

10.2. Paragraph 11 of the NPPF makes clear that where there is no relevant policy in the local plan, presumption should be applied in approving development that would not otherwise conflict with the wider framework and where there are no demonstrably adverse impacts associated with the proposed development.

- 10.3. The adopted Oxford Local Plan 2016-2036 does not have a policy that deals specifically with the provision of boarding accommodation for school age children. Policy H8 of the Oxford Local Plan, which relates to provision of student accommodation is of specific relevance to accommodation whose main purpose is to house students of sixteen years of age or above, registered on fulltime courses of an academic year or more in Oxford, this is defined within the Local Plan glossary and relates to university students and those studying at other higher education institutions. The age of the students that would occupy the accommodation would vary between 13 and 18 years of age, therefore this policy would not be applicable to the proposed development. There are no specific policy provisions in the NPPF which relate to school boarding accommodation.
- 10.4. Paragraph 99 of the NPPF gives great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications and local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Policy E2 of the Oxford Local Plan outlines that applications for all new education, teaching and academic institutional proposals (other than the expansion of schools providing statutory education) should clearly demonstrate how they support the objectives of and accord with the wider policies of this development plan. The Policy states that planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met or, where this policy does not apply, that a suitable form of student accommodation for all students will be provided, with controls in place to ensure that the provision of accommodation is in step with the expansion of student places. Policy H9 is applicable to university academic facilities as is not therefore relevant to the development proposals contained within this application.
- 10.5. The applicants have prepared a Statement of Need in support of the planning application, which outlines in further detail, the requirement for the new boarding accommodation and the scale of development proposed. The statement outlines that a large percentage of the rooms will be taken up by decanting existing boarders from the remaining accommodation within the school which can then be reconfigured (Phase 2) to make space for more academic use. Presently there is space for 40 boarders on the main school site at Banbury Road. The statement outlines that given the constraints on the existing site, options are limited to allow for expansion of boarding accommodation and academic uses. The school received approval from the Department of Education for a material change to further increase its pupil capacity and convert to a co-educational school for students aged 11 to 18, which has resulted in a significant increase in parent and pupil enquiries. As the proposals are submitted within the aim of expanding the educational provision offered at the Wychwood School and increasing pupil intake and quality of boarding accommodation, it is considered that the proposals would align with Paragraph 99 of the NPPF and Policy E2 of the adopted Oxford Local Plan, subject to the proposals complying with the wider provisions of the Local Plan and NPPF.
- 10.6. Policy H16 of the 2040 Draft Oxford Local Plan relates specifically to development of new boarding school accommodation. The policy states that development is permissible where:

- a) *It is on or adjacent to a teaching campus of the school the children will attend; and*
- b) *The accommodation would provide an adequate, safe and supervised environment for the children;*
- c) *It will not harm the amenity of any neighbouring residential properties; and*
- d) *It will not cause severe traffic impacts that cannot be mitigated;*
- e) *A management regime has been agreed with the City Council that will be implemented on first occupation of the development (to be secured by a legal agreement) to ensure the safety of students and to avoid harm to the amenity of surrounding residential uses.*

10.7. Compliance with criteria b-e of Policy H16 listed above is assessed within greater detail in the relevant sections of this report which deal with amenity and transport impacts. The development would not comply with criteria (a) of Policy H16 as the accommodation would not be on or adjacent to a teaching campus of the Wychwood School, which is located approximately 1km to the south west of the site on the junction of Banbury Road and Bardwell Road.

10.8. Paragraph 48 of the NPPF sets out that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

10.9. The Draft 2040 Oxford Local Plan was subject of consultation in late 2023 and the draft document was submitted for examination on 28th March 2024. The current position is still that the emerging policies have very limited weight. Objections have been received in relation to emerging Policy H16, in particular the location-based restrictions applied under criteria a of the policy. Given that there are unresolved objections to the policy, officers advise that significant weight should not be afforded to Policy H16. On this basis, refusal of the development in principle, where assessed against criteria a) of Policy H16 would not be justified.

10.10. Given that the adopted Local Plan is silent on the principle of student boarding accommodation and does not place restrictions limiting this form of development, presumption in favour of the development should be applied in line with Paragraph 11 of the NPPF, subject to the proposals complying with the wider policies of the development plan and NPPF.

Loss of Sports Facility

10.11. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

10.12. The above requirements are similarly replicated under Policy G5 of the Oxford Local Plan.

10.13. Policy HCS3 of the Summertown and St Margarets Neighbourhood Plan states that existing sports and leisure facilities will be safeguarded from other development. Proposals for other development will not be supported. Opportunities for the improvement of existing facilities will be supported. Where the loss of a facility and any attendant green space is unavoidable as a result of development, a replacement of that facility (the same size or larger, and with the same or improved facilities) should be provided as near to the facility as possible, or at a location equally or more accessible to Plan Area residents by walking, cycling, and public transport. In the event that the provision of a replacement facility is neither practical nor viable', a financial contribution should be provided to secure an alternative facility and/or the improvement of an existing facility'.

10.14. The tennis courts were previously used by Wychwood School, although this is understood to no longer be the case, the applicant's Planning Statement indicates that the courts have not been used by the school since 2021. The courts were used for a period of time by the adjoining Cherwell School for outdoor sports use, although the Cherwell School are no longer using the courts, this is understood to be in part due to the recent completion of the all-weather surface on the Cherwell School (north) site. There is a tennis court on the site of the Wychwood School at Banbury Road which remains in use. Whilst the applicant's Planning Statement outlines that the school have access to the playing fields adjacent to the application site, which are used for football, rugby, and athletics.

10.15. It is understood that the courts were used informally by the local community in the summer outside of school term times and arrangements were made whereby residents could pay to use the courts. It is understood that this arrangement was in place until 2012. Notwithstanding this, the courts are privately owned by Wychwood School and are not subject of any formal community access agreement that requires the courts to be made available for use by the wider public. Notwithstanding this, the courts should not be classed as surplus to requirements, such that their loss could be accepted without mitigation as initially proposed by the applicants. Sport England initially objected to the proposals on this basis.

10.16. There are several tennis courts within North Oxford, although many of these are under private ownership by independent schools and colleges and do not benefit from wider community access. There are existing public tennis courts in Summertown at Alexandra Park which serve the immediate community and at Cutteslowe Park, which are accessible by public transport or cycling. The Council's Leisure Services Team have identified that improvements are required to both public facilities. Following negotiation with officers, the Leisure Services Team and

Sport England, the applicants have proposed a financial contribution of £150,000 towards the provision of new or upgraded facilities at Cutteslowe Park and Alexandra Park for tennis, paddleball or pickleball. Sport England have advised that this would appropriately mitigate the loss of the tennis courts on the application site and have removed their objection. It would be reasonable to consider that the contribution and benefits that this would provide represents an enhancement on retention of the existing courts in terms of the benefits to local sports provision. The contribution would assist in improving publicly accessible facilities, whereas the existing courts are under private ownership and do not benefit from public access. The financial contribution would be secured through a Section 106 agreement, with a requirement that the contribution would be spent within North Oxford, within a location accessible to residents living within the Summertown and St Margarets Plan Area to accord with Policy HCS3 of the Summertown and St Margarets Neighbourhood Plan. Both the Cutteslowe Park and Alexandra Park facilities are considered to fall into this category. Policy HCC2 of the Summertown and St Margarets Neighbourhood Plan notably prioritises improvements to Alexandra Park.

- 10.17. Subject to securing the proposed financial contribution of £150,000 by Section 106 agreement, officers consider that the proposals would comply with Paragraph 99 of the NPPF, Policy G5 of the Oxford Local Plan; and Policy HCS3 of the Summertown and St Margarets Neighbourhood Plan.

Design and Heritage Impact

- 10.18. 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.

- 10.19. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF sets out that planning decisions should ensure that all developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 10.20. Paragraph 134 of the NPPF also sets out that development should take into account the principles set out within the National Design Guide and National Model Design Code.
- 10.21. Policy HOS3 of the Summertown and St Margaret's Neighbourhood Plan states that proposals of both traditional and innovative designs will be supported where they respect the local heritage and character of the neighbourhood.
- 10.22. Three identical buildings are proposed on the site, equally spaced, and sited alongside the proposed vehicular access road. The proposed buildings would be 2.5 storeys with upper floor accommodation located in the roofs of the buildings. The buildings would be slightly higher than the adjoining property at No.44 Charlbury Road.
- 10.23. The surrounding area is characterised by large red brick detached properties sited within generous development plots. The housing is typically suburban in character, albeit that the use of materials and some design features of the housing share characteristics associated with the North Oxford Conservation Area.
- 10.24. A contemporary design approach is proposed, albeit using a traditional palette of materials with red brick materials are proposed at ground and first floor, whilst the upper floor mansard roof would be clad with plain clay tiles. The buildings would be larger than the adjoining suburban scale of housing in Charlbury Road in terms of height, footprint and volume, accounting for the use of the buildings. Notwithstanding this, the development is in keeping with the residential scale and character of the area and the buildings sit within a generous landscaped garden area that will function as amenity space for pupils as well as providing biodiversity enhancement and sustainable drainage. The scale of the development would not appear uncomfortable or overbearing in the context of the existing housing in Charlbury Road as emphasised within the visuals provided from Charlbury Road close to the proposed access into the site. Officers consider that the design is of a high quality and would be appropriate in terms of its scale, siting, and appearance, where assessed within the context of the surrounding development and would comply with Policy DH1 of the Oxford Local Plan and Policy HOS3 of the Summertown and St Margaret's Neighbourhood Plan.
- 10.25. Thames Valley Police outlined specific concerns in relation to the development and proposed use in respect of the security of the pupils occupying the scheme. Several of the design measures suggested by the Police are detailed design matters that would be implemented at a later stage in the design process, including access control arrangements and security standards applicable to door and window specifications. There would be gated access into the site which would be controlled by intercom and keypad preventing unauthorised access. Whilst urban design practice is to avoid gated developments where possible, the provision of gated access is considered appropriate and necessary in this instance given the age of the occupiers and to prevent unauthorised access into the site. The applicants have confirmed that CCTV coverage will be installed to cover all external amenity areas and entrances. A condition is recommended to secure details of all external boundary treatments. The Police have recommended that the applicant applies to obtain secured by design accreditation, officers concur with

this recommendation and have recommended a condition requiring this. Officers consider it appropriate to require a lighting plan be submitted in the interests of ensuring the safety of future occupiers and to exercise control over external lighting to prevent this having a negative impact on the amenity of existing occupiers.

- 10.26. The design and access statement accompanying the planning application includes an assessment of the site's wider visibility from the surrounding area in key views, this includes rendered visuals of the development from viewpoints where the development is likely to be visible and wirelines, where it is unlikely that there would be any views of the proposed buildings.
- 10.27. From the south, including from within the North Oxford Victorian Suburb Conservation Area, the visual assessment demonstrates that visibility is likely to be limited only to views immediately south of the site from Charlbury Road, where the site frontage is currently visible. The presence of existing housing and built form to the south and east of the site is likely to prevent any visibility of the proposed buildings accounting for the height of the development.
- 10.28. To the north of the site, sections of the buildings would be visible when viewed from Marston Ferry Road, including in two views provided adjacent to the vehicular access to the Cherwell School and from Marston Ferry Road adjoining the playing fields, where the site would be visible given the absence of intervening trees or built form.
- 10.29. In longer range views from the north east and east of the site taken from public rights of way on the eastern side of the River Cherwell, the views assessment suggests that the site and the proposed development is unlikely to be visible, given the presence of trees and hedgerows between the viewpoints and the site. It could be concluded that the development would have no significant impact, where assessed in these views, which were taken in the winter where tree cover was at its lowest.
- 10.30. A very small section of the site lies within the North Oxford Victorian Suburb Conservation Area (NOVSCA), whilst the whole of the site would fall within the immediate setting of the Conservation Area. 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.
- 10.31. 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.
- 10.32. 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).

