

# Agenda

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## Planning - Oxford City Planning Committee

This meeting will be held on:

Date: **Tuesday 25 February 2025**

Time: **6.00 pm**

Place: **Oxford Town Hall**

**For further information** please contact:

Uswah Khan, Committee and Member Services Officer, Committee  
Services Officer

☎ 01865 529117

✉ [DemocraticServices@oxford.gov.uk](mailto: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](#)

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## 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 and Regulatory 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 24/01344/FUL Waynflete Building, 1- 8 St Clement's Street, And 9-13 St Clements Street, Oxford

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**Site address:** Waynflete Building, 1 - 8 St Clement's Street, And 9-13 St Clements Street, Oxford

**Proposal:** Redevelopment of the site comprising the demolition of the Waynflete Building and the existing extensions at the rear of 9-13 St Clements. Erection of new buildings to accommodate commercial uses at ground level fronting St Clements, replacement student accommodation and sub-dean flats, and provision of a multipurpose space. Installation of comprehensive landscaping scheme (amended plans and ownership certificate).

**Reason at Committee:** Major Development

#### RECOMMENDATION

Oxford City Planning Committee is recommended to:

1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission and subject to:
  - the satisfactory completion of a legal agreement under section.106 of the Town and Country

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Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

2. **Agree to delegate authority** to the Head of Planning 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.

#### 4 **24/01345/LBC Waynflete Building and 9-13 St Clements**

67 - 82

**Site address:** Waynflete Building and 9-13 St Clements

**Proposal:** Alterations to Nos 9-13 St Clements including demolition of rear ranges and partial demolition of boundary walls, internal alterations and alterations associated with fabric upgrades to improve thermal performance. (Amended description)

**Reason at Committee:** To be considered concurrently with a planning application that is required to be determined by planning committee.

#### **RECOMMENDATION**

Oxford City Planning Committee is recommended to:

1. **Approve the application** for the reasons given in the report and subject to the recommended listed building conditions set out in section 12 of this report grant listed building consent and

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2. **Agree to delegate authority** to the Head of Planning, Sustainable Development 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, Sustainable Development and Regulatory Services considers reasonably necessary.

## 5 **23/02262/FUL Clinical Biomanufacturing Facility, Churchill Hospital**

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**Site address:** Clinical Biomanufacturing Facility, Churchill Hospital, Old Road, Headington

**Proposal:** Erection of a modular manufacturing building (Use Class E). Extension to service road. Installation of sprinkler with palisade fencing, electrical transformer, vehicle barriers, bollards and lampposts. Provision of car and cycle parking, bin storage, loading area, fencing and landscaping. (amended description, plans and drainage strategy).

**Reason at Committee:** Called in by Councillors Smowton, Miles, Smith, Railton, Fry and Lygo to consider whether proposal is acceptable with regards to drainage in the catchment of the Lye Valley SSSI.

### **RECOMMENDATION**

Oxford City Planning Committee is recommended to:

1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:
  - to the removal of an objection from Natural England;
  - the satisfactory completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

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

**6 24/02206/FUL 253 And 255-257 London Road, Headington**

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**Site address:** 253 And 255-257 London Road, Headington, Oxford, Oxfordshire

**Proposal:** Demolition of the existing semi-detached building and outbuildings. Erection of a part three, part four-storey apartment block with basement to create 6 x 4 bed, 2 x 3 bed and 1 x 2 bed HMO flats (Use Class C4). Provision of private amenity space, 1no. short-stay car parking bay, bin and cycle stores and associated landscaping. (Amended plans and additional reports).

**Reason at Committee:** This application was called in by Councillors Snowton, Jupp, Smith, Miles, Gant and Sandels, to allow the committee to consider whether the form, scale, character and appearance of the proposed building constitutes high-quality design.

**RECOMMENDATION**

Oxford City Planning Committee is recommended to:

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1. **Refuse the application** for the reason given in paragraph 1.1.2 of this report and to delegate authority to the Head of Planning Services to:

- finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. **The recommended reason for refusal is as follows:**

- The proposal due to its scale, massing, form, and detailed design would result in an overly bulky and prominent form of development which would fail to appropriately respond to the context of the site, appearing as an alien feature within the streetscene, causing harm to the predominantly low scale domestic townscape character of the area. The proposal would not create or enhance local distinctiveness, it would not respond appropriately to the site and character of the area, nor would it be an innovative design which would enhance the identity, character and setting of the area. As such the proposal would be considered contrary to Policies DH1 and RE2 of the Oxford Local Plan, Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan, as well as the NPPF.

## 7 Minutes

**Recommendation:** to approve the minutes of the meeting held on 21 January 2025 as a true and accurate record.

## 8 Forthcoming applications

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

22/02555/FUL: Plot 27, Oxford Science Park, Robert Robinson Avenue, Oxford OX4 4GA	Major
22/03078/FUL: Land Bounded by Meadow Lane and Church Way, Oxford	Major

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23/00810/VAR: 19 Between Towns Road, Oxford, Oxfordshire, OX4 3LX	Major	
23/00988/FUL: Bertie Place Recreation Ground and Land South West of Wytham Street, Oxford	Major	
23/01001/CT3: Tumbling Bay, Head of Bulstake Stream, Botley Road, Oxford	Called-in	
23/01023/VAR: Radcliffe Observatory Quarter, Radcliffe Humanities, Woodstock Road, Oxford OX2 6GG	Major	
23/01744/CEU: City of Oxford College, Oxpens Road, Oxford OX1 1SA	Major	
23/01973/VAR: Northfield House, Sandy Lane West, Oxford OX4 6LD	Major	
24/00585/VAR: Car Park, Meadow Lane, Oxford OX4 4BJ	Called in	
24/01104/FUL: 35 Ash Grove, Oxford OX3 9JN	Called-in	
24/01807/FUL: 299-301 London Road, Headington, Oxford OX3 9HL	Called-in	

## 9 Dates of future meetings

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

18 March 2025

15 April 2025

20 May 2025

17 June 2025

15 July 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 and Regulatory 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.**

**Oxford City Planning Committee**

25<sup>th</sup> February 2025

**Application number:** 24/01344/FUL

**Decision due by** 11th October 2024

**Extension of time**

**Proposal** Redevelopment of the site comprising the demolition of the Waynflete Building and the existing extensions at the rear of 9-13 St Clements. Erection of new buildings to accommodate commercial uses at ground level fronting St Clements, replacement student accommodation and sub-dean flats, and provision of a multipurpose space. Installation of comprehensive landscaping scheme (amended plans and ownership certificate)

**Site address** Waynflete Building, 1 - 8 St Clement's Street, And 9-13 St Clements Street, Oxford – see **Appendix 1** for site plan

**Ward** St Clement's Ward

**Case officer** Sarah Orchard

**Agent:** Mr Steven Roberts      **Applicant:** The President And Scholars Of The College Of Saint Mary Magdalen

**Reason at Committee** Major Development

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

- finalise the recommended conditions as set out in this report including such

refinements, amendments, additions and/or deletions as the Head of Planning and Regulatory Services considers reasonably necessary; and

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

## **2. EXECUTIVE SUMMARY**

2.1. This report considers an application for the redevelopment of the site. This would include the demolition of Waynflete Building and the existing extensions at the rear of 9-13 St Clements. It is proposed to erect new buildings to accommodate commercial uses at ground level fronting St Clements, replacement student accommodation and sub-dean flats, and provision of a multipurpose space with a new comprehensive landscaping scheme.

2.2. The report considers the loss of the existing structures and principle of the proposed development, the design and impact on heritage assets, impact on neighbouring amenity, highway impact, impact on trees and landscaping, biodiversity, drainage, health, air quality and land quality and sustainability of the design and construction.

2.3. It is concluded that, on balance, the proposed development is acceptable and would provide new improved accommodation in a more energy efficient building which would outweigh any harm associated with the loss of the existing building. Whilst the proposed development would have an impact on neighbouring amenity, this, on balance, is acceptable considering the urban environment within this city centre location.

## **3. LEGAL AGREEMENT**

3.1. This application would be subject to a legal agreement to cover the provision of 1no. public Sheffield cycle stand (£331.35), Travel Plan monitoring fee (£1,985), installation of 3no. drop curbs on The Plain in accordance with drawing no. 507.0011-0003 P03 and to secure biodiversity net gain.

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

4.1. The proposal is liable for a CIL contribution of £84,538.74.

## **5. SITE AND SURROUNDINGS**

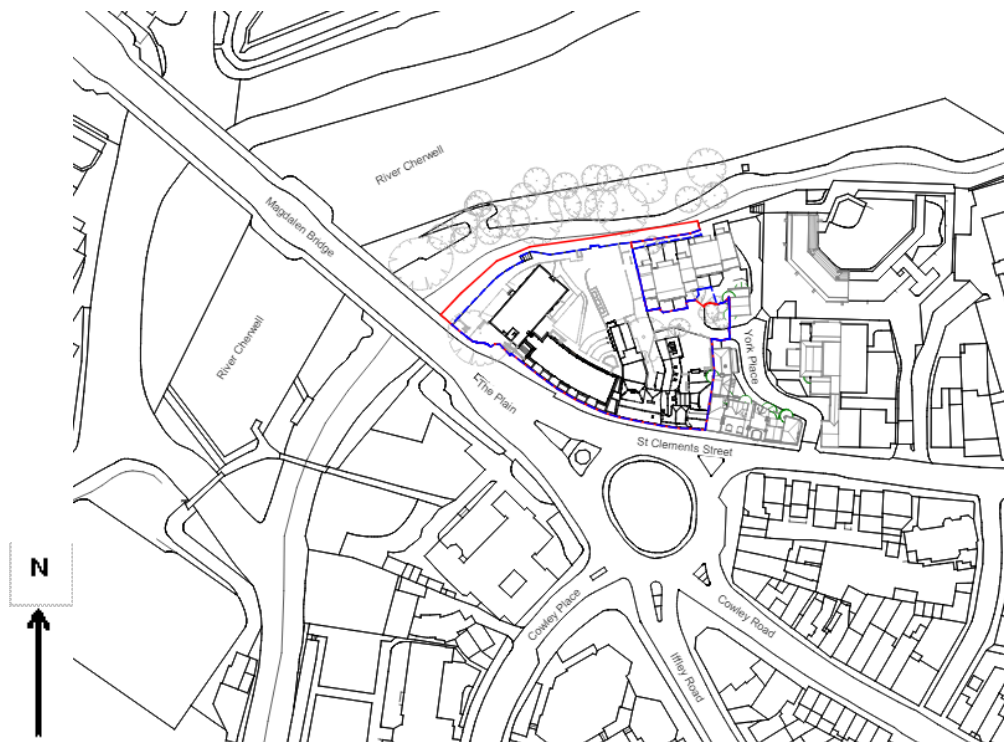
5.1. The application site sits to the north of The Plain and St Clement's Street to the east of Magdalen Bridge. To the north of the site lies the River Cherwell with the Angel and Greyhound Meadow and Magdalen College beyond. To the east of the

site are residential properties in York Place. The site lies within the St Clement's and Iffley Road Conservation Area which was designated in 1977.

5.2. The western end of site is presently occupied by 'L' shaped pair of linked six and five storey buildings, known as Waynflete, designed by architects Booth, Ledebor and Pinkheard and completed by 1963. The buildings comprise an expressed, structural reinforced concrete frame with infill spandrel panels of brick and floor to ceiling glazed panels. The buildings are occupied as student accommodation, with some postgraduate and fellows flats on the top of the south St Clements facing building. The two building ranges enclose a small courtyard to the rear bounded by one of a number of streams of the River Cherwell on its northern edge.