- 10.33. As set out in the Conservation Area Character Appraisal (2018), the NOVSCA's primary significance derives from its character as a distinct area of residential suburban development laid out speculatively in the nineteenth and early-twentieth centuries, when Oxford expanded rapidly beyond its historic core, on land largely owned by St John's College. This resulted in an area that possesses considerable homogeneity, which is reinforced in the eastern and central parts of the area by the broad streets and the feeling of spaciousness created by the generously proportioned and well-planted gardens. To the west of Woodstock Road the spaciousness gives way to denser housing in narrower plots as was considered appropriate for the homes of artisans.
- 10.34. The setting of the NOVSCA makes an important contribution to the ability to understand its significance as a major phase of 19th/early-20th century suburban expansion along two arterial routes into the city, between the geographical boundaries of the Oxford Canal and the Railway to the west, and the River Cherwell to the east, connecting the city to the south with Summertown to the north. Beyond the boundaries to the east and west there is open green space, composed of parkland and floodplain, giving the area its distinctive linear form.
- 10.35. The application site adjoins the northern boundary of the NOVSCA, adjacent to an area of late-20th century residential development within the conservation area superficially in-keeping with the character and appearance of the Bardwell Estate character area of the NOVSCA - in which it is situated - but is laid out on a cul-de-sac arrangement that is atypical of the area and is of limited architectural interest. It was historically used for allotment gardens, before becoming part of the land associated Middle and Secondary Modern schools built to serve north Oxford in the 1960s and 1970s. It is currently occupied by tennis courts, which are not themselves considered to make any particular contribution to the character appearance or significance of the NOVSCA, but do form a transition between the developed area of the NOVSCA and its open, rural setting to the east.
- 10.36. The introduction of built form onto the site, which is currently hardstanding tennis courts, would result in change to a part of the immediate setting of the NOVSCA. However, in views from within the NOVSCA the development would be seen in the context of the late-20th century residential development at the end of Charlbury Road, which is of limited architectural interest; and whilst the proposed buildings are of a larger scale than the adjacent residential development, buildings of a similar scale exist nearby at Wolfson College and at the schools to the north.
- 10.37. Development of the site has the potential to impact on the rural edge of the NOVSCA. However, the visualisations provided by the applicant indicate that the height and massing of the proposed development, together with the retention of trees along the boundaries, mean that it would not be readily perceived in longer-distance views towards the NOVSCA from the east/north-east. Existing vegetation would remain the predominant characteristic of this edge in these views, and

where the development would be visible its material palette is such that it would not stand out against the adjacent built form within the NOVSCA.

10.38. Overall, therefore, whilst the development proposals would result in change to a part of the NOVSCA's setting, it is considered that it would not harm the Conservation Area's character, appearance, or significance. No other built heritage assets would be affected by the proposals. The application therefore meets with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990; paragraphs 205-214 of the NPPF; and policy DH3 of the adopted Oxford Local Plan.

Archaeology

10.39. The submitted archaeological assessment suggests that this site has moderate potential for prehistoric and Roman archaeology, relating to the wider contextual evidence for rural Iron Age and Roman settlement and field systems either side of the Cherwell River and floodplain. Previously Iron Age settlement activity has been noted east of this site at the Swan School on the edge of the eastern floodplain and further west at Ferry Pool.

10.40. The desk-based assessment suggests that the application site is likely to be disturbed because of observation in 2003 during a watching brief at the northern end of the school site which suggested a modern preparation strip had taken place to the 'top of clay' when the school was established and because the application site is located within former allotments.

10.41. The 2003 strip produced mixed results including areas where buried topsoil over natural was observed and stripping to the top of natural would not necessarily truncate prehistoric and Roman features which are commonly cut into the natural geology. Allotments are commonly dug to two spade depths and investigations have shown that the working of allotments plots does not necessarily remove the archaeological interest.

10.42. NPPF paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.43. 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.

10.44. Given the use of the application area as school tennis courts, the likely extent of modern disturbance and the scale of the proposed buildings, ground reduction areas and swales. In line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to a condition to secure an archaeological trial trenching followed by further mitigation if required.

Energy/Sustainability

10.45. 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. The Policy requires that planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1. Policy ENC2 of the Neighbourhood Plan similarly promotes the incorporation of renewable and local carbon technology in all development proposals.

10.46. An Energy Statement was submitted alongside the planning application. The Energy Statement outlines that the following energy efficiency measures will be incorporated into the buildings in the development:

- Mechanical ventilation with heat recovery
- Optimisation of window design and glazing specification to maximise daylight and to minimise summer solar heat gain.
- High performance LED lighting.
- Provision of air source heat pumps.
- Provision of solar panels across flat roofed sections of the building.

10.47. In combination, the above measures would achieve a 43.3% reduction in carbon emissions compared to the Part L base line. This would exceed the requirements of Policy RE1 of the Oxford Local Plan.

Health and Wellbeing

10.48. Local Plan policy RE5 seeks to promote strong, vibrant and healthy communities and reduce health inequalities. The application has been supported by a Health Impact Assessment (HIA) which considers the health impacts of the proposed development based on the NHS London Healthy Urban Development Unit (HUDU) Rapid Health Impact Assessment (HIA) as required by policy RE5.

10.49. The proposals help to facilitate provision of secondary level educational needs, which constitutes a social benefit of the development. The applicant has agreed to a financial contribution towards improvements to tennis or similar sports provision, which is proposed to be delivered within, or in close proximity to the Summertown and St Margarets Neighbourhood Plan Area. This would constitute wider health and wellbeing benefits as the target sites for delivery of improvements would be publicly accessible facilities, in contrast to the existing tennis courts which are unused and are in private ownership.

10.50. As noted in the above sections of this report, the design of the development would be in accordance with the sustainability criteria outlined under Policy RE1

of the Oxford Local Plan. The design is considered to minimise opportunities for crime and would be subject to achieving secured by design accreditation.

10.51. Negative impacts associated with the construction phase of development can be appropriately mitigated through the preparation of a construction traffic management plan and appropriate measures to control hours of working and dust generation. As noted in the highways section of this report, it is considered that the development would not have a detrimental impact on the safety of all road users, accounting for the relatively low level of traffic generation and mitigation measures proposed. The development would not have a severe impact on highway safety and there would be no conflict with Paragraph 115 of the NPPF.

10.52. Officers therefore consider that the development would comply with Policy RE5 of the Oxford Local Plan.

Amenity Impacts

10.53. Policy H14 of the Oxford Local Plan requires 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 RE7 of the Oxford Local Plan requires more generally that the amenity of existing uses is safeguarded where considering new development proposals.

10.54. There are existing residential dwellings to the south of the site with Nos. 42 and 44 Charbury Road directly adjoining the site. In relation to No.42 Charbury Road, there would be a separation distance of 27.4 metres between the first and second floor of the proposed accommodation and the single storey rear extension which has recently been constructed and contains windows serving a habitable room. There would be a distance of 31 metres between the rear elevation of No.42 Charbury Road and the first-floor windows within this property. This is an adequate separation distance in ensuring that the occupiers of this property are afforded privacy. There would be separation distance of 19 metres between the first and second floor windows and the garden of No.42 Charbury Road, which would also be adequate separation to ensure that an acceptable degree of privacy is retained for the occupiers of this property.

10.55. In relation to No.44 Charbury Road there would be a separation distance of 22.6 metres between the side elevation of No.44 Charbury Road and the first and second floor windows of the proposed accommodation building. There is a side facing window on the ground floor of No.44 Charbury Road, which serves a utility room. It is noted that there is planning permission at No.44 Charbury Road (22/03021/FUL) for a series of alterations including conversion of an existing garage to habitable accommodation. The garage is located 19.5 metres from the first and second floor windows of the proposed accommodation building A serving bedrooms. The approved plans submitted under planning application 22/03021/FUL include a side facing window in the north elevation of the building that would face the application site. In addition to the windows serving the bedrooms in Building A, there would be a window serving a set of stairs which would be located approximately 18.5 metres from the ground floor window of the proposed garage conversion. Officers note that planning permission has also been granted for an alternative proposal on this site, which does not involve the

conversion of the garage (23/02448/FUL), however as planning permission 22/03021/FUL could still be implemented, consideration must be given to the impact of the development in terms of overlooking of the north facing window that may be sited within the converted garage. In relation to the windows serving the stair core, officers consider that it would be reasonable to require that the windows are fitted with obscure glazing to safeguard the amenity of No.44 Charlbury Road. In relation to the windows serving the bedrooms at first and second floor level, the extent of overlooking would be less direct and at 19.5 metres there would be a slightly greater distance to the window serving the converted garage, were this permission to be implemented. Officers therefore consider that it would not be necessary to require these windows to be fitted with obscured glazing as the siting of the windows would not result in a significant loss of privacy.

10.56. There would be a separation distance of 15 metres between the proposed first and second floor windows and the garden area of No.44 Charlbury Road accounting for this separation distance officers consider that this would not result in an unacceptable degree of overlooking in terms of the garden area of this property. There is also a side facing first floor window which serves a habitable room which faces the site, however there would be a distance of 25 metres to the nearest facing windows, which is considered an acceptable separation distance in terms of retaining privacy for the existing occupiers of this property.

10.57. When accounting for the proposed separation distance and overall scale of the development, officers consider that the buildings would not appear overbearing in relation to the surrounding properties.

10.58. Windows are proposed at first and second floor level within the west elevation of the building facing the Cherwell School playground and classroom spaces in the layout of each of the buildings, which is one of two windows serving a bedroom. Policy H14 of the Oxford Local Plan requires consideration to be given to overlooking of schools, when assessing new development proposals. The proposed plans indicate that the windows would be obscure glazed to prevent overlooking of the adjoining school. Officers consider that this would appropriately address safeguarding issues associated with overlooking of the school. It is also appropriate to note that the accommodation would primarily be occupied outside of school hours in any event, given that pupils would primarily be studying at the Wychwood School site during school hours.

10.59. A stair access is proposed on the west elevation of each of the three buildings, facing the school. This is proposed to function as a fire escape stair and therefore its use is likely to be very infrequent. Concerns were expressed within representations regarding overlooking of the Cherwell School from these side stairs as the material treatment is proposed as vertical metal fins. From a design perspective this is acceptable as it avoids adding to the bulk of the building compared with a more solid treatment such as brick, however whilst noting the infrequent use of the stairs, officers recommend that further details are required by condition outlining how the design approach can limit overlooking of the school. This may include setting the fins at an angle to prevent direct views through the stairs.

- 10.60. The applicant's landscaping plan, whilst indicative, includes tree planting along the western boundary, which would provide further screening of the adjoining play area. The existing mesh fence would be replaced with a new fence, the design to be secured by planning condition. The applicants have indicated that the fencing along the school boundary can be designed to include additional mesh screening to limit visibility into the play area.
- 10.61. A solar study assessment contained in the appendix to the design and access statement which indicates that the development would not have a significant impact in terms of the loss of light or overshadowing both in relation to the play area of the Cherwell School or any of the surrounding properties.
- 10.62. The applicants have outlined their agreement to preparing a Pupil and Site Management Plan as a means of managing the behaviour of pupils and to prevent issues such as noise, which would be expected to include time limits on the use of the outdoor spaces, therefore limiting the likelihood that the use would cause nuisance to adjoining residents. The school have outlined that within each block there would be a full-time house parent with adult supervision of the pupils provided 24/7. This is to ensure the safety of students and to monitor pupils' behaviour on site, including within the outdoor amenity areas. Officers are satisfied that adequate measures are outlined to manage the operation of the site and pupil behaviour in principle. The submission of a Pupil Management Plan will need to be secured by legal agreement.
- 10.63. The applicant will have to ensure that future occupiers are protected from excessive external noise and internal noise transfer by way of adequate sound insulation in accordance with Policy RE8 of the Oxford Local Plan. This is appropriate given the residential use of the building and proximity to the adjoining school, which is a noise generating use.

Transport

- 10.64. Policy M1 of the Oxford Local Plan outlines the need for development to be planned in a way which prioritises access by walking, cycling and public transport, reflecting the requirements of Paragraph 116 of the NPPF. This is crucial in achieving a modal shift away from private car use as the default means of accessing new developments. Policy M2 of the Local Plan states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, this must assess the multi-modal impacts of development proposals to ensure that:
- a) there is no unacceptable impact on highway safety;*
 - b) there is no severe residual cumulative impact on the road network;*
 - c) pedestrian and cycle movements are prioritised, both within the scheme and with neighbouring areas;*
 - d) access to high quality public transport is facilitated, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - e) the needs of people with disabilities and reduced mobility in relation to all modes of transport are addressed;*

- f) the development helps to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- g) the efficient delivery of goods, and access by service and emergency vehicles is allowed for; and*
- h) charging of plug-in and other ultra-low emission vehicles is enabled in safe, accessible and convenient locations.*

10.65. These requirements are similarly reflected in Policies TRS1, TRS2 and TRC1, TRC3 of the Summertown and St Margarets Neighbourhood Plan.