5.3. The remainder of the application site comprises a group of narrow, three storey tenement buildings fronting onto St Clements. Sitting hard to the back-edge of the pavement the buildings follow the curve of the street away to the east. These buildings are all Grade II listed and of mixed origins dating from the early C18 through to the early C19. The buildings presently have retail uses at ground floor (street level) with student accommodation above. Later, rear ranges an accumulation of single and single storey plus attic buildings constructed at different times run north away from the rear facades of the principal buildings towards York Place, a late C20 terrace of three storey townhouses that overlook the river and face onto a small access and service yard, accessed from St Clements.

5.4. See site location plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the redevelopment of the site comprising the demolition of the Waynflete Building and the existing extensions at the rear of 9-13 St Clements with the erection of new buildings to accommodate commercial uses at ground level fronting St Clements, replacement student accommodation (resulting in an increase of 4 rooms) and sub-dean flats, provision of a multipurpose space and installation of comprehensive landscaping scheme.
- 6.2. The multipurpose space is designed to be a communal space for students as a meeting space and host college functions such as exhibitions, recitals, conferences and wellbeing/gym classes which can spill out onto the proposed river terrace. Whilst there is a possibility this could be let out to the public, this has not been put forward as a public benefit of the scheme and there is no policy requirement for this and therefore it would not be secured by a condition or legal agreement.
- 6.3. The existing Waynflete building measures approximately 15.8 to 18 metres in height from ground level at the rear. To the south there is an existing shop front which measures approximately 22 metres wide.
- 6.4. The application proposes the replacement of the present 'L' shaped Waynflete building with new buildings that are proposed to take the form of two "towers" or vertical buildings that are proposed to sit alongside the bank of the Cherwell. The tallest would measure 22.4 metres high with the lower measuring 15 metres from the lowest ground level point. The linear building fronting onto The Plain and St Clements would range from 13 metres from the rear ground level (2 metres lower than the existing building) to 19.2 metres from the lowest ground level to the rear (1.2 metres taller than the existing highest building on the Plain).
- 6.5. The pair of connected building ranges would be sited to enclose two the proposed York Place courtyard and the cycle storage courtyard within the site would measure 9.7 metres high.
- 6.6. The replacement shop front would measure just over 10 metres wide. There would also be a 5 metre window serving a multipurpose room and 3 metre window serving the entrance lobby.

## 7. RELEVANT PLANNING HISTORY

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

54/06811/A\_H - Outline application for redevelopment (Waynflete Building 1-8 St Clements). PERMIT 8th July 1954.

59/07710/A\_H - College residential accommodation and shops (Waynflete Building 1-8 St Clements). PERMIT 27th January 1959.

60/08789/A\_H - Building to provide four shops and college residential accommodation (Waynflete Building 1-8 St Clements). PERMIT 28th June 1960.

61/08789/A\_H - Building to provide four shop and college and residential



accommodation (Waynflete Building 1-8 St Clements). PERMIT 28th November 1961.

63/08789/A\_H - Extension to form common room on ground floor over-looking the river and erection of cycle shelter and store (Waynflete Building, 1-8 St Clements). PERMIT 23rd July 1963.

85/01126/NFH - 9-10 St Clements Street - Alterations and change of use from shop with ancillary office and storage to shop with student accommodation above. Construction of a bridge link to Waynflete Building (Amended Plans). PERMIT 17th March 1986.

85/01127/L - 9-10 St Clements Street - Listed Building consent for alterations to provide shop with student accommodation above and construction of bridge link to Waynflete Building. PERMIT 17th March 1986.

24/01345/LBC - Alterations to Nos 9-13 St Clements including demolition of rear ranges and partial demolition of boundary walls, internal alterations and alterations associated with fabric upgrades to improve thermal performance. (Amended description). PENDING DECISION.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	135-137, 139-140	DH1 - High quality design and placemaking DH2 - Views and building heights DH6 - Shopfronts and signage DH7 - External servicing features and stores		
Conservation/Heritage	207-221	DH3 - Designated heritage assets DH4 - Archaeological remains		
Housing	63	H2 - Delivering affordable homes H8 - Provision of new student accommodation		
Commercial	90	V1 - Ensuring the vitality of centres V4 - District and Local Centre Shopping Front		

<b>Natural environment</b>	153-160, 187, 193,	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G3 - Green Belt G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		
<b>Transport</b>	109-110, 115-118	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M5 - Bicycle Parking	Parking Standards SPD	
<b>Environmental</b>	96, 102, 124-125, 129-130, 162, 166, 181-182, 196-201	H14 - Privacy, daylight and sunlight RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	
<b>Miscellaneous</b>	7-12, 48-51, 56-59	S1 - Sustainable development S2 - Developer contributions V8 - Utilities V9 - Digital Infrastructure		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 2<sup>nd</sup> July 2024 and 31<sup>st</sup> October 2024 and an advertisement was published in The Oxford Times newspaper on 27<sup>th</sup> June 2024 and 7<sup>th</sup> November 2024.

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

#### Active Travel England

9.2. No comment. Application does not meet the threshold for consultation.

#### Environment Agency

9.3. Initially objected to the application for the following reasons: Baseline conditions are not known. The proposal has the potential to harm the semi-natural river habitat adjacent to the site. The proposed floating systems could be

overshadowed by the proposed development and the floating systems could harm the existing river environment. A river condition and encroachment reporting sheet was requested.

- 9.4. Additional comments were received following reconsultation and all objections to the development were removed.

#### Historic England

- 9.5. An important site framing views down Magdalen Bridge towards the college. The existing building is of limited significance and the design quality does not compare to the best in Oxford during this period or respond to the surrounding landscape sensitively. Pleased that retention on environmental grounds has been thoroughly explored and agree with the conclusion to replace the building. Agree with the conservation area appraisal which suggest it detracts from the area. The proposed design has been thoroughly thought out and responds to the context and the tower element is particularly successful and will act as a local landmark but does not compete with historic towers. The development responds to the river and then steps down towards the listed buildings effectively. The treatment to the listed buildings themselves is also sensitive and the loss of the rear of the buildings but would be outweighed by the benefit of fully bringing these buildings into the scheme. Following re-consultation it was advised that there was no comment, and refer to specialist conservation and archaeological advisors.

#### Oxford Civic Society

- 9.6. The proposal to demolish a relatively recent building is controversial. The proposal relationship with existing buildings and the proposed layout and landscaping are positive. There is a good response with front and backs and the proposal addresses public and private spaces. Concern that the rooms are fragmented into separate towers. The north-east range corridor has limited natural light, concern for the amenity or residents in York Place. The materials work well in other college buildings but is less attractive here. The design of the towers with some articulation lack conviction. The windows appear commercial and dated. No response received to amended plans.

#### Oxford Preservation Trust

- 9.7. The existing building is of some historical interest, but its layout and design is not suitable for student accommodation and does not relate well to neighbouring listed buildings. Generally supportive of the scheme and understands retention of the building has been thoroughly explored but not feasible, the proposed elevations and massing will work well subject to high quality materials, the scheme will benefit the character of the street and the wider conservation area however the Temple Road/Cowley view needs to be assessed so the impact of the tower can be fully understood, there should be public access to the riverside and multipurpose space, the Sainsbury's unit should be replaced with a unit to meet the need of local residents. The additional view was assessed and provided and no further comments were received after reconsultation.

#### Oxfordshire Architectural and Historical Society

9.8. Objection to the demolition of the Waynflete Building. One of the few large remaining buildings of this period in Oxford, which is one of the best. If the building is to be demolished the existing building inscription should be preserved and made available for viewing by future residents, if not by the general public.

Oxfordshire County Council (Highways)

9.9. Initially raised an objection for the following reasons: Insufficient cycle parking to be provided, insufficient information to assess the safety impacts of the proposed development (request for a delivery and servicing management plan and full collision data to review), insufficient information to demonstrate the redevelopment will not have a negative impact on highway safety, capacity or congestion of The Plain roundabout. Following liaison with the County Council and submission of further information this objection was removed.

Oxfordshire County Council (Drainage)

9.10. No objection subject to conditions.

Oxfordshire County Council (Fire Safety)

9.11. Fire Access will need to be addressed through Building Regulations. No further plans required at this stage.

Thames Water Utilities Limited

9.12. No objection subject to a piling method statement being secured by condition.

Thames Valley Police

9.13. Firstly, concerns were raised due to the absence of Secure by Design measures in the design and access statement, open cycle storage, recessed entrances, lack of access control details, no postal service details, lack of bin store details and lack of boundary treatments. Following the submission of revised plans and information a second comment raised concerns with a recessed entrance to the tower block facing the River Cherwell, open cycle storage, lack of detail regarding access control. Following discussions with Thames Valley Police it was agreed that access control to the tower buildings (including details of visible openings) could be secured by condition along with overall site access controls and CCTV details which must cover bicycle storage.

The Gardens Trust

9.14. Do not wish to comment.

The Georgian Group

9.15. The proposed structures respond well to the sensitive site context. There is a successful transition between the bridge building and the historic townscape of The Plain. The harm caused to the significance of the structures to the rear of 9-13 St Clements would be outweighed by the benefits of fully integrating these buildings fully into the scheme.

## Public representations

9.16. 12no. third parties commented on this application from addresses in Crescent House (London), Leamington Road Villas (London), Lyncombe Hill (Bath), Ridgeway Road, York Place, no address given and Magdalen College School, St Hilda's College, University of Oxford (Director of Estates) and York Place Residents Association.

9.17. In summary, the main points of objection (8no. third parties) were:

- The application should not be entertained as the incorrect certificate of ownership was originally submitted. This application should be withdrawn and resubmitted.
- A management regime for the student accommodation should be secured by a legal agreement which has not been done.
- The increase in height and massing would detract from views of the conservation area from Magdalen Bridge.
- The proposed smooth stone is too contemporary for the conservation area.
- The proposed development is above the Carfax datum and would impact on the skyline for the worse.
- The removal of the bridge between the Waynflete building and the listed buildings is harmful.
- The existing building is harmful but the proposed building should not be justified as it is only a slight improvement.
- An article in a newspaper showed a picture of a view from Iffley Road where there is the least harm.
- The proposal would result in substantial/upper end of less than substantial harm and would not be outweighed by the proposed public benefits.
- The site would become cramped and overdeveloped and would therefore not make the most efficient use of the site in relation to policy RE1.
- The proposal would have a detrimental impact on the amenity of residents in York Place through loss of outlook, overbearing impact, overshadowing of amenity space and noise.
- Intensification of the site would increase the potential for accidents involving cyclists outside of the site.
- The beech tree adjacent to York Place should not be removed.
- Impact on property prices in York Place.
- Impact of construction works.
- Overshadowing of the river and impact on biodiversity.
- The existing building is sympathetic to its surroundings and the total demolition is not justified.
- The replacement building is mediocre, and Magdalen College can afford to

do better.

- The Statement of Community Involvement fails to address how York Place residents concerns have been addressed.
- Impact on views.
- Impact on right to light.

9.18. In summary, the main points of support (4no. residents) were:

- Proposals formed through understanding of the site, its history and wider context.
- Glad to see a multipurpose room with the opportunity for community use.
- High quality landscape enhancing the views of the engineered river bank.
- Contemporary design which respects the historic environment.
- Support for improved quality of accommodation for students.
- Whole life carbon impact demonstrates it is better to replace the building.

### **Officer response**

9.19. Concerns were raised that the wrong certificate of ownership was signed and, therefore the application should have been withdrawn and resubmitted. The applicant rectified this situation and the of ownership was corrected, and the application readvertised accordingly with a new newspaper advert, site notices and all consultees were re-notified.