10.66. Though the use of the accommodation would be classed as residential, there are no parking standards set out within Policy M3 of the Local Plan or related appendix 7.3 that are directly applicable to the proposed boarding accommodation use. On this basis any requirement for parking should be set out within a Transport Statement and should be limited to the minimum level required to meet the operational needs of the development.

10.67. In total 7 parking spaces are proposed, which includes a disabled parking space to the front of building C. The submitted transport statement has outlined that parking would be required for the following purposes.

- Minibus parking for the school.
- Boarding staff, 3 of which would be present on site over day and night shifts.
- Servicing use for maintenance contractors and housekeeping.

10.68. Although there may be students on site that are of an age where they may be able to drive, it is not proposed that the spaces would be used by any of the students living on site and it is indicated within the Transport Statement that pupils would be forbidden from bringing private cars to the site. Officers consider that the proposed parking provision has been justified in line with the operational needs of the development.

10.69. Access into the site is proposed from Charlbury Road in a position to the north of the existing vehicular turning head where there is presently a tarmac path leading into the tennis courts site. An access gate would be provided in a position set back 8 metres from the carriageway edge to avoid obstructing Charlbury Road. Obstruction of the road would be unlikely given the relatively low number of predicted vehicle movements.

10.70. The access lies at the end of a residential cul-de-sac road which also forms part of National Cycle Network (NCN) Route 51 which passes along Charlbury Road leading to the City Centre. The route runs to the east of the development site along a pedestrian/cycle route which passes alongside the Cherwell School before heading north into Sunnymead. Several representations received raise concerns regarding the proximity of the access to the position at which the cycle route joins Charlbury Road and also note that the route is well used, particularly by children attending the various schools.

10.71. The applicants Transport Survey indicates that the mean speeds recorded in Charlbury Road were 12-13mph. The applicants have further suggested that to raise awareness of cyclists and to assist in reducing vehicle speeds that ‘SLOW’ markings be applied to the carriageway and/or ‘cycle route ahead’ signage be provided in the vicinity of the bend and/or access. The applicant’s Transport Statement identifies that no traffic collision incidents have occurred within 300 metres of the application site. A ‘slight’ incident occurred on Charlbury Road circa 25m south of its junction with Belbroughton Road, involving a car reversing into a parked car. Two ‘slight’ incidents occurred at the crossroads of Charlbury Road and Linton Road, which would be on the route, which is on NCN 51 and a possible route between the site Wychwood School. A ‘slight’ incident occurred at the junction of Marston Ferry Road and access to The Cherwell School also involving a car and cyclist, which would be on a possible route between the site and Summertown.

10.72. The applicants revised Transport Assessment includes analysis of daily vehicle movements which reflects amendments to the proposed operational management of the pick-up and drop off strategy for boarders. Originally this was proposed to take place at the Charlbury Road site. All pick up and drop offs is now proposed to take place at the main school premises at Banbury Road, therefore significantly reducing the number of vehicle movements associated with the development that would be taking place on Charlbury Road. The breakdown of typical daily forecast vehicle movements by staff and servicing is listed in Table 6.1 of the applicants Transport Statement, which has been copied below.

Table 6.1 – Estimated staff and servicing vehicle movements at the proposed boarding accommodation in a typical day

Trip purpose	Arrivals	Departures	Total
House parents	6	6	12
Site security officer	1	1	2
Laundry, maintenance and cleaning	1	1	2
Deliveries of snacks, day-to-day items etc	1	1	2
Total	9	9	18

10.73. Trips by house parents consist of two trips a day by each of the three house parents. This does not involve trips between the site and the school as all trips made from the staff to and from the school during school hours would be by either cycle or foot. Other trips are on an operational basis only for servicing, security and maintenance staff and for the delivery of day-to-day items. The daily trip generation figures do not include trips involving the use of the minibus as this is not proposed to be used as a mode of travel as students would be walking from the accommodation to the main school site. Restrictions would be placed on the use of the minibus for this purpose within the school management plan and its use during weekdays is therefore anticipated to be so infrequent that this would have no significant impact on highway safety.

10.74. It has been suggested that the provision of the new boarding accommodation would facilitate the conversion of existing boarding accommodation at the main school premises to additional educational space, which would potentially increase

total pupil capacity. The transport statement outlines that delivery of the accommodation would likely result in a decrease in the number of daily students who would travel to school every day (Monday to Friday). The transport statement assumes a reduction of vehicle movements per week by parents from 2957 trips to 1123 trips, based on an increased number of boarding students and a reduced number of daily students. Even where accounting for an increase in 40 new daily pupils, it is indicated that there would be a total of 1923 weekly vehicle movements, which would be a significant reduction in vehicle movements associated with the school and the main site at Banbury Road. Officers consider that the proposed number of trips expected to be generated is unlikely to have a significant detrimental impact in traffic terms on the local highway network.

10.75. The site access is in close proximity to the position where the NCN route joins Charlbury Road and joins the road carriageway. The level of daily vehicle trips associated with the site would be very low at 18 movements per day and traffic is likely to be travelling at a low speed thereby minimising risk of collision. There would be a requirement for the applicant to enter into a Section 278 agreement with the County Council to construct an access that meets the County Council's requirements for visibility and safety, along with the provision of off-site measures including those suggested above to raise awareness of cyclists and to reduce vehicle speeds. Officers are therefore satisfied that safe and suitable access can be achieved without having a severe impact on highway safety and the development would not have a demonstrably negative impact on the safety of cyclists and road users.

10.76. The operational management of the school's pick-up/drop-off states that proposed drop-off and pick-up for both weekly and termly boarders will take place at the main school premises. The Transport Assessment states that there would be an expected split of up to 80 termly boarders and up to 34 weekly boarders. It is anticipated that students will either walk or be transported via the school minibus to and from their accommodation blocks. Parent drop-offs and pick-ups of boarders at the main school premises would occur at weekends with minibus trips arranged for this purpose. For termly boarders this would typically only take place at the start and end of term. Prior to occupation, the applicant will be required to produce a student accommodation management plan, setting out control measures for ensuring that vehicle movements associated with student drop off/pick up days at the start and end of term and weekends do not lead to a significant increase in traffic visiting the site.

10.77. Forecast movements associated with the school drop off strategy are 2 to 4 minibus movements per hour at the weekend for up to 12 times a year. The majority of the movements associated with pick up and drop off are associated with termly boarders, as weekly boarders would be expected to walk from the school premises to the accommodation as they would typically be carrying less luggage than termly boarders. The minibus movements would take place almost entirely at the weekend apart from in exceptional, infrequent circumstances. The frequency and timing of vehicle movements is considered to not have a severe impact on highway safety or amenity.

10.78. It is proposed that pupils would walk between the application site and main Wychwood School site, which is located approximately 1.1km to the south west on

Banbury Road. In terms of public transport access, the nearest bus stops are located approximately 480 metres from the site on Marston Ferry Road to the north and 670 metres to the north east on Banbury Road. The site is also accessible in relation to a wide range of facilities available in the Summertown District Centre, which lies within 1km or 20 minutes walking distance from the site. Given that most occupants would be typically walking to site, it is considered that the proposals would prioritise sustainable modes of travel.

10.79. The applicants Transport Statement provides tracking detail showing that refuse vehicles and other servicing vehicles and cars are capable turning within the site and entering and exiting in forward gear.

10.80. A Construction Traffic Management Plan (CTMP) would be required in order to ensure that increased traffic generation during the construction phase and movement of larger vehicles can be appropriately managed to mitigate the impact on the NCN and other road users, particularly given the proximity to neighbouring schools. In particular the CTMP will need to have a particular focus on the management of the cycle route which runs adjacent to the proposed entrance of the site, with mitigation measures required to minimise the impact construction traffic has on pedestrians/cyclists. Amongst the required measures will be the need for banksmen to be present on site to safely manage the movement of vehicles into and out of the site to limit risk to the safety of pedestrians and cyclists using the adjoining route. The CTMP would need to include restriction on construction vehicles and delivery vehicles during peak and school pick up and drop off hours and a requirement that engagement takes place with local residents, including the Cherwell School.

10.81. It is noted that a review was prepared by independent transport consultants 'The Transport Consultancy' on behalf of the Linton Road Residents Association in relation to the originally submitted Transport Statement. The review pre-dates the preparation of the applicants revised Transport Statement, which includes updated accident data to include the scope of routes between the site and the school, whilst the review pre-dates the amended pick up and drop off strategy, which results in a significantly reduced number of vehicle movements using Charlbury Road. An ATC survey was also carried out in January 2024, to measure vehicle speeds on Charlbury Road in the vicinity of the site and is captured in the Transport Statement. The comments also pre-date the preparation of plans showing off-site mitigation works including the addition of new give way markings and street signage to increase awareness of cyclists and encourage a reduction in vehicle speeds on approach to the site.

10.82. Officers consider that the submitted Transport Statement is acceptable in assessing the impact of the development in a manner which is proportionate to the scale of development proposed in line with NPPG guidance. Officers are satisfied that the proposals prioritise sustainable modes of travel and would not have a severe impact on highway safety and complies with Policies M1 and M2 of the Local Plan and Policies TRS1, TRS2 and TRC1, TRC3 of the Neighbourhood Plan.

10.83. Policy M4 requires the provision of electric vehicle charging points within residential and non-residential developments. This requirement is set at 25% for non-allocated residential parking and for non-residential uses, therefore this

requirement should be met within the development. This would translate to 1.5 spaces, which should be rounded up to a minimum of 2 spaces within the site. Details of the specification and location the charging infrastructure would be secured by planning condition. The applicants Transport Statement indicates that all but one of the proposed parking spaces would be provided with EV charging points. This would meet the requirements of Policy M4 of the Oxford Local Plan.

10.84. In terms of cycle parking provision, there are no standards outlined under Policy M5 of the Oxford Local Plan that are directly applicable to school boarding accommodation. The County Council have advised that cycle parking provision should be increased on site in line with the standards applicable to student and higher education uses (1 space per 2 pupils) and have suggested that this be secured by planning condition. There would be sufficient space on the site to secure this.

Ecology

10.85. The site currently consists of hardstanding associated with the existing tennis courts and areas of neutral and modified grassland. There are existing hedgerows surrounding the site on four sides.

10.86. Landscaping is proposed on the site surrounding the buildings consisting of wildflower meadow planting and modified grass land. Green roofs are also proposed across the accommodation buildings and the detached bin and cycle stores. Additional hedgerow planting is proposed along the southern and western sides of the site. In total the proposals are anticipated to deliver a net increase of +0.47 biodiversity units (+49.58%) and +0.81 hedgerow units (+42.65%). This would significantly exceed the requirement to achieve a minimum 5% net gain in biodiversity as set out under Policy G2 of the Oxford Local Plan. The delivery of biodiversity net gain will be secured by Section 106 agreement, which will include management measures for at least a 30-year time period.

10.87. The submitted ecology report recommended that an aerial tree inspection is undertaken to determine the presence/absence of roosting bats. This inspection was undertaken in April, August, and September 2023. One tree was assessed as having negligible bat roost potential, three trees were assessed as having low bat roost potential and five trees were assessed as having moderate bat roost potential, two nocturnal bat surveys were undertaken on the moderate potential trees. No bats were recorded emerging or re-entering the surveyed trees. Low levels of common pipistrelle, soprano pipistrelle and noctule activity was recorded during the survey effort, including occasional foraging. The submitted ecological assessment recommends the provision of ecological enhancements including the provision of bat and bird boxes. These features can be secured by planning condition. Overall officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

Trees

10.88. Policy G7 of the Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact

upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy ENC3 of the Neighbourhood Plan supports the planting of new trees and retention of existing trees.

10.89. There are a total of 17 individual trees located on the site, four groups of trees and one hedgerow. Of the individual trees, four fall within the category A class, seven within Category B and 6 within Category C. The majority of the trees are located along the eastern boundary of the site and collectively and individually provide an important contribution to the character of the area. It is proposed that all of the trees would be retained on the site.

10.90. The Arboricultural Impact Assessment (AIA) indicates that the depth of construction of the tennis court area, which was found to be 450mm deep, which would provide sufficient depth to allow for the new access road to be installed using standard construction techniques and the ground beneath to existing court which may contain roots be undisturbed.

10.91. Three car parking bays are proposed within the Root Protection Areas of the trees along the eastern boundary; this will require the use of a no-dig construction method in the form of a cellular confinement system. The AIA reports that the 50mm top scrape/turf removal would be needed to achieve the required levels between road and parking bays is achievable, which is considered acceptable.

10.92. Significant additional tree planting is proposed on site, particularly along the southern, western, and northern sections of the site where existing tree cover is more limited and in the case of the southern and western edges of the site, this would provide additional screening between the proposed buildings and the adjacent properties and the Cherwell School. A more detailed landscaping plan is sought by planning condition. In summary the proposals would retain the existing trees along the eastern boundary of the site, which are of significant value, whilst significant additional tree planting is proposed on the site.

10.93. The proposals are therefore considered to comply with Policy G7 of the Oxford Local Plan.

Flooding/Drainage

10.94. Policy RE3 of the Oxford Local Plan requires new development to be located in areas of low flood risk (Flood Zone 1). In considering proposals elsewhere, the sequential and exceptional tests will be applied. Applications on sites within Flood Zones 2, 3 and on sites larger than 1ha in Flood Zone 1 must be accompanied by a Flood Risk Assessment (FRA).

10.95. 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. Policy ENS3 of the Neighbourhood Plan states that where appropriate proposed developments will be required to demonstrate that they do not reduce rain-water infiltration.

- 10.96. The application site falls fully within Flood Zone 2 and is therefore considered to be at a high risk of flooding. The Environment Agency were consulted but confirmed that they did not want to issue specific comments in relation to the proposals, referring to their flood risk standing advice. A site-specific Flood Risk Assessment has been provided in relation to the proposed development in accordance with Policy RE3 of the Local Plan and the NPPF.
- 10.97. The buildings, which would be used for residential purposes would be classed as a 'more vulnerable' use in accordance with NPPG Flood Risk guidance. In line with the NPPG, there is a need to demonstrate safe access and egress into the site in the event of flooding to allow occupants to be evacuated. In the case of the application site, Charlbury Road and the surrounding roads to the south all fall within Flood Zone 1 and are at a low risk of flooding and should therefore be accessible for emergency vehicles to access the site. A Flood Warning and Evacuation Plan, which includes appropriate measures for evacuation of pupils in the event of flooding has been submitted.
- 10.98. Several representations reference recent surface water flooding on the site in January 2024 following heavy rainfall, including on the tennis courts and adjoining playing fields. The applicants were requested by officers to carry out further investigations into sources contributing to the surface water flooding. The updated FRA identifies issues with the existing maintenance and blocking of the culvert adjoining the site and further downstream which are obstructing water flows to the River Cherwell. The FRA identifies the need to maintain and manage the existing culverts and ditches adjoining the site, these measures will need to be set out in the detailed surface water drainage strategy that would be secured by planning condition to prevent further risk of surface water flooding.
- 10.99. It is proposed that the buildings will be raised and set with a minimum FFL 300mm above the 1%AEP+15% climate change flood level at 57.51m. It is proposed that Buildings B & C will be constructed with a void below the building to provide additional flood storage volume for events up to the 1%+15%cc flood level. As the buildings would be set above the existing ground level it is considered that there would be a low risk of surface water flooding. The submitted FRA states that the development will reduce the flow rate from the existing uncontrolled runoff from the site. The Council's Flood Mitigation Officer has reviewed the submitted FRA and Evacuation Plan and has advised that appropriate measures are set out to manage flood risk.
- 10.100. A drainage strategy has been prepared which proposes a strategy based on infiltration. Swales are proposed within the landscaped area, whilst porous paving is proposed for the access road and parking bays. Green roofs are proposed across all the buildings, which will attenuate and recycle water. Surface water will discharge into the drainage ditch to the south of the site within the application site. Oxfordshire County Council as lead local flood authority have raised no objection to the development subject to the provision of a detailed surface water drainage plan, which would be secured by planning condition.
- 10.101. The proposals are therefore considered to be acceptable and comply with Policies RE3 and RE4 of the Oxford Local 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). Policy ENS4 of the Neighbourhood Plan requires that development proposals should demonstrate that there will be no significant direct or cumulative adverse impacts from air pollution.
- 10.103. According to the site's air quality assessment and transport statement, the number of construction vehicles will vary and will be around 5 HDV vehicles per day on average (during construction phase) but may peak at 10 during certain activities. Therefore, it is considered very unlikely that construction traffic would exceed the IAQM criteria (of 25 AADT HGV within AQMA) for requiring a detailed traffic-related air quality assessment.
- 10.104. There will be limited provision for car parking at the proposed development and it is considered that vehicle movements associated with occupation of the development will be well below those requiring a detailed assessment as provided by the IAQM. Also, by virtue of the proposed boarding accommodation to be occupied largely, if not wholly, by existing daily pupils, the proposal is expected to reduce overall vehicle trip generation associated with Wychwood School. Therefore, the impact on air quality of traffic generated by the proposed development has been screened out of the assessment. It is proposed that 6 of the 7 parking spaces be fitted with EV charging points, exceeding the requirements outlined under Policy M4 of the Oxford Local Plan.
- 10.105. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the Air Quality Assessment. There are between 1 and 10 high sensitivity receptors located within 20 m and between 10 and 100 within 50 m. Therefore, the sensitivity of the area to dust soiling for demolition, earthworks and construction would be assessed as Medium. For track out, the sensitivity of the area to dust soiling has been assessed as high as there are between 10 and 100 sensitive receptors within 20 m of the roads used by construction traffic. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate dust mitigation measures. Provided these measures are implemented and included within a dust management plan, which would be secured by planning condition, the residual impacts are considered to be not significant.
- 10.106. The proposals are therefore considered to comply with Policy RE6 of the Oxford Local Plan and Policy ENS4 of the Neighbourhood Plan.

Land Quality

- 10.107. A Phase 1 Geo-environmental Desk Study report has been submitted in support of the planning application. Officers do not support the suggested approach of removing all the made ground beneath existing hardstanding - as opposed to investigating it further. This approach is not considered to be acceptable since removal of the made ground may not be required if contamination

levels are within acceptable limits for the proposed end-use. Conversely, if potentially significant ground contamination risks are present that could impact nearby receptors or the wider environment, then a further risk assessment and robust remedial plan would be required. Until such time as the existing surfaces are removed and the sub surface sampled appropriately, the extent of made ground and contamination risk at the site would not be known, neither would it be known what remedial treatment may be necessary to render the site suitable for use. It is therefore recommended that an intrusive site investigation at the site is completed to inform and update the preliminary contamination risk assessment. A Phase 2 comprehensive intrusive investigation and Phase 3 remediation strategy, validation plan, and/or monitoring plan would be required by condition to ensure compliance with Policy RE9 of the Oxford Local Plan.

Utilities

10.108. Policy V8 of the Oxford Local Plan requires that applications (except householder applications) must be supported by information demonstrating that the proposed developer has explored existing capacity (and opportunities for extending it) with the appropriate utilities providers.

10.109. The applicant's drainage strategy outlines that there is currently no foul drainage from the site and connection is required to the existing Thames Water foul sewer to the south via a private pumping station, which will need to be agreed with Thames Water. Thames Water have advised that they have no objection in principle to the development, providing that upgrades are completed to ensure that the development connects to the local network, evidence of this will be required by planning condition.

10.110. There are no known infrastructural constraints and therefore the development is considered to comply with Policy V8 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. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016- 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

Time Limit

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

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

Approved Plans

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt 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 in accordance with Policy S1 of the Oxford Local Plan.

Material Samples

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of 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.

Construction Traffic Management Plan

4. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed in writing prior to commencement of development. The CTMP should be based on the Oxfordshire County Council's template. 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

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

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

Travel Information Pack

5. Prior to first occupation of the development a Residential Travel Information Pack should be submitted to the Local Planning Authority for approval in writing.

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

Agreement in Writing Restricting Car Use by Occupiers

6. Before the development hereby permitted begins a scheme shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, except for disabled persons, no Student occupants of the Development shall bring or keep motor vehicles in the Oxford City Council Local Authority Area boundaries. The scheme shall specify the arrangements which will be put in place to prevent the students bringing or keeping motor vehicles in Oxford and how those arrangements will be monitored and enforced. The development shall be carried out in accordance with the submitted measures.

Reason: To prevent pupils bringing and keeping cars within Oxford that would add to the parking pressure locally in accordance with Policy M3 of the Oxford Local Plan.

Electric Vehicle Charging Points

7. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- Location of detailed specification of EV charging points.
- Appropriate cable provision to prepare for increased demand in future years. The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

The approved charging infrastructure shall be installed prior to first use of the development.

Reason: To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

Energy Statement

8. The development shall be carried out in full accordance with the recommendations of the Energy and Sustainability Statement prepared by PR Sustainability dated January 2024 accompanying this planning application and written evidence of such compliance provided to the LPA within 3 months of substantial completion of the development.

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.

Obscured Glazing

9. Prior to the first occupation of the development, all windows in the west elevations of Buildings A, B and C and the windows serving the first and second floor access stairs in the south elevation of the building shall be fitted with obscure glazing which shall be retained thereafter.

Reason: To limit overlooking to preserve the privacy and amenity of adjoining residential occupiers in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036.

Screening to External Stairs

10. A design and specification of privacy screening to be installed on the stairs located on the west elevation of Buildings A, B and C shall be submitted to and be approved in writing by the Local Planning Authority before first occupation of the development. The approved screening shall be retained thereafter.

Reason: To limit overlooking to preserve the privacy and amenity of adjoining residential and non-residential occupiers in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036.

Occupation Restriction – Term time

11. The development hereby permitted shall only be used or occupied during School term time as Boarding Accommodation by a maximum of 120 students not exceeding 18 years of age who are enrolled and attending the Wychwood School at the Site at 74 Banbury Rd Oxford, and by a maximum of 3 Houseparents.

Reason: In order to ensure the appropriate management of the accommodation in the interests of preserving the amenity of existing residential occupiers and the adjacent school in accordance with Policies RE7 and H14 of the Oxford Local Plan.

Occupation Restriction – Outside of term time

12. Notwithstanding Condition 11 outside of school term time the development shall only be used or occupied by a maximum of 120 students not exceeding 18 years of age who are studying at the Wychwood School at 74 Banbury Rd Oxford or formal associates of the Wychwood School and by a Maximum of 3 houseparents. The Development shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: In order to ensure the appropriate management of the accommodation in the interests of preserving the amenity of existing residential occupiers and the adjacent school in accordance with Policies RE7 and H14 of the Oxford Local Plan.

Land Quality – Phased Risk Assessment

13. 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 (a desk study and site walk over identifying all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.) has been completed.

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

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.

Validation Report

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

Archaeological Trial Trenching

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 Late prehistoric and Roman remains (Oxford Local Plan Policy DH4).

Landscape and Ecological Management Plan (LEMP)

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

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

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

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

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

Compliance with Biodiversity Method Statement

17. The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 5 of the reports 'Preliminary Ecological Appraisal' and 'Aerial Tree Inspection and Nocturnal Bat Surveys' produced by MKA Ecology and dated 27th September 2023, or as modified by a relevant European Protected Species Licence. The proposed bat roosting devices and bird nesting devices shall be installed by the completion of the development and retained as such thereafter.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework and Policy G2 of the Oxford Local Plan.

Thames Water – Water Network Upgrades

18. No development shall be occupied until confirmation has been provided to the Local Planning Authority (LPA) that either: - all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with the LPA in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place until other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policy V8 of the Oxford Local Plan.

Surface Water Drainage Scheme

19. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be provided in full in accordance with the approved details before the development is first occupied and shall include:

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

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

Record of Installed SuDS

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

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

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards and Policies RE3 and RE4 of the Oxford Local Plan.

Flood Evacuation Plan

21. The development and future operation of uses on the site shall be carried out in full accordance with the submitted Flood Warning and Evacuation Plan.

Reason: To ensure the safety of future occupiers in the event of significant flooding in accordance with Policy RE3 of the Oxford Local Plan.