9.20. Rights to light are separate from the consideration of the impact on daylight and sunlight as part of a planning application.

9.21. Where the rest of these comments relate to material planning considerations, these are addressed in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design/Heritage
- Neighbouring amenity
- Transport
- Trees/Landscaping
- Biodiversity
- Sustainable Design and Construction
- Drainage
- Health Impact

- Air Quality
- Land Quality
- Utilities

**a. Principle of development**

10.2. Policy RE2 of the Oxford Local Plan 2036 and paragraph 128 of the NPPF relate to the efficient use of land and specify that development proposals must make best use of site capacity. In a particular, policy RE2 identifies that this must be carried out in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as addressing the following criteria:

*a) the density must be appropriate for the use proposed;*

*b) the scale of development, including building heights and massing, should conform to other policies in the plan.*

*c) opportunities for developing at the maximum appropriate density must be fully explored; and*

*d) built form and site layout must be appropriate for the capacity of the site.*

In this case the proposed development is for student accommodation. The proposed density is considered appropriate and the size of rooms is considered equivalent to other modern standards being developed in Oxford. The proposal seeks to achieve the maximum number of rooms on the site whilst giving consideration to views, heritage assets and amenity which are discussed in more detail in the report.

*Student Accommodation*

10.3. Policy H8 of the Oxford Local Plan 2036 states that planning permission will only be granted for student accommodation in certain locations. This includes on or adjacent to an existing university or college campus. This would be a redevelopment of an existing college site opposite the main college campus and is therefore considered to meet this criteria. No material change of use of the site is proposed.

10.4. The policy also requires the accommodation to be restricted to use of students on a full-time course of a year or more and a management regime to be in place. This would also control occupation outside of term time. Whilst the policy states it would be secured by a legal agreement, this is not necessary and is a matter which is regularly secured by condition.

10.5. Policy H2 of the Oxford Local Plan 2036 requires developments of student accommodation providing 25 or more student units to provide a financial contribution towards affordable housing elsewhere in Oxford. However, this contribution is only required from the number of units providing a net gain. In this case the net gain is 4 units and a contribution is therefore not required.

### *Green Belt*

- 10.6. The application site contains a small section of Green Belt land. This is the land located within the river to the north of the river bank. Policy G3 of the Oxford Local Plan 2036 states that application affecting the Green Belt should be determined in accordance with national policy. Paragraph 153 NPPF states that inappropriate development should only be approved in very special circumstances. The development within the Green Belt consists of floating rafts within the river to provide planting. The proposed development within the Green Belt under Paragraph 154 is considered to be appropriate as it could fall under two of the definitions of appropriate development set out in the NPPF. Firstly, the rafts could be considered within the definition of 'provision of appropriate facilities (in connection with the existing use of the land)'. The existing use of the land is a river and it is proposed to provide rafts to enhance the planting a wildlife within this section of river.
- 10.7. Alternatively, the rafts could be considered as an engineering operation under Para. 154 h) ii). This considers development to be appropriate in the Green Belt where the proposal would preserve its openness and would not conflict with the purposes of including land within it. This proposal would not harm the openness off the Green Belt and would be seen as an enhancement to the appearance of the river and would not interrupt the use of the land as a river. The proposed development within the Green Belt is therefore considered acceptable.

### *Local Centre*

- 10.8. Policy V4 of the Oxford Local Plan 2036 relates to retail frontages and identifies the site as a local centre and requires properties to be restricted to A1 usage unless the number of A1 units don't fall below 40% (if another A use is proposed) or 85% if another town centre use is proposed that doesn't fall within an A Use Class. The existing retail unit falls within Use Class E(a) (a retail unit, formerly A1) but under the use class order this could now be used in any Class E use. It is therefore unreasonable to restrict the use of the proposed unit to Use Class E(a) and a condition is therefore recommended the proposed unit is restricted to Use Class E. The proposal seeks to reprovide a unit with an active frontage, albeit over half the size of the existing unit, however an active frontage to the street frontage would be achieved through the provision of a 5 metre window to the communal space and a 3 metre window to the lobby area. Given the flexibility of uses within Use Class E the proposal is considered acceptable and an active frontage in the local centre would be retained. A condition is recommendation which prevents the glazing being obscured to ensure that overlooking of the street and an active frontage is retained in accordance with the aims of Policy V4.
- 10.9. The proposed development is therefore considered acceptable in principle subject to the other material considerations set out below.

### **b. Design/Heritage**

#### *Heritage Significance - Waynflete Building*



- 10.10. The Waynflete Building was designed by the practice Pinkheard, Ledeboder and Booth and has a moderate level of architectural significance. The survival of elements such as bronze casements with original fittings, fixtures and fittings in individual study bedrooms that survive unaltered all contribute to the weight of architectural significance.
- 10.11. The building does make a contribution to the understanding of architectural development and in particular the design of student accommodation or institutional buildings from the late 1960's, through to the late 70's/early 1980's. In addition, surviving details evidence a commitment to a level of craftsmanship that possibly heralds the move of the architects into furniture and jewellery. The visible, expressed concrete frame creates a unifying rhythm across the building facades which is perhaps most evident on the north-west façade of the principal building range, fronting onto the tributary stream of the River Cherwell and facing Magdalen's main site across the landscape gardens including the two, heavily tree covered islands formed by the divergence of the Cherwell's course. Here the frame is entirely contained within the building façade whereas on the lower, south facing building range that fronts onto St Clement's the frame becomes skeletal or exposed at both upper and base storeys. At ground forming a colonnade in front of the retail unit that supports projecting first and second floors above which the concrete frames open terraces to post grad or fellows flats on the third floor of the building.
- 10.12. The infill to the frame is a combination of brick and window panels. A bronze framed fully glazed entrance and landing element separates and links the two building ranges. Here the fineness and quality that typifies the bronze window casements of this period in architectural history can be clearly seen. In other parts of the building there have been some, more recent replacements although a significant number of original details do survive adding to the value of the buildings in terms of their architectural importance and legacy.
- 10.13. These surviving details evidence a degree or level of crafted rather than simply constructed building together with the overall architectural language of the buildings contribute to an architectural significance that needs to be considered when weighing the harm that would be caused from the proposed total demolition of the buildings. Whilst the building has some architectural significance, it is not recognised as a positive feature in the conservation area appraisal and as such is not considered a non-designated heritage asset.
- 10.14. The building contains an existing inscription, which the Oxford Architectural and Historical Society requested to be retained and re-used if the building were to be demolished. The design and access statement advises that this will be salvaged and relocated to the new main entrance subject to technical feasibility and successful salvage. This would be secured by condition and in the event it is not successfully salvaged an alternative installation should be agreed through the condition.

*Heritage Significance – 9-13 St Clements (Grade II Listed)*

- 10.15. The row of narrow fronted tenement buildings of various dates of origin, later buildings probably replacing earlier tenements on similar plots, make up the

remainder of the development site. All the buildings are included in the statutory list of buildings of special architectural and historical interest at grade II. The buildings sit hard against the back edge of the pavement that runs along the northern side of St Clements from Magdalen Bridge following the curve of the road as it turns north-east towards Headington. The individual plots extend back from the principal, frontage buildings towards the stream of the River Cherwell and York Place with its terrace of late C20 town houses that have been inserted into the surviving, C17, C18 and C19 fabric of the suburb. On each plot sits a narrow range of accumulated outshuts and outbuildings added, infilled and extended over time to provide various ancillary domestic or subsequently retail, storage uses with a few appearing to accommodate separate domestic residential uses.

10.16. These buildings represent a mix of construction, with some of the earliest being timber frame with render. Rare pieces of stone wall survive, buried in building walls, including a section of coursed rubble stone wall that defines the boundary between plots and is visible freestanding separating the rear 'yard' of Waynflete from the later development in York Place. Later construction has been made using traditional red bricks.

10.17. These buildings have a moderate level of significance that is comprised mostly from their architecture. They contribute to the special character and appearance of St Clements both as a series of buildings whose facades form the streetscape of the northern side of The Plain which is the north-eastern entrance into the suburb of St Clements as well as the streetscape that introduces the suburb and then continues along St Clements up to its merging into London Road and the bottom of Headington Hill.

#### *Heritage Significance – St Clements and Iffley Road Conservation Area*

10.18. The conservation area begins on the eastern side of Magdalen Bridge and the eastern banks of the tributary streams of the River Cherwell. It is in this north-eastern corner of the designated heritage asset that the development site sits.

10.19. The conservation area is divided into a number of different character areas, the most relevant to consideration of this proposed development is The Plain. Essentially a roundabout contained by buildings and railed gardens to Magdalen College School, The Plain was historically an island on which sat a church, now occupied by a well and well house and on which there are a number of large, mature trees that contribute to the character of the place.

10.20. The conservation area appraisal identifies that there is a high degree of architectural diversity throughout the conservation area and that this diversity contributes to the overall architectural significance of the heritage asset. The architecture of the Waynflete building makes a contribution to this diversity. The building is distinctive. It provides an important focal point to the view towards St Clements from Magdalen Bridge. The building also forms a focal point in views from Iffley Road looking north towards the St Clements roundabout.

#### *Heritage Significance – Magdalen Bridge (Grade II\*)*

10.21. The bridge was built in 1772 to designs of John Gwynne (the city architect) and then widened in 1882-3. The bridge has a high level of architectural significance. The proposed development will impact on the setting of the bridge, whose eastern end abuts and even forms part of the south-western edge of the site itself.

*Heritage Significance – Magdalen College*

10.22. The Old Kitchen Buildings sit in the southwestern corner of the main college site, immediately adjacent to Magdalen Bridge whose setting may be impacted by development on the application site. These buildings fundamentally date from C17 but have surviving elements of the early St John's Hospital buildings dating from C13 within them. However, the setting of the eastern range of Great Quad (Cloisters) (originally built in 1475 and refronted in 1827 to the designs of the architect James Parkinson) forms part of the composition of buildings on this eastern side of the college's main site and the setting of these buildings could also be impacted by the proposed development. This group of buildings have a very high or exceptional significance the greater part derived from their architectural value.

*Heritage Significance - Skyline*

10.23. The towers of Magdalen College: Bell Tower which sits in the High Street Range; Founders Tower which sits above the entrance to Great Quad and the Muniment Tower which sits adjacent to Founders Tower all contribute to the Oxford Skyline and will form the background or foreground to views of the proposed development depending upon where the view is directed.

10.24. Merton College Tower is also a distinctive element of the Skyline and will be seen in views towards the proposed development from Christchurch Meadows.

10.25. From Carfax Tower in the centre of Oxford, the spires of St Mary's Church and the former All Saints Church (now occupied by Lincoln College Library) both on the High Street, form part of the foreground to the taller elements of the proposed development and this view may also include the dome of the Radcliffe Camera as well as the twin towers of the east range of All Souls College North Quadrangle.

10.26. Many of these tall elements are in themselves important parts of exceptionally significant heritage assets and the setting of these elements and in turn the building ranges to which they are attached or form part will be impacted by the proposed development.

*Heritage Significance - Christchurch Meadows (views from) – Grade I registered Park and Garden*

10.27. The Meadows form part of Oxford's landscape setting. Preserved as a distinctly rural or pastoral landscape that forms the setting for Christchurch, the Cathedral and College buildings but also for the other colleges whose grounds adjoin this open landscape.

10.28. The openness of the Meadows offers the possibility of views of the buildings of the city, specifically buildings at the southern end of the High Street, as well as glimpsed views of St Clement's and therefore potentially of the proposed development.