Secured by Design

22. Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Reason: To ensure that the development is secure and to limit opportunities for crime in the interests of protecting the amenity of existing and future residents in accordance with Policies DH1 and RE7 of the Oxford Local Plan.

Security and Access Strategy

23. Prior to commencement of development above slab level, a detailed Security and Access Strategy shall be submitted for the development hereby approved. The strategy shall set out the measures that will be taken to ensure opportunities for crime have been designed out from the outset, to include as a minimum;

- Access control strategy, including Access control measures for both vehicular and pedestrian traffic, buildings and bin and cycle stores.
- CCTV Strategy
- Crime prevention measures shall also be incorporated into the details required for the lighting strategy, boundary treatment scheme and soft/hard landscaping scheme.

The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation that all measures detailed within the strategy are installed and operational.

Reason: To ensure that the development is secure and to limit opportunities for crime in the interests of protecting the amenity of existing and future residents in accordance with Policies DH1 and RE7 of the Oxford Local Plan.

Dust Management

24. No development shall commence until the complete list of site-specific dust mitigation measures and recommendations that are identified on Chapter 3.4 (pages 23-25) of the air quality assessment that was submitted with the application, are included in the site's Construction Environmental Management Plan (CEMP) The new (updated) version of the CEMP shall be submitted to and approved in writing by the Local Planning Authority.

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

Soil Resource Plan

25. A Soil Resource Plan in accordance with the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any development, including demolition and enabling works. The Soil Resource Plan shall show the areas and type of topsoil and subsoil to be stripped, haul routes, the methods to be used, and the location, type and management of each soil stockpile. The Development shall be carried out in accordance with the approved resource plan. No soils shall be removed from the site unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of amenity and to ensure proper cultivation of gardens / horticultural amenity areas in accordance with Policies DH1 and G7 of the Oxford Local Plan.

Landscape Design – Tree Roots

26. 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. 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 policy G7 of the Oxford Local Plan.

Tree Roots – Underground Services

27. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

Tree Protection Plan

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

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

The Local Planning Authority shall be informed in writing when physical measures are in place, and a photographic record demonstrating compliance will be submitted to the Council 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.

Arboricultural Method Statement (AMS)

29. No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Arboricultural Monitoring Programme

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

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

Boundary Treatment Plan

31. A plan showing the means of enclosure for the new development including a detailed specification of the treatment of all the boundaries of the site and proposed access gates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development shall be carried out in accordance with the approved details and the approved boundary treatments shall be completed prior to the first use of the development. 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 and the safety and security of future occupiers in accordance with Policy DH1 of the Oxford Local Plan.

Landscaping Plan

32. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to 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. The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Noise Measures

33. No above ground development shall commence until a plan of the development demonstrating how it will be designed and constructed to ensure

that occupants will not be exposed to noise from external sources resulting in levels indoors of more than 35dB LAeq 16 hrs at daytime and of more than 30dB LAeq 8 hrs in bedrooms at nighttime has been submitted and approved in writing by the Local Planning Authority. The Development shall be completed in accordance with the approved plan unless an alternative scheme has been agreed in writing with the Local Planning Authority. The Development shall not be occupied until evidence of compliance with the approved scheme has been provided in writing to the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport, commercial noise sources in accordance with Policies RE7 and RE8 of the Oxford Local Plan.

Construction – hours of operation

34. Construction works and associated activities at the development, audible beyond the boundary of the site shall not be carried out other than between the hours of 08:00 – 18:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from construction activities in accordance with Policies RE7 and RE8 of the Oxford Local Plan.

Resident Notification – Works

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from construction activities in accordance with Policies RE7 and RE8 of the Oxford Local Plan.

No Burning – Waste Materials

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

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by construction activities in accordance with Policies RE7 and RE8 of the Oxford Local Plan.

Lighting Plan

37. Prior to the installation of any external lighting within the application site, an external lighting strategy for buildings, features or areas to be lit including details of lighting fixtures shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations set out in the approved external lighting strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of visual amenity to minimise light spill in the interests of protecting the amenity of surrounding residential occupiers and to ensure that adequate and suitable lighting is provided in order to ensure the safety and security of future occupiers in accordance with Policies DH1 and RE7 of the Oxford Local Plan.

13. APPENDICES

- **Appendix 1** – Site location plan

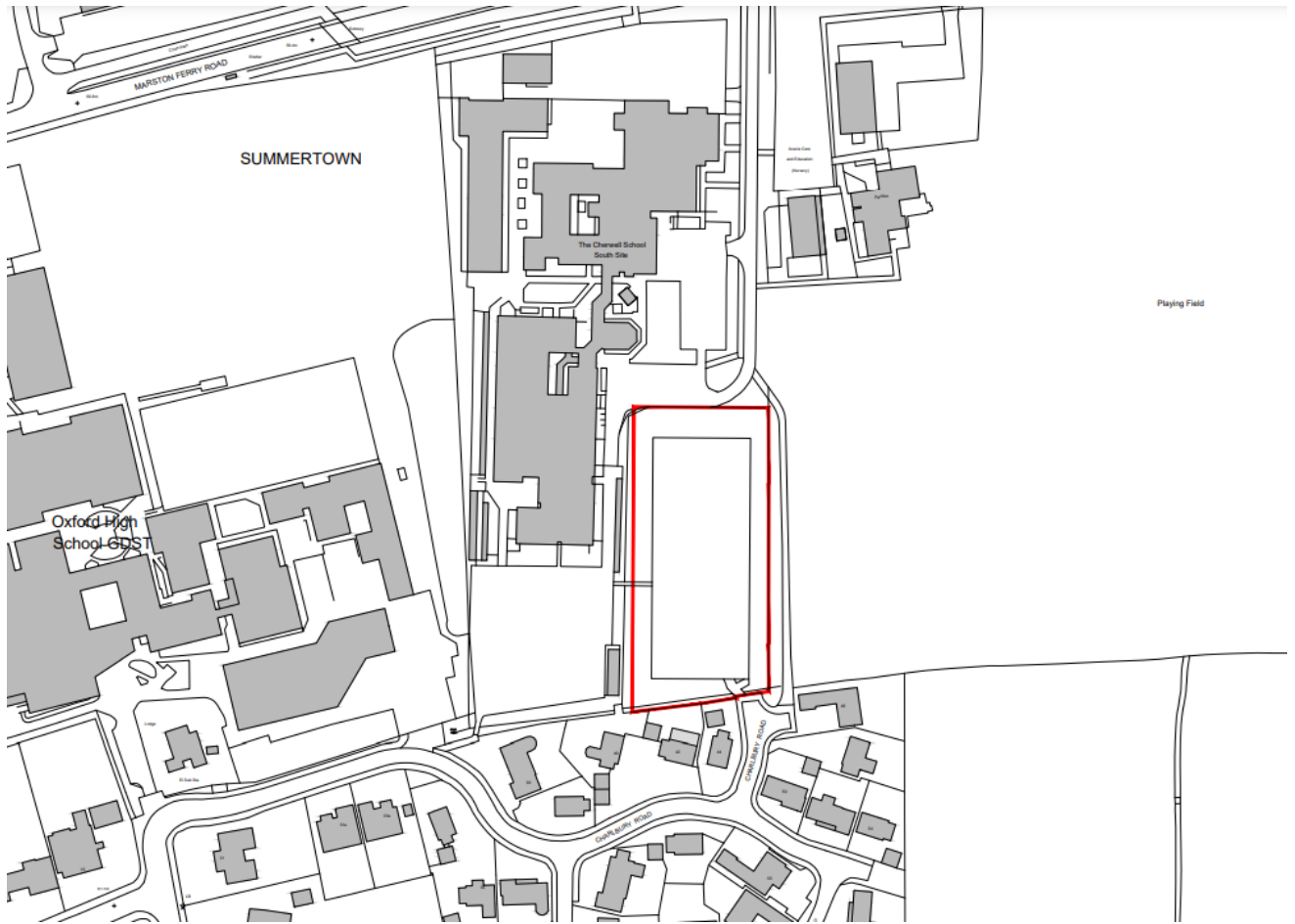
14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 – Site Location Plan



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Application number:	24/00732/FUL		
Decision due by	3rd July 2024		
Extension of time	26 th July 2024		
Proposal	Development of up to 22,375sqm open storage (Use Class B8) together with associated highways works, site-wide hard and soft landscaping works, and boundary treatment.		
Site address	U Y S Ltd , Garsington Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Blackbird Leys Ward		
Case officer	Michael Kemp		
Agent:	Miss Nour Sinno	Applicant:	Mr Tom Hesp
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

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

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers a planning application for the change of use of the existing UYS site located at Unipart on the edge of Oxford for an open-air storage use covering up to 22,375sqm alongside ancillary works including the addition of boundary fencing and hard and soft landscaping.

2.2. The application site lies within the wider Unipart site, which is classed as a Category 1 employment site in the Oxford Local Plan under Policy E1 of the Oxford Local Plan and is also a specific site allocation under Policy SP7 of the

Oxford Local Plan. Policy E1 of the Oxford Local Plan permits new, or expanded Class B8 uses only where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site but not otherwise and on this basis the proposals must be considered as an in-principle departure from Policy E1. This is despite the use complying with site Policy SP7 for Unipart, which states that Class B8 uses are permissible without any specific requirement that Class B8 uses are in connection with existing uses on the wider Unipart site. In this instance, where accounting for the site allocation policy, the temporary nature of the proposals, site-specific contextual factors, including prior approval in place for the removal of the existing building and the benefits of temporarily making use of what would otherwise be a vacant site the in-principle conflict with Policy E1 is outweighed and departure from the development plan is justified in planning terms.

- 2.3. A temporary use of 10 years was initially sought by the applicants; however, a temporary timescale of 7 years has been agreed with officers. A 7-year permission would be appropriate to allow an intervening use for a viable period whilst ensuring that finding a more permanent use continues to be a priority and the proposed use is not in place for an extended period of time given the sites status as an allocated employment site.
- 2.4. The proposed storage could result in an adverse visual impact were materials or containers to be stacked at a high level. A height restriction of 5.5 metres is therefore required as a planning condition to limit storage to a relatively low height, considerably below that of the existing building. In visual amenity terms the proposals are considered beneficial compared with retention of the UYS building, albeit that the existing building is not particularly prominent in views beyond the site. Associated development such as fencing would not be seen beyond the confines of the application site and adjoining Unipart site. Subject to a planning condition restricting the height of the storage, the proposed use would comply with policies DH1 and DH2 of the Oxford Local Plan.
- 2.5. The proposed use would not impact negatively on the nearest residential properties which are, in any event, located a significant distance from the application site. The impact is likely to be reduced compared with the existing Class B2 industrial use, where assessed against policies RE7 and RE8 of the Oxford Local Plan.
- 2.6. The proposals would result in a substantial reduction in parking and associated vehicle movements, whilst access arrangements to the site would be unchanged. The development is considered to be acceptable in highway safety and amenity terms with appropriate provision made for car and cycle parking consistent with Policies M1, M2, M3 and M5 of the Oxford Local Plan.
- 2.7. The proposals would have no negative ecological implications and provisions are set out to secure 10% biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal would not be liable for CIL as the proposals do not include the addition of any new buildings.

4. SITE AND SURROUNDINGS

4.1. The application site is located in the north east corner of the Unipart site on the far eastern periphery of Oxford. A large industrial building and associated annex building, totalling 12,173 sqm Gross Internal Area of employment floor space was formerly located on the site. The building was constructed in 1997 for use by UYS Limited, a car parts manufacturing company. UYS vacated the site in 2021, as the company was associated with the Honda UK plant based in Swindon which ceased operations in 2021. The building's last use would primarily be classed as a Class B2 industrial use, although the operation of the building and nature of the uses included elements of office and storage/distribution uses (Class B8). Planning permission (22/01712/FUL) was granted in November 2022 for a temporary change of use of the building to a use falling within Class B8 of the Use Classes Order for a period of five years, although this permission was never implemented and the building continued to remain vacant. Planning permission was granted in 2023 for refurbishment works to the building (23/00388/FUL). Parking for 135 cars is provided to the north west of the main building.