10.29. The landscape is a heritage asset of exceptionally high significance. The landscape's setting, views from and to it will be impacted by the proposed development.

#### *Heritage Impact*

10.30. The application proposes the replacement of the present 'L' shaped Waynflete building with new buildings that are proposed to take the form of two "towers" or vertical buildings that are proposed to sit alongside the bank of the Cherwell stream; a more linear, lower building range fronting onto St Clements and then a pair of connected building ranges sited to enclose two open courtyards.

10.31. The taller buildings are proposed to address the more visible elements of the principal college campus that sit on the western bank of the Cherwell, on the "other side" of Magdalen Bridge. However, these have not been designed to compete with the historic towers of college but rather reflect the building form in a deferential but still distinctive manner. In addition, these two building elements have been sited to allow a more generous open space along the water's edge recognising the value of this asset.

10.32. The two, tall elements will be intentionally visible in key views, such as from Addisons Walk, Christchurch Meadow and from Magdalen Bridge, however their proposed heights are such that it is considered that they will not compete with or distract from elements of Oxford's Skyline.

10.33. The proposed use of stone facing with a deliberately crafted façade that is intended to reference the design of the facades of Oxford's recognised historic buildings but not slavishly copy the highly decorative and crafted stonework. It is considered that this careful and considered approach to the appearance of the new buildings is appropriate to the historic context of the site.

10.34. The lower building ranges take their architectural cue from the vernacular building type, reflecting the architecture of the buildings that front onto St Clements and more domestic building types such as those found in York Place. The differentiation of the different building ranges will establish a hierarchy of building type and appearance each responds to a slightly different context, the formality of Magdalen Bridge and the buildings on the main college site as opposed to the more domestic scale buildings of St Clements. It is recognised that these design responses are entirely valid.

#### *Archaeology*

10.35. This site is of archaeological interest because it lies adjacent to a historic crossing point over the River Cherwell within the historic core of St Clements where there is potential for Late Saxon/Scandinavian, medieval and post

medieval remains (including activity relating to the Royalist Civil War defences which enclosed the site).

10.36. There is general potential for prehistoric activity near the river (both in terms of exploiting resources and the potential for the later bridged river crossing to have developed at a pre-existing fording point). The dedication of the nearby former church to St Clement and the presence of a 'Viking warrior' burial near Magdalen Bridge have led to the suggestion that this settlement on the Cherwell developed as a settlement for Danish Troops (Blair, 1994). However, the character and extent of the original settlement remains unknown. The manor was granted to St. Frideswide's Church in 1004 AD, and the royal chapel of St Clement was also given to the Priory by Henry I in 1122 (Victoria County History, 1957). A hospital dedicated to St. Clement is known only from a single grant of alms in 1345, its location remains unknown. The suburb lay outside the control of the medieval university (who controlled the assize courts) and therefore it is possible that the commercial tenement activity in this area was of a distinctive character, however there currently insufficient information to confirm this.

10.37. The geotechnical work undertaken at this site suggests that the geology is comprised of deep alluvial cover over Oxford Clay with the alluvial cover reducing to the east (Eckersley and O'Callaghan Flood Risk Assessment and Drainage Strategy Statement 2024). Above the alluvium the survey recorded significant depths of made ground and the archaeological evaluation has demonstrated that this includes disturbed and undisturbed archaeological horizons. The scope for archaeological evaluation was significantly constrained by trees and buildings however the trenches revealed remains consistent with medieval and later tenement occupation as expected without any significant surprises. The earliest archaeological deposit was recorded within one trench, dating to mid-12th century. Across all five trenches a series of Tudor, and postmedieval occupational garden soil deposits and associated waste deposition features were recorded, alongside later made ground. In addition, a series of limestone walls were recorded in three trenches possibly associated with previous outbuildings and/or boundary walls.

10.38. NPPF Paragraph 218 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.

10.39. In this case, bearing in mind the results of the archaeological field evaluation and historic building assessment, 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 archaeological and historic building recording and to ensure demolition and foundation construction are undertaken in a sensitive and controlled manner.

#### *Harm and Justification*

10.40. The architectural and archaeological significance of the site and the Waynflete Building has been acknowledged above. The building itself is not considered a

non-designated heritage asset but the total removal of the building will result in a low level of less than substantial harm to the character and appearance of the conservation area, most particularly to The Plain through the removal of a distinctive element of the architectural variety that contributes to that character and appearance.

- 10.41. The replacement buildings have been designed with an understanding of the context in which they will sit and the scale adjacent to 9-13 St Clements is more appropriate than the existing relationship with the Waynflete Building. Therefore, it is considered that the new buildings will not harm the special character or appearance of the St Clements and Iffley Road Conservation area. The architecture of the buildings is distinct from the architecture of the existing buildings that contribute to the character or appearance of this part of St Clements, narrow plots resulting in a tight rhythm of frontages adding to the important architectural variety that characterises the conservation area.
- 10.42. The proposal has also been tested through a Landscape and Visual Impact Assessment (LVIA). This has tested both local and long range views and demonstrates how the proposal would not be harmful in these significant views of the site or detract from significant features in Oxford's historic skyline.
- 10.43. Based on the available information the scheme can be assessed as likely to result in a low to moderate level of less than substantial harm to assets of local significance in the form of medieval and post-medieval suburban domestic and commercial tenement remains. This harm is considered against the public benefits and merits of the scheme. Given the small size of the trench sample and the known historical context the potential for significant new discoveries and complex deposits in this location should be recognised and appropriate provision made for comprehensive excavation of significant remains should they be encountered. Conditions to control demolition, foundation design and staged investigation and recording are therefore recommended.
- 10.44. Paragraph 208 of the NPPF states 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.45. Paragraphs 214 and 215 of the NPPF also state 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 10.46. Overall, it is considered that the harm identified above, which would be varying degrees of less than substantial, has been kept to the lowest levels possible by giving consideration to height design and massing of the proposed development through pre-application discussions. Firstly, the low level of less than substantial harm associated with the loss of the existing building has been thoroughly

explored through options to retain the existing building as set out in the design and access statement. Due to the limitations of the current building this is not feasible to enable the accommodation to meet required standards in terms of energy efficiency, air quality and acoustics. The replacement building would provide student accommodation which is more attractive to students which also meets equivalent standards of other college accommodation in the city in terms of space and facilities. Whilst currently occupied by first year students, these students would move to the main college site and the accommodation would become available for second year students. By providing a higher level of accommodation this would encourage these students to remain in purpose-built student accommodation rather than using market housing in the city, freeing this up for residents. Given the need for housing in the city, significant weight is afforded to this as a public benefit of the scheme in outweighing the low level of harm. This would also enable first year students to live on the main campus which is preferable, whereas second year students are more independent and willing to live off campus.

- 10.47. The submitted design would also produce buildings that would be far more thermally efficient and therefore sustainable than the existing buildings. The energy efficiency of the proposed building would outweigh the loss of the existing building. Compared to lightly retrofitting the existing building, a new build Passivhaus option would achieve a lower carbon impact within 12 years. Para. 161 of the NPPF highlights the importance of tackling climate change and whilst it encourages the reuse of existing building through the conversion of existing building, it has been demonstrated in this case a replacement building is more effective in a relatively short period of time and significant weight is also attributed to this element of the scheme as a public benefit as it helps reduce energy consumption in the city.
- 10.48. Furthermore, the total redevelopment of the site enables the creation of more user-friendly outdoor spaces whose design has been given careful consideration by landscape architects and that respond to the immediate context of the site, to present day ecological expectations as well as creating beautiful spaces for users. A small amount of weight is attributed to this as a public benefit on ecology grounds, but the majority of the benefit would be privately to the occupiers of the site.
- 10.49. The arrangement, orientation, massing as well as the design of building facades and proposed use of materials would together produce buildings that officers consider would make a contribution to the character and appearance of the conservation area as well as responding carefully to the settings of a number of heritage assets within which they would have an impact (i.e. from where they would be seen in key views either to or from those heritage assets). The benefits of this well designed scheme is therefore considered to significantly contribute to the loss of the existing building in the conservation area.
- 10.50. The public benefits of the proposed development are therefore considered to outweigh the less than substantial harm identified, and the proposal is considered acceptable in relation to policies DH1 and DH3 of the Oxford Local Plan 2036 and the NPPF.

**c. Impact on neighbouring amenity/ Amenity of the proposed development**

10.51. Policies H14, RE7 and RE8 of the Oxford Local Plan require the amenity of neighbour occupiers to be protected in terms of outlook, impact on daylight and sunlight, impact of artificial light and impact of noise and vibration. Immediately to the east of the site lies residential properties in York Place, a terrace (1-7 York Place, 8 York Place and 9A York Place.

*Privacy*

10.52. The proposed development has given careful consideration to the number of windows and their positioning in relation to neighbouring properties. At basement level there are solely windows overlooking the river from the multipurpose room. At level 0, windows mainly face to the south over the Plain and St Clements, the river or look internally into proposed courtyard. The exception to this is one window which faces east towards York Place. This serves a corridor and would not overlook neighbours as it sits behind the boundary wall.

10.53. At level 1, a window would also serve a corridor facing east to York Place but would not provide overlooking of properties which face south. An east facing window would also serve a flat looking towards 9A York Place but due to the positioning of the window it would not provide direct overlooking into windows of this property as they would be offset. There would also be 2no. windows facing north towards 1-3 York Place. These would serve circulation spaces and would be located at least 10 metres from residential properties in York Place, however given the proximity, a condition is recommended that these should be obscurely glazed to prevent perception of overlooking. A third north facing window at this level would serve a kitchen and overlook the land to the rear of 9A York Place but due to the different orientation of these buildings would not detrimentally overlook this property. This window would also be over 20 metres from other properties in York Place and is therefore not considered to detrimentally impact their privacy.

10.54. At level 2 the sole outward facing window would sit above the kitchen window at level 1 and would serve a bedroom. Again, due to orientation of buildings and proximity to the York Place terrace this would not have a detrimental impact on privacy. At levels 3-5 there are no windows overlooking immediate neighbouring properties which have the potential to impact on privacy.

*Daylight/Sunlight - Impact on Windows*

10.55. Policy H14 of the Oxford Local Plan states that 'to assess access to privacy, sunlight and daylight, the 25° and 45° guidelines will be used as illustrated in Appendix 3.6, alongside other material factors. On constrained sites with proposals for specialist accommodation, developers may use other methods to demonstrate that dwellings will receive adequate daylight'.

10.56. Given that the proposal sits in a tight urban environment, the developer has assessed the development under 25° and 45° guidelines set out in Policy H14 and BRE guidelines which is considered an appropriate and recognised



methodology. Concerns were raised during the course of the application by neighbouring residents and officers about the impact on daylight and sunlight to the terrace of houses in York Place which sits to the east of the development. The submitted daylight and sunlight assessment demonstrated that the impact on the front of the terrace would be acceptable, in accordance with BRE guidelines but no calculations were given to demonstrate the impact on daylight to the north facing elevations of the terrace.

- 10.57. A revised daylight and sunlight assessment was received alongside amended plans which removed the corner of the tower adjacent to the rear gardens of 1-4 York Place. This demonstrated that adequate daylight and sunlight would be experienced by windows in all neighbouring habitable properties. The exception being one window to 9A York Place. The kitchen would lose over 20% of its currently light levels (28%), however this is a very small room (6.5m<sup>2</sup>) and is therefore argued not to be habitable with limited time being spent in this room. On balance this impact is considered acceptable.

#### *Daylight/Sunlight - Impact on Amenity Space*

- 10.58. BRE guidelines state that for an amenity space to appear adequately sunlit throughout the year, at least half of the amenity space should receive two hours of sunlight on 21<sup>st</sup> March or at least 80% of its former value. Nos. 2-4 York Place currently do not receive 2 hours of sunlight on 21<sup>st</sup> March each year, whereas 6.9% of the rear garden at 1 York Place receives 2 hours of sunlight on this day of the year. The gardens at York Place are all north facing and receive very little sunlight, the properties themselves block the sunlight to the north facing rear gardens. Any development on the application site, even if it were a continuation of York Place terrace into the site would have an impact on the light to rear gardens of York Place.

- 10.59. Whilst there would a noticeable impact on sunlight to the rear gardens of 1 and 2 York Place during the equinox in June, it would be comparable to other north facing gardens in an urban environment and is therefore on balance considered an acceptable impact. Whilst the loss of sunlight would be noticeable in these circumstances it is considered it would not significantly detrimental so as to justify the refusal of the application

#### *Daylight/Sunlight – Impact on Proposed Development*

- 10.60. 94 out of 114 proposed student rooms (82.5%) would meet daylight targets and 79 out of 114 rooms (69%) would meet sunlight targets. Given that this is student accommodation of a transitory nature this is considered acceptable. Where rooms cannot achieve sunlight targets, they are generally north facing and given the nature of the proposed development it would not be possible to design a development with entirely south facing students rooms, whereas in an individual property different rooms would receive different levels of sunlight contributing to a property overall. In the interests of making the most efficient use of the site, the scheme is considered acceptable.

#### *Overbearing*

10.61. Before plans were revised, the proposed development adjacent to 1 York Place did not comply with 25° and 45° guidelines under policy H14 of the Oxford Local Plan. Whilst this is used as a guideline for daylight and sunlight, it also indicated how close the development was to the boundary of 1 York Place. Due to the height and positioning of the proposed development it created a sense of enclosure and overbearing impact on this property. Through the receipt of amended plans, the proposal was amended to step the development away from the boundary to comply with 45° guidelines, this in turn reduced the overbearing impact of the development, improving outlook and sense of enclosure. Whilst this is a significant change in relation to the open land currently experienced by this property, given that it is a tight urban environment, the proposed impact of the amended plans is considered on balance acceptable.

10.62. To the south of York Place the proposed development is 10 metres from the southern elevation of the terrace and would provide adequate separation and outlook to the properties. 9A York Place would experience a tighter sense of enclosure, however this would only be experienced from a small kitchen window. The main living accommodation and bedrooms do not overlook the development and the house overall would still benefit from a good outlook and not feel enclosed.

#### *Noise*

10.63. An acoustic assessment Ref: 011208-EAL-ZZ-ZZ-T-OS-9008, dated 1st May 2024 has been submitted to satisfy BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' and policy RE8 of the Oxford Local Plan 2036.

10.64. The report establishes the existing ambient noise levels at the nearest noise sensitive receivers (NSR), and calculates the likely 'Rating Level' of the proposed external plant installation which will include Air Source Heat Pumps (ASHPs), Air Handling Units (AHU) and Emergency Plant, and determines the likely noise impact resulting from the operation of the proposed from the installation. In relation to all plant and equipment design and selection, appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound" and policy RE8 of the Oxford Local Plan 2036.

10.65. The maximum day time noise level in outdoor living areas exposed to external road traffic noise should not exceed 55dBA Leq 16 hour [free field]. The applicant will have to ensure that future occupiers are protected from excessive external noise by way of adequate façade design as discussed within the submitted acoustic report which would be secured by condition. All plant noise level criteria have been adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building.

10.66. Subject to conditions officers are satisfied that the scheme would meet local plan criteria given appropriate design choice of plant and specified mitigation design and therefore acceptable in environmental health terms.

10.67. Concerns have also been raised by neighbouring occupiers that the proposed development would cause general disturbance from students to residential properties. The residential properties neighbouring the site already border a site inhabited by students. The number of additional student rooms would be 4no. which would not represent a significant increase in occupiers compared to the existing arrangement, in relation to the potential for increased noise disturbance. Although the proposed development would be closer to residential properties it has been designed with a façade which would act as a noise barrier to neighbours in York Place with minimal opening in these elevations. In this location the development would be mainly inward facing into the site or overlook the river. The impact with potential noise outbreak from student activities is therefore considered to be neutral.

#### *Internal/External Space Standards*

10.68. Whilst there is not a policy requirement which specifically sets out the space standard for student accommodation, the proposal has been well designed as en-suite bedrooms (typically around 15m<sup>2</sup> plus en-suite), all with a window providing reasonable outlook and are spacious inline with current expected levels of space for a student bedroom in the city. Larger rooms are also provided with wheelchair turning space. Policy H8 requires the provision of communal spaces for students to social in developments of 20 or more rooms, this is provided in the form of the multipurpose room and students can also socialise in their communal kitchens. Whilst not a policy requirement, a more attractive external space is also provided in the form of gardens and an enlarged river terrace.

10.69. Overall the proposed development is considered to provide a good level of accommodation for the proposed occupiers of the development and on balance is also considered to have an acceptable impact on neighbouring amenity in accordance with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

#### **d. Transport**

10.70. Policies M1, M3 and M5 of the Oxford Local Plan 2036 seek to minimise use of private motor vehicles and promote the use of public transport and cycling through the promotion of car free developments and provision of cycle parking facilities.

#### *Transport sustainability*

10.71. The proposed development would be car free, as per the existing accommodation and would not contribute to an increase in car use in the city. Arrangements for drop of and pick up of students at the beginning and end of term times would be secured by a drop off arrangements condition to ensure this does not have an adverse impact on the highway network.

10.72. Although the student accommodation element of the site would not normally trigger a Travel Plan requirement, because of the location of the site and the fact that this is to be a 'no car' development, a Travel Plan for the site will be required to outline the measures required to ensure it operates as such. A full Travel Plan would therefore be secured by condition. A Travel Plan monitoring fee of £1,985 (RPI index linked April 2024) is required to enable the Travel Plan to be monitored for a period of five years.

#### *Highway safety*

10.73. The proposed development sits adjacent to The Plain and St Clements. The Plain is an extremely sensitive section of the network with high volumes of vehicles, cyclists and pedestrians and a history of collisions including a recent fatality. The applicant was therefore requested to obtain Personal Injury Collision data from Oxfordshire County Council and provide a review of each collision. This was provided and demonstrated that out of 43 collisions in the past 2 years, 39 involved cyclists. Whilst not directly related to the Waynflete site, the review revealed that the majority of serious collisions involving cyclists were the results of vehicles failing to give way to cyclists on the roundabout. This demonstrates that the area is a sensitive area for cyclists. Given that only 4 additional rooms are to be created which wouldn't change the impact on the roundabout, it was considered appropriate to address safe access to and from the site for cyclists.

10.74. Whilst the proposed development only seeks an increase in 4 student rooms, a similar retail provision would be re-provided and vehicular access would remain unaltered, the proposed point of access for students would no longer directly align with dropped kerbs across the Plain. This would mean that cyclists approaching the site from East and South East would have to cross The Plain and then push their bikes along a section of pavement to access the site, rather than the direct access into the site which is currently experienced. As a solution to this, payment has been offered to alter dropped kerbs to provide a more straight forward access which would be secured by the S106 agreement. Also clear access from the west is also required in the form of a dropped kerb. Whilst County Council would ideally see a second cycle access to the rear through York Place directly into the cycle store, this continuous access to York Place, a residential area, is not considered appropriate in relation to neighbouring amenity due to disturbance and loss of privacy.

10.75. Also, further information was requested in relation to the level of layby/kerbside utilisation throughout the day as well as the travel patterns/mode split/trip generation of the main college site, and of any of the comparable satellite sites, through the undertaking of travel surveys. This showed that the layby is predominantly used by school services and servicing of the Sainsbury's unit and would be unlikely to change as a result of the development. Servicing of the student accommodation takes place in York Place and would also remain unchanged.

#### *Cycle parking*

10.76. The site as existing benefits from 8 cycle parking spaces to the front of the existing Sainsbury's store and 50 cycle parking spaces to the rear serving student accommodation.

10.77. Appendix 7 of the Adopted Oxford Local Plan 2036 includes minimum cycle parking standards. For students 1 space per room is required, for retail, 1 space per 113sqm is required and for food and drink, 1 space per 40m sqm public floor space is required. This would equate to a requirement of a minimum of 107 cycle parking spaces including 100 spaces for student rooms, 6 spaces for the retail space and 1 cycle parking space for the other re-provided retail/business use. Following the receipt of amended plans it was clarified that 1no. Sheffield stand to the front of the building would not be re-provided. A contribution to off-site public cycle parking to replace the spaces lost in front of Sainsburys is therefore required which would be secured by the S106 agreement.

10.78. Initially 50 student cycle spaces were proposed (in line with the current provision) and it was argued that these were underused and additional cycle storage was available on the main Magdalen College site. It is unclear whether the existing cycle storage is underused due to lack of demand or the poor access and quality of the space and this argument was therefore discounted. Also the Magdalen College cycle parking is 450-500 metres away from the Waynflete site, not within the 100 metres recommended by LTN 1/20 guidance. As such, officers requested amendments to the proposals to ensure there would be the required numbers of cycle spaces.

10.79. Amended plans were received to provide Sheffield stands with pull down racks above to double to the proposed storage in case of an increase in demand.

#### *Servicing and Deliveries*

10.80. The proposed servicing and deliveries are to the rear of the building in York Place and swept path analysis has been provided to demonstrate that this would be achievable and no objection is therefore raised in relation to this. A delivery and servicing management plan is required by condition to ensure that the development would not have an adverse impact on the highway network at peak times.

10.81. It is therefore considered overall that the proposed development would be acceptable on highway grounds.

#### **e. Trees/Landscaping**

10.82. Policies G7 of the Oxford Local Plan 2036 requires that planning permission will not be granted for development resulting in the loss of trees except in the following circumstances:

- a) it can be demonstrated that retention of the trees is not feasible; and*
- b) where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and*

*c) where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls*

- 10.83. The application proposes the removal of one Moderate (B) quality category beech tree (T2) from the garden behind the existing Waynfleete Building, and one Low quality category rowan tree (T3), which stands adjacent to Kingfisher Cottage in York Place. The scheme proposes to retain a Good (A) quality category London plane, which stands to the front of the existing building facing on to The Plain and Magdalen Bridge.
- 10.84. The beech (T2) has a structural defect, which has the consequence of reducing its useful life expectancy (remaining contribution in years), and the necessary management options [should it be retained] would limit its public visual amenity contribution. Therefore, the beech cannot be considered as a fundamental constraint on development, but it is appropriate for it to be included in the canopy cover analysis for the 20 years future remaining useful contribution that it has been assigned in the Tree Canopy Cover Assessment Study (TCCAS).
- 10.85. The compensation for tree loss offered via the TCCA; the retained plane's future growth, added to the growth of the proposed new planting over 30 years (under the development scenario), has been calculated to provide 'no net loss' (versus a no development scenario); this timeframe is at variance to the policy benchmark of 25 years set out in Policy G7.
- 10.86. To ensure trees can reach the optimum sizes set out in the TCCA, sufficient pit soil volume availability would be required to demonstrate the trees can reach the estimated ultimate size. For the smaller trees, a minimum of 5m<sup>3</sup> is needed (such as for the proposed *Carpinus japonica*), but any of the medium trees need at least 9-12 m<sup>3</sup> soil volume per tree (less for shared planting pits). Given the environment, to secure these volumes, engineered tree pit solutions would be necessary (structural soil, root cells). Details of this would be secured via condition.
- 10.87. The proposed development also includes green roofs on the Bridge, Tower and River buildings which is considered to be a positive enhancement to the site. At present a very basic mix is proposed for low maintenance reasons, however a wildflower low maintenance mix could be used and therefore notwithstanding the proposed details, final details would need to be agreed by condition.
- 10.88. Given the intricate network of underground service routes present on site, root barriers should be provisioned to prevent future conflict with tree roots. Root barriers should also be used where trees grow near pavements to prevent future damage to the walkways. These details could be included in the final landscaping plan (secured via condition). The final planting schedule with plants species, stock sizes, densities or numbers could also be secured via condition as part of the final landscaping plan. A maintenance programme for all planting would also be secured via condition.