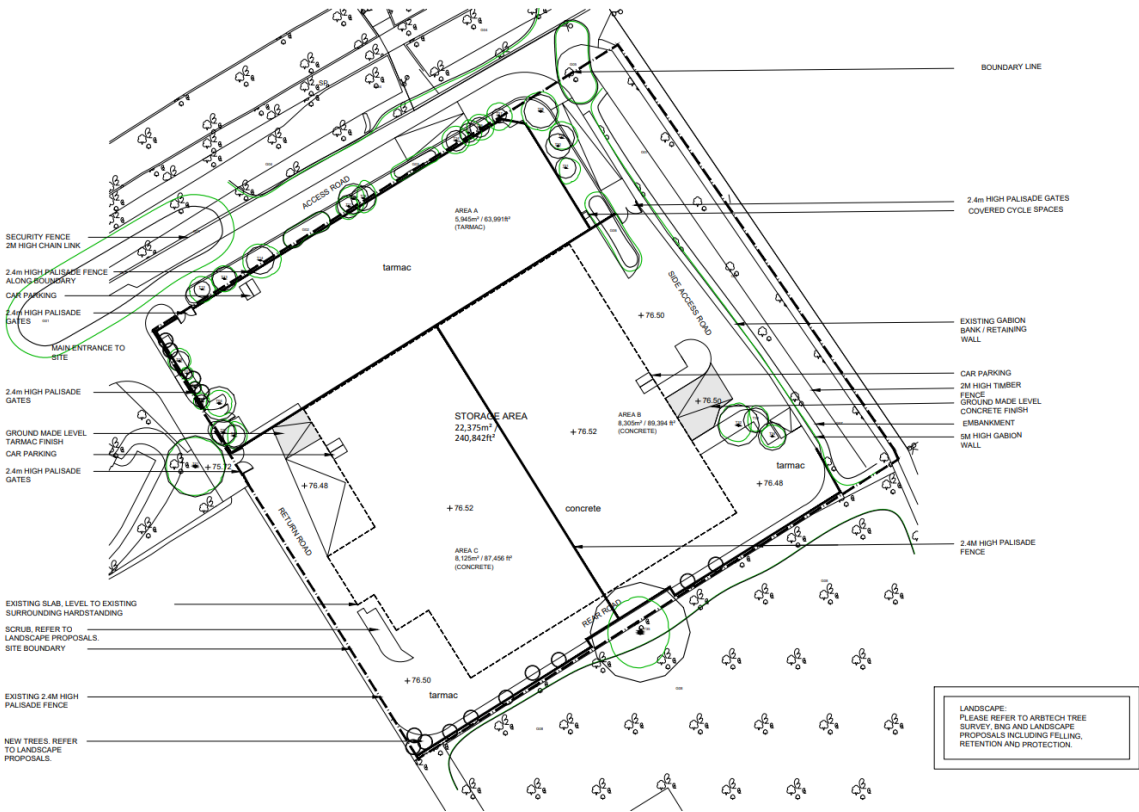
4.2. An application was submitted in March 2024 to determine whether prior approval was required for the demolition of the warehouse building (24/00367/DEM). The prior approval process for the demolition of buildings as outline under Part 11, Class B of the Town and County Planning (General Permitted Development (England) Order 2015 (GPDO) sets out a narrow objective criteria, applicable to buildings whereby demolition would not be considered permitted development. The building did not fall within any of the categories where demolition would be prohibited under the GPDO. The Council decided that demolition of the building required prior approval for the method of demolition and restoration of the site. Prior approval was granted but has not been implemented at the current time.

4.3. The site lies to the north east of a large warehouse building currently occupied by Unipart. The only means of access to the site is through the adjoining Unipart site, via a security controlled access point and there is no existing public access into the site. Access beyond the Unipart site is provided via Transport Way and Garsington Road.

4.4. A section of former railway embankment lies to the north and north east of the site. Beyond the embankment is an area of wooded land separating the site from Oxford Road, which leads from Horspath village. Horspath lies to the north east of the site, the nearest dwelling to the site is located approximately 247 metres from the site boundary. Oxford Sports Park and the Oxford United training ground is located to the north west of the site on the opposite side of the embankment. The land to the east of the site currently comprises open agricultural fields, however this lies within South Oxfordshire District and is allocated within the South Oxfordshire Local Plan for residential development (Northfield, South Oxfordshire Local Plan Policy STRAT12) for provision of 1800 new homes.

4.5. The surrounding land to the north and east of the site falls within the Oxford green belt, including the railway embankment, although the application site and land associated with the Unipart site falls outside of the boundaries of the green belt.

4.6. The proposed site plan is shown below:



5. PROPOSAL

5.1. A temporary change of use to use the site for open air storage is sought. The planning application does not include the demolition of the former UYS building as prior approval has already been granted for the demolition of the building and the applicants intend to implement demolition in accordance with the details approved under the recent prior approval application.

5.2. The applicant has outlined that there are long term aspirations for the redevelopment of the site, which falls within the Unipart allocation (Policy SP7 of the Oxford Local Plan), however there are complexities in relation to redeveloping the site, particularly in terms of access and overcoming the access issues requires involvement of multiple landowners. The proposed open air storage use would be a temporary, meanwhile use prior to establishing a more permanent use through redevelopment of the site. The applicant’s Planning Statement indicates that permission is sought for a 10-year use, however officers have requested that the temporary use be limited to a maximum of 7 years.

- 5.3. Permission is sought for storage to be provided across an area of the site covering 22,375sqm. It is proposed that the site would be divided into three areas (A, B and C) which would each be separated by 2.4-metre-high palisade fencing. The storage located within Areas B and C would be sited on the existing concrete slab located below the UYS building which was proposed to be retained under the prior approval application for the demolition of the UYS building. The storage on Area A would be located on the existing tarmac car parking for the factory building. Soft landscaping is proposed in the form scrub planting and additional small trees to be planted at the south-eastern and northwestern boundaries of the Site. It is proposed that nine category C trees would be removed.
- 5.4. The present access into the site via Unipart and Transport Way would be unchanged. A total of six parking spaces are proposed for employees.

6. RELEVANT PLANNING HISTORY

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

01/01018/NR - Erection of extension to existing building for general industrial use (Class B2) (details of siting, design and external appearance reserved under outline application permission 95/1752/NOY).. Permitted 10th September 2001.

80/00572/SON - Use of land for storage of motor vehicles (Site of Unipart Yutaka).. Permitted 17th November 1980.

82/00613/SON - British Leyland Motor Corporation Limited Watlington Road - Use of land for storage of motor vehicles. Permitted 19th January 1983.

86/00823/PN - Use of land for storage of motor vehicles (Site of Yutaka, Oxford Road).. Permitted 26th January 1987.

95/01752/NOY - Outline application for the erection of building for general industrial (Class B2), with access, parking and landscaping.. Permitted 29th October 1996.

96/01703/NR - Erection of building for industrial purposes, parking for 197 cars & 60 bicycles with access from Oxford Rd, Garsington (details of siting, design, external appearance, access & landscaping reserved under 95/1752/NOY) (Amended plans). Permitted 17th February 1997.

96/01704/VF - Variation of condition 12 of outline approval 95/1752/NOY. (To remove mounds to create a car park). Permitted 25th February 1997.

97/00393/NF - Revisions to approved design to incorporate 2 storey office element (plus ancillary facilities) as part of factory building (864sq m. additional office floor space over & above approved scheme). (Variation to permission 96/1703/NR). Permitted 25th April 1997.

10/03317/FUL - Erection of single storey loading bay at existing loading bay..

Permitted 17th February 2011.

90/00741/SON - Erection of a 2.5 metres high galvanised steel 'D' section palisade fence around the perimeter of the site.. Permitted 12th December 1990.

15/02262/FUL - Erection of warehouse building on existing car parking area.. Permitted 27th October 2015.

18/03060/FUL - Erection of aluminium framed loading bay building on rear section of car park.. Permitted 14th February 2019.

22/01712/FUL - Temporary change of use of the existing UYS Building from general industrial (Use Class B2) to storage and distribution (Use Class B8) for a period of 5 years.. Permitted 1st November 2022.

23/00388/FUL - Demolition of 2no. canopies to north elevation and formation of 1no. canopy to main entrance. Replacement cladding to all elevations. Replacement cladding and rooflights to all roofs. Replacement window and fire exit doors.. Permitted 27th April 2023.

24/00367/DEM - Application to determine whether prior approval is required for the method of demolition.. Prior Approval Granted 14th March 2024.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	131-141	DH1 - High quality design and placemaking DH2 - Views and building heights
Conservation/ Heritage	195-214	DH4 - Archaeological remains
Commercial	85-89	E1 - Employment sites - intensify of uses SP7 - Unipart
Natural environment	180-194	G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure
Transport	108-117	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points

Environmental	123-130; 142-175;	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
Miscellaneous	7-12	S1 - Sustainable development

8. CONSULTATION RESPONSES

- 8.1. Site notices were displayed around the application site on 11th April 2024 and an advertisement was published in The Oxford Times newspaper on 11th April 2024.
- 8.2. The application was readvertised as a departure from the development plan with revised site notices displayed around the application site on 15th May 2024 and an advertisement was published in The Oxford Times newspaper on 16th May 2024.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

- 8.3. Initial objection was raised in the consultation response dated 7th May 2024. A further response was issued on 6th June 2024 following the receipt of an amended Transport Statement (TS) raising no objection to the development.
- 8.4. The previous highways response requested that the applicant provides further information demonstrating how the site can be accessed by non-car modes, in line with the requirements of NPPF.
- 8.5. The updated TS includes further information on the pedestrian and cycle routes and facilities along Watlington Road and Transport Way and within the Unipart site. The Watlington Road Transport Way junction is signal controlled incorporating a staggered pedestrian crossing. Transport Way includes footways on both sides of the road. Cyclists will have to cycle on the road. Beyond the main gates within the Unipart site, the walking and cycling facilities are shared off road facilities via painted existing walking/cycleways lanes and zebra crossing points. The TS also includes walking and cycling catchment plans demonstrating that the bus stop is within 25 minutes walking distance and a large section of southeast Oxford is accessible by bike. The amended TS explains that two covered Sheffield stands will be provided which is considered acceptable.
- 8.6. The first Transport Statement, dated March 2024, based the existing trip generation for the B2 use on GFA but the future trip generation for the proposed B8 storage use on number of employees. This was not considered to be an

accepted method of calculation, especially as the applicant has not evidenced the assumption that the proposed development will employ 6 employees only.

8.7. The revised TS explains that TRICS does not include a trip rate for open storage, the most compatible land use is warehousing. However, the proposed open storage use is different as it will not have a building on-site and will require space around the storage areas for vehicle manoeuvring. The TS states that the trip rate for open storage therefore is different to a typical B8 use and should only be applied to the likely amount of physical storage space on site. The TS has reviewed other similar sites and found that approximately 40% is likely to be physical storage space. Calculations for the future trips have therefore been based on 8,950 sqm of open storage area.

8.8. These assumptions are considered acceptable. The proposed change of use of the site would result in a daily reduction in trips to and from the site as well as in the peak periods. It is therefore considered that the proposed change of use would not have a material impact on the local road network.

Drainage

8.9. No objection

Thames Water Utilities

8.10. No comments received.

Natural England

8.11. No objection.

Historic England

8.12. Do not wish to comment.

Active Travel England

8.13. No specific comments on planning application, refer to standing advice.

Thames Valley Police

8.14. Do not object. Recommend that the boundary treatments to the site are specified in accordance with the minimum requirements of Secured by Design, Commercial 2023.

8.15. Whilst not relevant to the approval of this application it is recommended that once tenants for the site are identified, dependent on the holdings contained on site, additional security measures such as CCTV may be required. A Security Needs Assessment should be completed by the tenants of the site to inform appropriate security measures required.

Public representations

8.16. No public comments have been received in relation to the planning application.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Design and visual impact
- Neighbouring amenity
- Transport
- Drainage
- Trees
- Ecology
- Drainage/Flood Risk
- Air Quality
- Land Quality

Principle of development

9.2. The application site lies within the wider Unipart site, which is classed as a Category 1 employment site in the Oxford Local Plan under Policy E1. The Unipart site also forms a specific allocation under Policy SP7 of the Oxford Local Plan. Site Policy SP7 states that planning permission will be granted for B1, B2 and B8 employment uses at Unipart.

9.3. Policy E1 of the Oxford Local Plan 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. For category 1 sites planning permission will not be granted where development results in the loss of any employment floor space.

9.4. Policy E1 permits new, or expanded Class B8 uses, where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site but not otherwise. This wording is not directly replicated under Policy SP7 for the Unipart Site Allocation, which states that Class B8 uses are permissible on the Unipart site without any specific requirement that Class B8 uses are in connection with existing uses on the wider Unipart site.

9.5. Policy E1 of the emerging Oxford Local Plan, which is afforded limited weight states that planning permission will only be granted for new employment generating uses within Category 1 and 2 employment sites or within the city and district centres. The policy states that planning permission will be granted for the

intensification and modernisation of any Category 1 or 2 employment site. The policy is therefore broadly consistent with Policy E1 of the adopted Local Plan.

- 9.6. Unipart remains an allocated Category 1 employment site in the emerging local plan. The site policy (SPS7) states that planning permission will be granted for new development, modernisation and intensification of office (Class E), warehousing (Class B8) and general industrial (Class B2) employment uses. New development needs to make the most efficient and effective use of the land in accordance with Policy E1 (employment sites) and in recognition of its importance as a Category 1 employment site. Other complementary uses will be considered on their merits. The site policy is consistent with Policy SP7 of the Oxford Local Plan in terms of permitted uses, including Class B8, although there is a greater focus on intensification of uses and making best use of the site.
- 9.7. Planning permission was granted in 2022 (22/01712/FUL) for a temporary period of five years to use the former factory building for a Class B8 storage use. The temporary planning permission was sought with the intention that a temporary occupier could be found for the factory building to avoid the building continuing to remain vacant, whilst the applicant considered further proposals to redevelop the northern section of the Unipart site, including the site of the former UYS building.
- 9.8. A marketing summary was provided alongside planning application 22/01712/FUL showing marketing carried out between September 2020 and July 2022, which indicated limited interest from prospective Class B2 occupiers, but firmer interest from prospective Class B8 tenants. Planning permission (23/00388/FUL) was also granted in 2023 to renovate the building to address issues with the cladding and replace existing windows and improve its suitability for prospective occupants. The applicants have indicated that despite permission being obtained for more flexible uses, including a Class B8 use, no prospective tenants could be found and interest in use of the site for Class B8 purposes is primarily limited to occupiers using the site for open air storage.
- 9.9. As noted in the above sections of the report, prior approval was sought and granted for the demolition of the former UYS building. Following demolition and site clearance, the site would no longer have a viable use in effect, as its existing use under Class B2 and temporary use granted for Class B8 purposes are associated with the former UYS building. The in-principle presumption against the development of Class B8 uses outline in Policy E1 is intended to prevent the loss of important employment sites to generally low employment generating storage and distribution uses where such sites might otherwise be used for higher employment generating Class E, such as office, light industrial, R&D and B2 industrial uses.
- 9.10. As a permanent use, open air storage on the site would not be appropriate as the use is not directly in connection with other employment operations on the site, generates little direct employment and would potentially inhibit more comprehensive redevelopment of the site in the future. The temporary open air storage use proposed would however allow the site to be used during the intervening period between the removal of the former building until such time that a more permanent use of the site is established.

- 9.11. A temporary use of 10 years was initially sought by the applicants; however, a temporary timescale of 7 years has since been agreed with officers. It is considered that a 7-year permission would be appropriate in allowing an intervening use for a viable time period whilst still ensuring that finding a more permanent use for this site continues to be a priority and ensuring that the use is not in place for an extended period of time given the sites status as an allocated employment site. There are complex matters which would need to be resolved to enable more comprehensive redevelopment of the site, particularly ensuring and appropriate safe means of access for all road users and ensuring integration with the adjoining uses on the Unipart site. This is alongside the time required to develop plans for the site and fully engage within the planning process. In economic terms and in terms of making best use of the site on a short-term basis is in accordance with Policy RE2 of the Local Plan, the proposed use is preferable to the site remaining vacant for potentially an extended period.
- 9.12. No buildings nor any other substantial structures (other than fencing) are proposed which would otherwise require removal and therefore the site could be repurposed easily to allow for redevelopment or to establish an alternative permanent use and do not compromise comprehensive redevelopment of the site in the future.
- 9.13. In summary, as noted above Policy E1 of the Oxford Local Plan permits new, or expanded Class B8 uses only where it can be shown that a Class B8 use is essential to support the operational requirements of a Category 1 employment site, but not otherwise and on this basis the proposals must be considered as an in-principle departure from Policy E1. This is despite the use complying with site Policy SP7 for Unipart, which states that Class B8 uses are permissible. In this instance, accounting for the site allocation policy, the temporary nature of the proposals, site-specific contextual factors, including prior approval in place for the removal of the existing building and the benefits of temporarily making use of what would otherwise be a vacant site, the in-principle conflict with Policy E1 and departure from the development plan is considered to be justified in planning terms.

Design and Visual Impact

- 9.14. 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.
- 9.15. The application site lies outside of the Oxford greenbelt, the boundaries of which wrap around the northern and eastern edges of the application site. Whilst outside of the greenbelt, it is appropriate to consider the impact of the development on the openness of the greenbelt and its spatial characteristics in accordance with Paragraphs 142 and 143 of the NPPF and Policy G2 of the Oxford Local Plan.
- 9.16. The application site is surrounded by dense boundary screening to the north, east and west. Views of the site to the north and north west are obstructed by the former railway embankment. 8.4 metre high bunding was created to the east to limit the visual impact of the former UYS building on top of the bunding is

substantial, dense tree planting. The site cannot be seen widely from the south west given the presence of intervening large buildings on the Unipart site. The UYS building occupies a sizeable footprint and measures between 10 and 16 metres in height to the roof ridge.

- 9.17. The only built structures proposed within this application are fences which would enclose the three areas of the site (A, B and C) which would be used for storage. The fencing is proposed at a maximum height of 2.4 metres and is unlikely to be visible beyond the parameters of the application site.
- 9.18. A specific end user(s) for the site has not been identified therefore the type of storage use has not been specified in the planning application. As the proposed use could result in storage of stacked materials, or bulky containers such as shipping containers it is appropriate that a condition is attached to any planning permission limiting the height of storage. Immediate views into the site are limited, however given the footprint of the site that would be used for storage were a height restriction not applied then the development could potentially have a greater visual impact than the existing building. This would be the case were the storage to consist of bulky stacked containers which could be stored to an extensive height similar or exceeding that of the existing building across a greater footprint.
- 9.19. The Planning Statement does not propose a specific height limit, however following discussions with the applicant's planning consultants a height limit of 5.5 metres was suggested, as this would allow for most regular storage uses including double stacking of shipping containers. A maximum height limit of would be 4.5 metres below the lowest section of the existing building and 10.5 metres below the highest part of the building.
- 9.20. To assess the visibility of storage beyond the site at this height, the applicant was requested to prepare a Landscape and Visual Impact Assessment (LVIA) to assess the impact of storage at a height of 5.5 metres from a limited scope of public views where the site is visible. The submitted LVIA includes an appropriate assessment of mid to longer range views. This includes views from the north west and north of the site taken from near Horspath village listed as views 4 and 5 taken from footpaths 256/12/10 and 256/12/10 respectively. Footpath 256/12/10 (view 4) is elevated in relation to the site and is on a route between Horspath and Shotover Country Park, whilst 256/12/10 leads from Horspath village to the Horspath Road Industrial Estate close to the Oxford Sports Ground. Views are also provided from two public rights of way between Horspath and Garsington (223/16/10 and 223/17/10) which are listed as Views 1, 2 and 3.
- 9.21. Within each of the submitted views, the application site is read alongside large-scale industrial buildings at the Unipart site. The boundary screening surrounding the site is dense and together with the bunding to the east and railway embankment to the north views of the existing building on the site are limited, with only the upper 16-metre-high part of the building appearing visible in the assessed views. The lower section of the building can be seen in Views 3, 4 and 5 to a small extent but is not prominent. Whilst the storage could occupy a greater footprint than the existing building, were storage to be permitted up to a

maximum height of 5.5 metres this would represent a significant height reduction compared with the existing building.

9.22. The LVIA concludes that storage at a height parameter of 5.5 metres would have a minor beneficial impact in 4 of the 5 views, compared with an existing baseline situation where the UYS building is retained on the site. Within view 4 where the upper sections of the UYS building are most prominent, the effect would be moderately beneficial. Officers concur with the assessment that the storage use, providing that this is restricted to 5.5 metres in height would have a reduced visual impact in surrounding views compared with the baseline situation. The site is viewed within the context of surrounding large scale industrial buildings and open-air storage use would not appear out of context against this backdrop. Furthermore, it is noted that there is existing open air storage and trailers stored on the immediately adjoining section of the Unipart site. Subject to limiting the height of the proposed storage, the development would comply with Policies DH1 and DH2 of the Oxford Local Plan. Officers are satisfied that the development would not impact negatively on the openness of the greenbelt as experienced in surrounding views and there would be no conflict with the relevant provisions of the NPPF and Policy G3 of the Oxford Local Plan.

Impact on neighbouring amenity

9.23. Policy RE7 of the Oxford Local Plan requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses. 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 and planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

9.24. The nearest dwelling to the site is located approximately 247 metres from the site boundary to the north east in Horspath Village (19 Oxford Road). Residential site allocation STRAT12 (Northfield Brook, South Oxfordshire District Local Plan) is located more than 200 metres from the site boundary. It is appropriate to also consider the impact of the proposed use on potential future occupiers of this development.

9.25. The application site falls under a Class B2 (industrial use) and noise generation associated with the previous use included the use of various machinery involved in the manufacturing of parts and noise associated with vehicle movements including HGV's. The previous manufacturing at UYS was operational 24 hours a day.

9.26. Class B8 storage and distribution would typically generate a lower level of noise compared with a Class B2 general industrial use. Class B2 encompasses a wide range of uses which have the potential to generate considerable noise, as such uses typically involve extensive use of machinery in the process of manufacturing products. In comparison noise generation associated with Class B8 uses are typically associated with vehicle movements, particularly deliveries. Accounting for the reduced potential for noise generation, the impact of the proposed use in terms of the residential amenity of existing and potential future

residential occupiers is anticipated to be reduced compared with the existing use. The proposals are therefore acceptable, where assessed against policies RE7 and RE8 of the Oxford Local Plan.

Transport

- 9.27. The applicant's Transport Statement outlines that the sites existing use could generate up to 1673 two-way vehicle movements per day, of which an estimated 69 vehicles would be HGV's. The proposed use is estimated to generate approximately 270 two-way trips per day, of which 10 would be HGV's. This would equate to an 84% reduction in overall vehicle movements and 86% reduction in HGV movements. The proposed trip generation assumes that the development would be operational for 12 hours, however as there are proposals for the use to be potentially operational for 24 hours, traffic flows between 7pm and 7am have also been calculated and would be relatively low in any event with 41 two-way movements over a night/early morning 12-hour period.
- 9.28. It can be strongly assumed that the forecast number of vehicle movements would be reduced compared with the existing use and therefore the proposals would not result in a severe impact on highway safety. In highway amenity terms the development would be beneficial given the substantial reduction in daily vehicle movements, including HGV movements. Swept path analysis have been provided demonstrating that access into each of the fenced storage areas on site is achievable. The proposals are considered to comply with Policies M1 and M2 of the Oxford Local Plan.
- 9.29. Policy M3 of the Oxford Local Plan, which outlines parking standards for non-residential uses states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. There are 135 parking spaces provided on the site to serve the building during its use by UYS for Class B2 industrial use. A total of 6 parking spaces are proposed on the site to serve the storage use this is based on there being a maximum of 6 staff being present on site at a given time. This would represent a substantial reduction in parking in line with Policy M3 of the Oxford Local Plan.
- 9.30. In accordance with Policy M4 of the Oxford Local Plan, at least 25% of all parking spaces must be fitted with electric charging infrastructure. Details showing the location and specification of electric charging infrastructure will be required by planning condition.
- 9.31. Policy M5 of the Oxford Local Plan and related Appendix 7 requires one cycle parking space to be provided per 5 members of staff for new Class B8 developments. Based on there being 6 staff present on site, a total of 2 cycle parking spaces would be required. Details of cycle parking are required by planning condition.