10.89. Subject to the above mentioned conditions, the proposal is considered to comply with policies G1, G7 and G8 of the Oxford Local Plan 2036.

**f. Biodiversity**

*Biodiversity Net Gain*

10.90. Policy G2 of the Oxford Local Plan seeks to protect habitats and protected species and where relevant provide biodiversity net gain (BNG) to enhance existing habitats.

10.91. The site has a baseline value of 0.58 habitat area units and 0.37 biodiversity units for the watercourse. The application has been supported by a statutory biodiversity metric rather than a small sites metric, due to the presence of the River Cherwell as a key and priority biodiversity habitat feature. This is an appropriate approach and demonstrates due consideration of the overall biodiversity impacts as a result of the development.

10.92. Initially a metric was submitted which predicted 58.49% uplift in habitat units and a predicted 26.29% uplift in watercourse units which relied on the provision of floating rafts located on the watercourse and enhancement of bankside species rich grassland. However, the floating rafts, whilst still proposed, would not improve the condition of the river in BNG terms but would create improved in-channel habitat for a variety of species. Despite the improvements to the riparian zone and in channel habitats there would be no change in condition of the watercourse and, as such, to meet the biodiversity net gain requirements off-site biodiversity units or government credits would need to be purchased and biodiversity off-setting is required. The purchase of 0.04 watercourse units will be required to achieve the required 10% uplift which would be secured by a legal agreement.

*Biodiversity/Ecological Impact*

10.93. The development also sits adjacent to the River Cherwell and the opposite Angel & Greyhound recreation ground. Both are priority habitats and the rec ground is categorised as Pasture and Parkland and Deciduous Woodland. Furthermore, the River Cherwell factors considerably in the Conservation Target Area (CTA) designated for Thames and Cherwell, and is categorised as a High Distinctiveness habitat. From an ecological perspective, the presence of the river along the boundary of the site is the most important ecological consideration for planning.

10.94. The Environment Agency initially raised a concern in relation to the floating rafts due to the uncertainty this would have on the quality of the watercourse and whether they would overshadow life in the river rather improve the condition through new planting. A condition survey was subsequently requested and provided, and the objection was removed.

10.95. The application has been further supported by an Ecological Impact Assessment (EclA). Surveys were undertaken for bats, otter and water vole with nil results. It is recommended that a CEMP is secured via a pre-commencement

planning condition, to include update pre-mobilisation bat, otter and water vole surveys; and precautionary methods of working that will further reduce any likelihood of adverse impacts fauna.

- 10.96. Despite the above important ecological receptors, officers are satisfied that any adverse impacts have been avoided or mitigated for, and the mitigation hierarchy has been duly applied through the ecological assessment undertaken by the project ecologist. Details of this are provided in Section 4 of the EclA. Lighting impacts to the river would also be reduced (from 2-7lux to <0.5lux due to an External Lighting Scheme. A compliance condition would be applied to ensure adherence to the Lighting Scheme (approved from an ecological perspective), and therefore no indirect impacts to habitats (notably the River Cherwell) as a result of the development.
- 10.97. A Construction Environmental Management Plan (CEMP) is also required and would be secured via a pre-commencement condition. The CEMP must strictly outline all sensitive working methods and protective measures required to ensure no adverse direct or indirect impacts (disturbance, noise and dust) to the River Cherwell and the Angel & Greyhound recreation ground habitats. The CEMP should also include the requirement for update pre-mobilisation surveys for roosting bats, otter and water vole.
- 10.98. A Biodiversity Enhancement Plan (BEP) would also need to be produced detailing the recommendations set-out in Section 4.1.2 of the EclA report. All specifications and locations of enhancements would be included and annotated on a site plan as appropriate. Swift bricks installed within the new tower will be a mandatory inclusion within the BEP.
- 10.99. The Environment Agency have carefully reviewed the application and requested further information during the course of the application. They have advised that due to the demolition of buildings, scale of the development and proximity to the watercourse the development has the potential to have an unacceptable effect on the ecological value of the River Cherwell and its corridor at this site but the development would be acceptable providing a condition is imposed in relation to a landscape and ecological management plan.
- 10.100. Initially there was an objection that the development could out additional pressure on the Oxford Sewage Treatment Works which should be resolved before the development is occupied. This was reviewed and on the basis that there is only an uplift in 4 bedrooms on the site and no material change of use it cannot be demonstrated the proposal would be detrimental in relation to the current situation. This objection was removed.
- 10.101. Subject to the above mentioned conditions the proposed development is considered to comply with policies G1, G2 and G8 of the Oxford Local Plan 2036 and the NPPF.

#### **g. Sustainable Design and Construction**

- 10.102. Policy RE1 of the Oxford Local Plan 2036 requires major developments to submit an energy statement which demonstrates 40% reduction in carbon



emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case.

- 10.103. The submitted report demonstrates that the proposed development can achieve 46% reduction in carbon emissions over a building regulations baseline which would be achieved through a fabric first approach primarily through good building fabric supported with air source heat pumps (ASHP), solar PV and very high air tightness. The submitted BREEAM pre-assessment report demonstrates that the scheme is on track to achieve at least BREEAM excellent as required by RE1.
- 10.104. The submitted statement also addresses how proposal would conserve water, uses recycled and recyclable materials and minimises waste as set out in the requirements of policy RE1. A condition is recommended that the proposed development is carried out in accordance with this statement and evidence is provided prior to occupation to demonstrate compliance.

#### **h. Drainage**

- 10.105. Policies RE3 and RE4 of the Oxford Local Plan seek to ensure that a development would be protected from flooding and the proposed development would not contribute to flooding elsewhere through the use of sustainable urban drainage (SuDs).
- 10.106. The NPPF requires a sequential test to be applied to sites that fall within Flood Zones 2 and 3. The site predominantly sits in Flood Zone 1 and is therefore not at a high risk of flooding. Environment Agency maps show that there is a higher risk of fluvial flooding (Flood Zones 2 and 3) to the boundary with the River Cherwell. The proposed buildings fall within Flood Zone 1 and are therefore considered to be appropriately located and pass a sequential test.
- 10.107. Existing storm water from the site is discharged into the River Cherwell to the north of the site at an uncontrolled rate. Given the constrained nature of the site, proximity to the river and clay soil, the site is limited in terms of options for SuDs. To reduce the runoff rate from the site and improve on the current situation it is proposed to attenuate rainwater on the proposed flat roofs. These would drain to the central courtyard which would have porous sub base storage combined with cellular storage which would drain to the lower courtyard with an outfall to the River Cherwell. Given the constraints of the site this is considered an acceptable approach in relation to the SuDs hierarchy which seeks re-use on site, and infiltration before discharging to a watercourse.
- 10.108. In reviewing the submitted drainage calculations and associated model, it was noted that the outfall level from the proposed drainage scheme into the river (+56.17mOD) was significantly lower than the design flood level (+56.50mOD), which may have an effect on the discharge rate and as such the required attenuation volume. It was requested that the system was modelled as surcharged for the design flood level, and any changes made as required.
- 10.109. In response to these concerns a Technical Note was submitted with amendments to the proposed drainage scheme. This raised the flow control level

so that it would not be impacted by fluvial flooding and concerns with the scheme were removed.

10.110. The proposal is therefore considered acceptable, subject to a final drainage strategy which would be secured by condition, in relation to policies RE3 and RE4 of the Oxford Local Plan and the NPPF.

#### **i. Health Impact**

10.111. 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.

10.112. Inclusive design has been considered both internally and externally throughout the scheme with wheelchair accessibility and flexibility available, considerations has been given to air quality and noise through submitted assessments, the site is in a sustainable location and does not promote car use, the local community were consulted prior to submission, involves sustainable construction techniques and renewal energy and therefore demonstrates where applicable that the development promotes health and wellbeing.

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

#### **j. Air Quality**

10.114. Policy RE6 of the Oxford Local Plan 2036 requires consideration to the given to the impact of air quality on the future occupiers of the building, the impact the proposed development could have on air quality and the impact on air quality during demolition and construction.

10.115. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO), and the development has the potential to expose future users to elevated pollutant concentrations.

10.116. The energy strategy for the proposed development would be all-electric and would not rely on the use of combustion sources as a primary energy supply. During summer months, mechanical ventilation systems would go into bypass or coolth recovery mode and fully openable windows will allow high ventilation rates manage overheating. In heatwave conditions, the mechanical ventilation system will boost rates and heat pumps will cool the supply air. As no combustion sources are proposed, no local air quality impacts are anticipated and hence a detailed assessment of the impacts of combustion emissions from an associated energy plant have been screened out.

10.117. According to the site's Transport Statement, the development would be car free, students will be prevented from bringing cars to the College through

their tenancy agreement, and East Oxford (EO) Controlled Parking Zone is in place on the local roads to prevent inappropriate parking. The proposed retail would have the potential to remove all the larger goods vehicles from The Plain loading bay when compared to the existing Sainsbury's and would result in a reduction of 3 LGV trips in both the AM and PM peaks, with a maximum reduction of 56 trips across a 12-hour period. Therefore, no significant impacts are anticipated at existing receptors as a result of vehicle emissions.

10.118. According to the Design and Access statement, the design and layout of the building has been optimised to further minimise exposure of future residents to air pollution, by locating bedrooms on the first floor upwards. The ground floors of all buildings would be used as either retail spaces, or communal facilities, where residents are not expected to spend significant periods of time. As such, the location of bedrooms at least 4.5m from street level highlights the consideration of air quality at the design stage of the development.

10.119. A detailed atmospheric dispersion model was utilised to predict NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at relevant sensitive receptor locations within the study area during operational phase. This followed Defra TG22 and EPUK and IAQM LUPDC guidance. The results indicate that pollutant concentrations at proposed sensitive receptors are expected to be below the relevant AQOs during the operational phase. Based on the extent of predicted population exposure to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts, the overall effect of the development is considered 'not significant', regarding air quality, with no requirement for additional mitigation.

10.120. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment. As a robust worst case, the development is considered Medium Risk for dust soiling effects, and Low Risk for PM<sub>10</sub> health effects, in the absence of mitigation. Following implementation of the recommended mitigation measures for Medium Risk sites in Appendix 5 of the reviewed Air Quality Assessment, it is anticipated that the residual effect of the construction phase will be not significant which would be secured by condition.

10.121. An accompanying Travel Plan has been prepared to support the planning application to encourage sustainable transport choices by employees and visitors and to reduce single occupancy vehicle trips. The success of the Travel Plan will need to be monitored against clearly defined targets related to travel for a period of 5 years post full occupation. This would be secured by condition.

10.122. Subject to conditions the proposed development is considered to comply with policy RE6 of the Oxford Local Plan.

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

10.123. Policy RE9 of the Oxford Local Plan seeks to ensure that users of a proposed development will not be put at risk of existing contamination in the ground and the proposed development would not contribute to contamination of ground.

- 10.124. The former uses of the site include use as a university residential and teaching site, a retail stores and a surgery, and it is also in close proximity to a former electrical substation and printing works. These former uses have the potential to cause minor to moderate ground contamination risks to be present on the site which could cause harm to future occupiers and the surrounding environment.
- 10.125. The submitted ground investigation report has confirmed potential risks in shallow surface soils from lead and asbestos contamination. The investigation was carried out with the existing building structures in place which did not allow for investigation in areas proposed for demolition. Therefore, there are areas of the site that have not yet been investigated for potential contamination risks and these areas would benefit from further testing post demolition. It is also acknowledged within the site investigation report that further ground gas monitoring is completed due to the deeper areas of made ground identified on site.
- 10.126. For the above reasons, it would be necessary to conduct further ground investigation and risk assessment at the site to enable a more comprehensive assessment of site contamination risks across the site and to update the conceptual site model. This will assist in determining an appropriate remedial strategy for the site to make the site suitable for the proposed use. In order that this work is completed, planning conditions should be added to any permission for the site which required a phased risk assessment, any relevant remedial works and a watching brief during construction.
- 10.127. Subject to these conditions the proposed development is considered to comply with policy RE9 of the Oxford Local Plan and the NPPF.

### **I. Utilities**

- 10.128. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. Thames Water consider that the scale of the proposed development doesn't materially affect the sewer network and as such they have no objection to the proposed development on waste grounds.
- 10.129. Thames Water recognises the catchment is subject to high infiltration flows during certain groundwater conditions. They have advised that developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. As discussed above, a suitable surface water drainage strategy has been developed which would discharge to the river, not a public sewer and therefore satisfies Thames Water concerns.
- 10.130. Thames Water have advised that with regard to the waste water network and sewage treatment works infrastructure capacity, there is no objection to the application, based on the information provided.
- 10.131. The proposed development is located within 15m of a strategic water main. Thames Water have therefore requested a condition be added to any

planning permission that requires no piling shall take place without a piling method statement as piling has the potential to impact on local underground water utility infrastructure.

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

## **11. CONCLUSION**

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

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

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

11.4. Officers consider that the proposed development would on balance respond appropriately to the site context and Oxford Local Plan 2036 policies. The proposal would ensure that a higher standard of student accommodation could be provided on site, adjacent to the college and in a sustainable location without losing bedrooms. Whilst this would result in tree loss, this is considered justified given the condition of the trees to be lost and would be mitigated by replacement planting. The site would achieve a net gain in biodiversity, with water course units be contributed to offsite. The impact on neighbouring amenity is considered to be on balance acceptable, the impact on the highway network would be acceptable and adequate cycle parking is proposed and would be secured by condition. The proposal would also have an acceptable impact on air quality, land quality and drainage and would meet exceed energy efficiency targets.

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 and Regulatory Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the offsetting of watercourse units for biodiversity net gain, highway contributions and a section 278 agree to secure safer bicycle access through dropped kerbs.

## 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.

### *Develop in accordance with the approved plans*

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

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

### *Materials*

3. Prior to the commencement of the relevant work, samples of all external materials proposed to be used shall be made available for inspection on site (including construction of sections of external façade to include all elements included in those facades) and details shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used.

Reason: In the interests of the visual appearance of the St Clements and Iffley Road Conservation Area in which it stands in accordance with policies DH1, DH3 and DH7 and of the Oxford Local Plan 2036.

### *Existing Inscription*

4. Prior to the commencement of development (excluding demolition), details of the relocated inscription to the main entrance, or in the event it cannot be salvaged, an alternative inscription or artwork shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be installed on site prior to the first occupation of the development and retained thereafter.

Reason: In the interests of the history of the site and the character and appearance of the area in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

### *Plant*

5. Prior to the installation of any external plant (including solar panels), details of plant including the finish shall be submitted to and approved in writing by the

Local Plan Authority. Only the approved details shall be installed thereafter.

Reason: In the interests of the character and appearance of the proposed buildings and the St Clement's and Iffley Road Conservation Area in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

#### *Signage*

6. Prior to their installation, details of signage for the student accommodation (including multi-purpose room) and new-build retail unit shall be submitted to and approved in writing by the Local Plan Authority. Only the approved signage shall be installed thereafter.

Reason: In the interests of the character and appearance of the proposed buildings and the St Clement's and Iffley Road Conservation Area in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

#### *Use of commercial unit*

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed commercial unit shall be used within Use Class E and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to policy V4 of the Oxford Local Plan 2036.

#### *Secure by Design*

8. Notwithstanding the approved plans, prior to the commencement of above ground works for the student accommodation, a security strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the secure entrances to tower A, an overall security strategy for the site and details of CCTV.

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

#### *Demolition*

9. No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement for demolition setting out how demolition will be undertaken in such a manner as to avoid unnecessary damage to below ground archaeology and standing historic fabric (including but not limited to 9 St Clements, the rear stone boundary wall to the rear of 9 St Clements and Magdalen Bridge). All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or

suspected elements of the historic environment of the people of Oxford and their visitors, including Saxon, medieval and post-medieval remains in accordance with policies DH3 and DH4 of the Oxford Local Plan 2036.

#### *Foundations*

10. Prior to the commencement of development (excluding demolition), a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given unless agreed in writing with 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 Saxon, medieval and post-medieval remains in accordance with policy DH4 of the Oxford Local Plan.

#### *Archaeology - WSI*

11. No development shall take place until a written scheme of investigation (WSI) for stage 1) trial trenching and Stage 2) archaeological excavation has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation, recording and public outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Saxon, medieval and post-medieval remains in accordance with policy DH4 of the Oxford Local Plan 2036.

#### *Building Recording*

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording 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 medieval and post-medieval historic fabric in accordance with policies DH3 and DH4 of the Oxford Local Plan 2036.

#### *Occupation By Students*

13. During term time (any parts of a whole academic year that fall outside of the published term dates for the University of Oxford which may vary from year to year) the student accommodation hereby permitted shall be used for student accommodation occupied by students on full time courses (being not less than 24 weeks per academic year) and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time (any parts of a whole academic year that fall outside of the published term dates for the University of Oxford which may vary from year to year) the permitted student use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The student accommodation shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation, in accordance with Policy H8 of the Oxford Local Plan 2036.

#### *Tenancy Agreements*

14. Prior to the first occupation of the student accommodation, details relating to tenancy agreement clauses that a) prohibits occupiers of the approved development from parking vehicles on site and b) states that the occupiers shall be enrolled on a full time course at the College for a minimum of 12 months shall be submitted to and approved in writing by the Local Planning Authority. The approved tenancy clauses shall be included with all tenancy agreements and signed by each occupier of the student accommodation prior to the commencement of their occupation of the approved building unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure compliance with policy H8 of the Oxford Local Plan 2036.

#### *Drop off arrangements*

15. Prior the first occupation of the student accommodation, details relating to the arrangements for a phased drop off of occupiers at the approved development at the start and end of term shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include information relating to the different periods of arrival and departure for occupiers of the building in the form of a timetable and corresponding plan indicating the time periods for drop off and collection of occupiers and their possessions from each of the student rooms. The information provided will also include the identified areas within the vicinity of the application site that shall be used as drop off or collection zones and how these spaces will be managed to

minimise the impact of inconsiderate parking on nearby residential roads. The approved details and timetable shall be adhered to throughout each year unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies RE7 and H8 of the Oxford Local Plan 2036.

#### *Student Management Regime*

16. Prior to the first occupation of the student accommodation, details of the day to day management of the student accommodation permitted shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be brought into operation upon first occupation of the development and shall remain in place and be adhered to at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policies RE7 and H8 of the Oxford Local Plan 2036.

#### *Active frontages*

17. The ground floor windows in the commercial units in the development hereby approved shall only be obscured from 1m in height from internal finished floor level. At no time shall the whole windows be completely permanently obscured to prevent looking in either internally or externally by whatever means be it blinds, plants, screen partitions or other measures including materials adhered to the glass.

Reason: to maintain active frontages within the Local Centre Shopping Frontage in the City Centre in accordance with Policy V4 of the Oxford Local Plan 2036.

#### *Obscure glazing*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order) the first floor windows to the Link North Elevation shown on the General Arrangement – North Elevation drawing no. 'PL406 PA03 S2' shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and thereafter retained.

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

#### *Noise - Plant*

19. The noise emitted from the proposed installations and proposed acoustic enclosure located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound," with all machinery operating together at maximum capacity.

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

#### *Noise – Anti-vibration*

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Road Noise 1*

21. All new build habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No accommodation shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Emergency Plant*

22. Noise emitted from the emergency plant and generators hereby permitted shall not exceed the representative assessed background noise level (expressed as the representative 16 hour daytime LA90, 1 hour) by more than 10dB one metre outside any premises. The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power. Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a

calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason: In the interests of the amenity of occupiers of the development site and surrounding premises in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

#### *Cycle Parking*

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

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

#### *Delivery and Servicing Management Plan*

24. The development shall not be occupied until a delivery and servicing management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery and servicing management plan will include details of delivery times which must be outside network peak hours. The development shall thereafter be carried out strictly in accordance with the approved delivery and servicing management plan.

Reason: In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.

#### *Construction Traffic Management Plan*

25. Prior to commencement of the relevant phase of development, a construction phase and demolition phase Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan(s) thereafter. This should identify;
- The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction.
  - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing, to accord with the necessary

standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours.

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

#### *Travel Plan*

26. Prior to the first occupation of the student accommodation a Full Travel Plan should be submitted to the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M2 of the Oxford Local Plan 2036.

#### *Travel Plan Statement*

27. Prior to the first occupation of the retail/business unit a Travel Plan Statement should be submitted to the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policy M2 of the Oxford Local Plan 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, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones unless otherwise agreed in writing beforehand by the Local Planning Authority

Reason: To protect retained trees during construction in accordance with policies G1 and G7 Of the Oxford Local Plan 2036.

#### *Arboricultural Method Statement*

29. Prior to the commencement of the relevant phase of development, a construction phase and a demolition phase, a detailed statement (the Arboricultural Method Statement (AMS)) shall be 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 G1 and G7 Of the Oxford Local Plan 2036.

#### *Arboricultural Monitoring Programme*

30. Prior to the commencement of the relevant phase of development, a construction phase and demolition phase, details of an Arboricultural Monitoring Programme (AMP) shall be 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: To demonstrate compliance with tree protection conditions for the protection of retained trees during construction in accordance with policies G1 and G7 Of the Oxford Local Plan 2036.

#### *Landscape Plan*

31. Prior to the first occupation or first use of the development hereby approved, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved plan thereafter. 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 as well as tree pit details that demonstrate adequate soil volume availability for the proposed trees based on each species ultimate size and soil requirements. 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 DH1 and G8 of the Oxford Local Plan 2036.

#### *Landscape Reinstatement*

32. 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.

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

#### *Landscape and Ecological Management Plan*

33. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas including landscaped areas alongside the River Cherwell and the floating planters has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site
- details of management responsibilities
- Details of how the river and its corridor will be protected during the construction activities (A Construction Environmental Management Plan)

Reason: To ensure the protection of wildlife and supporting habitat. Also, to

secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policies G1 and G2 of the Oxford Local Plan 2036.

*Underground services – tree roots*

34. 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.

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

*Green Roof*

35. Prior to installation, specifications of and a maintenance plan for the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and maintained thereafter.