Ecology

- 9.32. 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, for all major developments proposed on greenfield sites or brownfield sites that have become vegetated, the policy requires the applicant to demonstrate a 5% net gain in biodiversity. There is now however a requirement to deliver 10% biodiversity net gain (BNG) following the amendments to the Town and Country Planning Act made earlier this year.
- 9.33. An Ecological Impact Assessment has been submitted in support of the planning application. The ECIA covers the demolition of the existing building which was also assessed under prior approval application 24/00367/DEM for the demolition of the building, although demolition of the building is not proposed under this application given that prior approval is in place already for removal of the building. In any event officers are satisfied that protected species are unlikely to be impacted by the proposed works. It is important that the woodland area adjoining the site is not impacted during construction and a Construction Environmental Management Plan (CEMP) would therefore be required and shall be secured by planning condition.
- 9.34. A biodiversity net gain assessment has been submitted in support of the planning application. The baseline habitat value of the site is 4.41 habitat units, comprising 0.21 units of other neutral grassland, 0.26 units of introduced shrubs, 1.84 units of lowland mixed deciduous woodland and 2.10 units of rural trees. The post development habitat value of the site is forecast to be 5.11 units, comprising 2.14 units of enhanced woodland, 0.36 units of enhanced grassland, 0.81 units of planted mixed scrub, 1.61 units of retained trees and 0.19 units of planted trees. This would equate to a 15.93% net gain in biodiversity comfortably exceeding the 10% minimum requirement.
- 9.35. A Biodiversity Gain Plan (BGP) and a Habitat Management and Monitoring Plan (HMMP) is required. The habitats would need to be managed and monitored for a minimum of 30 years. This is secured under the Schedule 7A of the Town and Country Planning Act 1990 rather than through a specific planning condition. Subject to compliance with the relevant conditions the proposals are considered to be compliant with Policy G2 of the Oxford Local Plan.

Trees

- 9.36. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.
- 9.37. The application is accompanied by an Arboricultural Impact Assessment (AIA). It is proposed that a total of 9 category C trees would be removed. The trees proposed for removal are relatively small trees that sit within the existing car park and would be removed as this area is proposed to be used for storage. It is proposed that all other trees on the site would be retained and protected during the construction phase of the development.

- 9.38. Minor amendments have been made to the position of the proposed fencing in the southern part of the site to avoid the foundations of the fencing impacting on a proto-veteran oak tree (T35). Some minor access pruning is required on a 9 other trees, limited to crown lifting to provide road access clearance or to facilitate the proposed boundary palisade fencing. New tree and shrub planting is proposed along the southern boundary of the site, although details have not been provided regarding species type, therefore a landscaping plan is required and is proposed to be secured by planning condition.
- 9.39. Subject to appropriate conditions requiring details of the protection of existing trees during the construction phase of development and the submission of an acceptable landscaping plan, the proposals would comply with Policy G7 of the Oxford Local Plan.

Drainage

- 9.40. The application site lies within Flood Zone 1 and is identified as being at a low risk of flooding. As the application site is more than 1 hectare in area a Flood Risk Assessment has been submitted in support of the planning application. A less vulnerable use is proposed, whilst the FRA identifies adequate mitigation measures. Officers are satisfied that the development would not increase the risk of flooding elsewhere and the proposals are considered to comply with Policy RE3 of the Oxford Local Plan.
- 9.41. A drainage strategy and drainage technical note has been submitted in support of the planning application. The existing surface water system drains towards the south-east corner of the site before discharging towards the Hollow Brook via a 300mm diameter pipe as well as a large petrol interceptor. As the hardstanding would be retained on the site, it is proposed that the majority of the existing drainage system would be retained and would continue to discharge into the Hollow Brook. A buried attenuation system is also proposed. The proposed drainage system is forecast to achieve betterment in terms of reducing brownfield flow rate and the overall drainage strategy is considered to comply with Policy RE4 of the Oxford Local Plan.

Air Quality

- 9.42. The application site is located within the Oxford citywide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of the surrounding area of the application site, show current air pollutant concentrations to be below their relevant air quality objectives. The impacts of existing pollution sources on the future residents at the proposed development are therefore considered to be not significant and air quality at the application site will be acceptable.
- 9.43. There are currently 135 parking spaces that serve the existing operation of the site. An 84% reduction in vehicle movements based on Annual Average Daily Traffic levels is expected which will have the effect of improving air quality levels in the surrounding area. The development would not therefore have a negative

impact on air quality compared to the existing baseline condition and the development accords with Policy RE6 of the Oxford Local Plan.

Land Quality

9.44. The site has had a former potentially contaminative industrial use and therefore there are likely to be potential contamination risks present at the site. A ground investigation was completed in 2021 which identified moderate soil contamination in one location at the site which requires further assessment and possible remediation.

9.45. There are locations of the site that were not fully investigated in 2021 for contamination risks due to access restrictions and the site investigation data set is considered incomplete for the characterisation of contamination risks across the whole site. It is therefore necessary to undertake an element of further site investigation in those areas of the site that were inaccessible. The submitted conceptual site model will then need to be updated once the new site investigation data has been obtained to confirm contamination risks across the site and whether any remedial treatment works are required.

9.46. A further risk assessment is required and is proposed to be secured by planning condition to ensure compliance with Policy RE9 of the Oxford Local Plan.

10. CONCLUSION

10.1. 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.

10.2. 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.

10.3. 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.

10.4. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016- 2036, when

considered as a whole, and that there are no material considerations that would outweigh these policies.

- 10.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning and Regulatory Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

11. CONDITIONS

Time Limit – Implementation

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

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

Approved Plans

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt 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 in accordance with Policy S1 of the Oxford Local Plan.

Site Use – Time Limit

3. The use of the site for the purposes of open-air storage is hereby permitted for a maximum period not exceeding 7 years from the issue date of this temporary planning permission. Following the expiry period of 7 years from the issue date of this temporary planning permission the permitted use shall permanently cease.

Reason: The proposed use is sought on a temporary basis and permanent use of the site for the proposed purposes would fail to represent and effective use of an allocated employment site and cessation of the use beyond the temporary time period is necessary to comply with Policies E1, RE2 and SP7 of the Oxford Local Plan 2016-2036.

Height Limit – Storage

4. Storage on the site shall be limited to a maximum height not exceeding 5.5 metres measured from ground level.

Reason: In the interests of protecting the visual amenity of the surrounding area in accordance with Policies DH1 and DH2 of the Oxford Local Plan 2016-2036.

Boundary Fencing

5. A plan showing the location and design of the means of enclosure within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any fencing or other means of enclosure associated with the development. The development shall be carried out in accordance with approved details.

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

EV Charging

6. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:
 - Location of detailed specification of EV charging points.
 - Appropriate cable provision to prepare for increased demand in future years.The electric vehicle infrastructure shall be formed and laid out in accordance with these details before the development is first in operation and shall remain in place thereafter.

The approved charging infrastructure shall be installed prior to first use of the development.

Reason: To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

Cycle Parking

7. Prior to the first use of the site details of covered cycle parking facilities 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.

Biodiversity Method Statement Compliance

8. The development hereby approved shall be implemented strictly in accordance with the measures stated in the report 'Ecological Impact Assessment' produced by Arbtech and dated March 2024, or as modified by a relevant European Protected Species Licence. The proposed bat roosting

devices shall be installed by the completion of the development and retained as such thereafter.

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

Construction Environmental Management Plan (CEMP) Biodiversity

9. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" in respect of protected and notable species and habitats;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
 - h) Use of protective fences, exclusion barriers and warning signs;

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

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

Lighting Design

10. Prior to the first use of the development, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

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

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

Landscaping Plan

11. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

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

Landscape – Implement

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

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

Landscape Management Plan

13. Prior to the 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 amenity and the appearance of the area in accordance with policies G7 and DH1 of the Oxford Local Plan 2016-2036.

Replacement Planting

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

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

Tree Protection Measures

15. The development shall be carried out in strict accordance with the 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 2016-2036.

Arboricultural Monitoring Programme

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

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

Land Contamination Risk Assessment

17. Prior to the commencement of below ground works a further 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 desk study has been submitted and approved.
- Phase 2 shall include a further element of intrusive investigation to confirm the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals in those areas of the site that have not yet been investigated.
- 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.

Remediation – Validation Report

18. The development shall not be used 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.

12. APPENDICES

- **Appendix 1 – Proposed Site 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 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

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Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 25 June 2024



Committee members present:

Councillor Clarkson (Chair)	Councillor Fouweather (Vice-Chair)
Councillor Altaf-Khan	Councillor Lygo (for Councillor Chapman)
Councillor Henwood	Councillor Hollingsworth
Councillor Hunt	Councillor Rawle
Councillor Upton	

Officers present for all or part of the meeting:

Felicity Byrne, Principal Planning Officer
Tobias Fett, Principal Planning Officer
Hayley Jeffery, Development Management Team Leader (East)
Emma Granger, Planning Lawyer
Emma Lund, Committee and Member Services Officer

Apologies:

Councillors Chapman, Coyne and Regisford sent apologies.
Substitutes are shown above.

9. Declarations of interest

23/01950/FUL

Councillor Hollingsworth declared that he rented an office within a building on Transport Way. However, it was not sufficiently close as to be affected by the application.

Councillor Clarkson declared that, in response to a query from the applicant, she had spoken to him in general terms regarding the planning application process; however, she had not expressed any opinion on the proposal.

10. 23/01950/FUL: County Trading Estate, Transport Way, Oxford OX4 6LX

The Committee considered an application (23/01950/FUL) for the demolition of the existing building and construction of a new warehouse with ancillary office area at County Trading Estate, Transport Way, Oxford.

The application sought approval for the demolition of the existing warehouse building and the erection of a purpose-built warehouse with a small four-storey office and product display area to the north of the site. This would be accompanied by HGV servicing, car and cycle parking and landscaping. Access arrangements to the site would remain as currently.

The Planning Officer gave a presentation and reported that the proposal was recommended for approval for the reasons given in the report and subject to the conditions set out in the report.

Lucy Minoli (for the applicant) spoke in favour of the application.

The Committee asked questions about the details of the application which were responded to by officers and the applicant.

The Committee noted that the proposal included an extension to the existing B8 use on the site, contrary to the Oxford Local Plan 2036 Policy E1 which only supports such development if it is in direct support of a category 1 employment site. This was not the case for this application. Officers clarified that the extent of the additional B8 use was 123sqm of new warehouse space.

Whilst acknowledging the importance of Policy E1 in prioritising the best and most efficient use of land, on the basis of the small amount of new B8 use involved; the fact that it would allow the continued growth of a local, well-established business and local employer; and the fact that it would provide an improved quality of facilities the application was considered to be acceptable, notwithstanding the departure from Policy E1 in this instance.

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

The Oxford City Planning Committee resolved to:

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

11. 24/01141/POM: Land South West of St Frideswide Farm, Banbury Road, Oxford OX2 8EH

The Committee considered an application (24/01141/POM) for variation of the completed legal agreement attached to planning permission 21/01449/FUL to change the tenure of plots 66 and 67 (2x4BH) from shared ownership to social rent and the tenure of plots 60 and 61 (2x3BH) from social rent to shared ownership.

The Planning Officer gave a presentation and reported that the variation to the legal agreement was sought as even a share as low as 10% was not financially feasible for those who would qualify for shared ownership under the Homes England Capital Funding Guide, due to the Open Market Value of these properties. Thus, these units

would most likely remain unsold and unoccupied. However, the 3-bedroomed units were feasible as shared ownership and could be sold as such.

The proposed modification would also benefit the Council by providing larger 4-bedroomed houses as social rent to help meet the current housing need for these property types.

On being proposed, seconded, and put to the vote the Committee agreed with the officers' recommendation to modify the legal agreement for the reasons set out in the report.

The Oxford City Planning Committee resolved to:

1. **approve** the modification to the legal agreement for the reasons given in the report; and
2. **delegate authority** to the Head of Planning & Regulatory Services to:
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the conditions and informatives attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above.

12. Minutes

The Committee resolved to approve the minutes of the meeting held on 21 May 2024 as a true and accurate record.

13. Forthcoming applications

The Committee noted the list of forthcoming applications.

14. Dates of future meetings

The Committee noted the dates of future meetings.

The meeting started at 6.00 pm and ended at 6.28 pm

Chair

Date: Tuesday 16 July 2024

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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