Reason: To ensure the longevity of this new green infrastructure in accordance with policy G8 of the Oxford Local Plan 2036.

*Ecological Enhancements*

36. Prior to commencement of the development (excluding demolition), details of ecological enhancement measures in line with recommendations made within Ecological Impact Assessment produced by BSG Ecology, shall be submitted to and approved in writing by the local planning authority. This will include a minimum of four built in bat features including two suitable for maternity roosting, four swift features, two king fisher nest boxes and two house sparrow terraces. These features will need to be positioned with consideration of aspect, location, surrounding habitat and lighting to maximise potential for uptake by relevant species. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing by the local planning authority.

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

*Ecological Enhancements Compliance*



37. Prior to occupation of the development, evidence must be submitted to demonstrate that the ecological enhancements are in place as detailed within the approved Ecological Enhancements Plan. Photos can be submitted to support the compliance of the ecological enhancement measures.

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

#### *CEMP*

38. Prior to the commencement of the relevant phase of development (including demolition, ground works and vegetation clearance), a construction phase and demolition phase Construction Environment Management Plan (CEMP: Biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The updated 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) Use of lighting to ensure avoidance to impact on nocturnal species such as bats;
- g) Responsible persons and lines of communication;
- h) 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
- i) Use of protective fences, exclusion barriers and warning signs;

The document will need to ensure it is in line with the submitted EclA (BSG, 2024) and additional Technical Note (BSG, 2025).

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.

#### *External Lighting*

39. Prior to the installation of any lighting, details of a scheme of lighting (including a lighting design strategy for biodiversity and daytime and nighttime visuals) plus the means to control excessive light spillage and glare from both internal and

external light sources within the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented on its first occupation or use. No lighting shall be directed towards existing or new vegetation, or existing or new features for bats. There will be no increase in lighting along the river from the baseline lux levels submitted within the External Lighting Report - 011243-EAL-XX-XX-T-E-9011 (etch Associates, May 2024). There shall be no variation to the approved details without the further prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the proposed development and the St Clements and Iffley Road Conservation in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036 and to comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect wildlife and habitats in Oxford City in accordance with the National Planning Policy Framework.

#### *Habitat Management and Monitoring Plan*

40. The development shall not commence (excluding demolition) until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- a. a non-technical summary;
- b. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- f. HMMP has been implemented; and
- g. habitat creation and enhancement works as set out in the [HMMP] have been completed.

No occupation shall take place until:

- a. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

#### *Energy Statement Compliance*

41. The development shall be implemented in strict accordance with the approved 'Etch Associates Energy Statement' received 04.06.24. The development shall not be occupied until evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) have been submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance (i.e. at least a 40% reduction in operational carbon emissions compared to Part L of 2021 Building Regulations compliant base case) as approved.

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

#### *Flood resilience*

42. The development shall be carried out in accordance with the flood resilience measures outlined in the Flood Risk Assessment & Drainage Strategy Statement 'MAG-EOC-REP-1010' issue date 07 February 2025' by Eckersley O'Callaghan. The measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of flooding in accordance with policy RE3 of the Oxford Local Plan 2036.

#### *Drainage*

43. Prior to the commencement of development (excluding demolition) until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - 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: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

*Drainage – As Built and Maintenance*

44. Within 6 months of 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 .pdf format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

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

*Air Quality – Dust Mitigation Measures*

45. Prior to commencement of the relevant phase of development, a construction phase and demolition phase Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include a complete list of site-specific dust mitigation measures and recommendations that are identified on Appendix 5 of the Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved CEMP thereafter.

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

*Land Quality – Phased Risk Assessment*

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

A Phase 1 (desk study and preliminary risk assessment) has been completed and approved. A further element of Phase 2 intrusive investigation is required in those areas of the site not accessible, to fully characterise the type, nature and extent of contamination present, the risks to receptors and to inform any remediation strategy proposals.

A 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.

#### *Land Quality – Remedial Works*

47. 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.

#### *Land Quality – Watching Brief*

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

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

#### *Piling*

49. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) and piling layout plan including all Thames Water clean water assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in

accordance with the terms of the approved piling method statement and piling layout plan.

Reason: The proposed works will be in close proximity to underground water utility infrastructure in accordance with policy V8 of the Oxford Local Plan 2036.

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 3 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/workingnear-our-pipes>

Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/workingnear-our-pipes> Should you require further information please contact Thames Water.

Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

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

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

### **13.APPENDICES**

#### **14.Appendix 1 – Site Plan**

### **15.HUMAN RIGHTS ACT 1998**

15.1. 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.

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

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

**Appendix 1 – Site Plan**





## PLANNING COMMITTEE

25<sup>th</sup> February 2025

**Application Number:** 24/01345/LBC

**Decision Due by:** 31<sup>st</sup> October 2024

**Extension of Time:**

**Proposal:** Alterations to Nos 9-13 St Clements including demolition of rear ranges and partial demolition of boundary walls, internal alterations and alterations associated with fabric upgrades to improve thermal performance. (Amended description)

**Site Address:** Waynflete Building and 9-13 St Clements

**Ward:** St Clements

**Case Officer:** Gill Butter Principal Heritage Officer

**Agent:** Mr Steven Roberts  
Carter Jonas

**Applicant:** The President and Scholars  
of The College of Saint  
Mary Magdalen in the  
University of Oxford

**Reason at Committee:** To be considered concurrently with a planning application that is required to be determined by planning committee.

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## 1. RECOMMENDATION

1.1. Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the recommended listed building conditions set out in section 12 of this report grant listed building consent and**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the impact of the proposed alterations, including demolition of parts of the buildings, 9-13 St Clements on the special architectural and

historical significance of those listed buildings.

2.2. The key matters for assessment set out in this report include the following:

- What is the special significance of the listed buildings including the significance of those elements of the buildings that are proposed to be demolished or altered.
- Whether harm would be caused to the special significance of the listed buildings by the proposed works.
- If harm would be caused to the identified special significance whether that harm has been justified
- If the harm that would be caused has been clearly and convincingly justified, then would there be sufficient public benefits that would arise directly from the proposed works such that the public benefits would outweigh the level of harm that would be caused.
- Would the proposed works of demolition and alteration meet the objectives of both local and national planning policies.

### **3. LEGAL AGREEMENT**

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

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

4.1. The proposal is not liable for CIL.

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

5.1. The site is located within the St Clements and Iffley Road Conservation Area

5.2. The site comprises a group of attached buildings, listed at Grade II, 9-13 that front on to St Clements immediately to the east of the Waynflete Building and that extend as rear, subservient, linear building ranges and open yards north towards York Place.

5.3. The principal, frontage building ranges include surviving elements of possibly late C17, certainly early and later C18, C19 and C20 fabric that suggest a history of successive change.

5.4. The rear building ranges post-date the frontage buildings, comprise a variety of later added additions and have been subjected to substantial alteration including during the second half of the C20.

5.4. During the mid C17 the area was disturbed by Civil War earthworks and any earlier buildings present on these plots lost.

5.5. See site location plan below:



Topic	National Planning Policy Framework (NPPF – Dec 2024)	Local Plan
Conservation/Heritage	16	DH3, DH4

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 2<sup>nd</sup> July 2024 and an advertisement was published in the Oxford Mail newspaper on 11<sup>th</sup> July 2024.

### **Statutory and Non-Statutory Consultees**

#### Historic England

- 9.2 In an initial letter dated 3<sup>rd</sup> July 2024;  
 “The site is a particularly sensitive site. Not only does it have its own distinct character as part of a historic suburb but it also forms part of the gateway into the historic core of Oxford, framing one side of the view down Magdalen Bridge towards Magdalen College.....Also within the site are 9-13 St Clements Street an attractive group of 18th century townhouses which are listed at grade II. The significance of these buildings lies in their attractive facades, their timber framed structures, their historic plan form (which survive intact on the upper stories) and surviving internal features, including a couple of early staircases. The rear wings of these properties are of lesser significance. These are purely functional buildings of little architectural merit added during the course of the 19<sup>th</sup> century that have been extensively altered and rebuilt during the later 20<sup>th</sup> century..... The treatment of the listed buildings themselves is sensitive. The historic plan form and interiors are to be retained while the collection of outbuildings to the rear is to be replaced by a series of low buildings formed around (an) attractive small courtyard. The loss of the rear buildings would only cause a very low level of harm to the significance of these buildings given the level of alteration that they have undergone. This harm would be more than outweighed by the integration of these buildings (9-13) fully into the scheme... The National Planning Policy Framework state(s) in paragraph 203 that in determining (an) application, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets and of new development making a positive contribution to local distinctiveness. The proposals would fulfil both those aims... Historic England supports the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF with regards to heritage, in particular paragraph 203.”

In subsequent letters dated 13<sup>th</sup> November 2024 and 2<sup>nd</sup> December 2024 in response to additional/amended information and further consultations;

“On the basis of this information we do not wish to offer any comment. We suggest that you seek the advice of your specialist conservation adviser.”

### The National Amenity Groups/Societies

#### The Gardens Trust

- 9.3 In an e-mail dated 21<sup>st</sup> November 2024;  
“We have considered the information that you have provided and liaised with our colleagues in the Oxfordshire Gardens Trust and on the basis of this we do not wish to comment on the proposals at this stage.”

#### The Georgian Group.

- 9.4 In an e-mail dated 18<sup>th</sup> July 2024:  
“Thank-you for informing the Georgian Group of the above application for Listed Building Consent for works affecting 9-13 St Clement’s Street as part of Magdalen ‘s Waynflete Project. We welcome the opportunity to forward the following comments – although we do so without the benefit of pre-application involvement and with limited time to consider complex proposals.  
Nos 9-13 St Clement’s Street are a grouping of timber-framed townhouses built between the early C18 and early C19centuries with later nineteenth century outriggers and C20 shopfronts. They front The Plain on the eastern side of the Cherwell marking the approach to Magdalen Bridge and this key route to the city centre. To the rear, their gardens run down to the Cherwell and are overlooked by the riverside block of the 1960s Waynflete Building. The buildings are Grade II listed and stand within the St Clement’s and Iffley Road Conservation Area and on the boundary of the Central Conservation Area which comprises the city’s historic core. The oldest and most significant of the group is no 12 which retains numerous original features internally. Nos 9, 10 and 13 have undergone most alteration in the C20.

In terms of what is proposed for the listed buildings themselves (DAS6.0 and HIA 5.5.2) although there is considerable loss of historic fabric this is largely restricted to the lower significance rear additions. As Historic England have noted, the historic plan form and interiors are retained and the harm to significance caused by the loss of the rear additions would be “more than outweighed by the benefits of integrating these buildings fully into the scheme”. We note, however, that some of the openings to be formed within and between the retained buildings – such as the new openings in the party wall between nos 9-10 & 11 – do not appear to have been proposed with the benefit of any structural analysis/calculations. We recommend that your authority seeks further justification in respect of these openings from the applicant as well as an analysis of their structural impact by a CARE accredited engineer.

The proposal in respect of the windows is to improve the thermal and acoustic performance of the building by repairing or replacing the existing late C20 or early C21 sash windows to the front elevation introducing, where replacement is

undertaken, new timber double-glazed sash windows replicating the previous design i.e. through glazing bars, original proportions and size. This approach is acceptable in principle, but the applicant should provide further information in the form of a condition survey by a qualified professional. If it is demonstrated a window is beyond repair and the principle of replacement has been established, we recommend that the design of the replacements is covered by condition.

We have concerns about the proposed IWI (internal wall insulation) within the listed buildings. The DAS states that there will be a tailored approach depending upon wall type, but no further information is provided; this element of the proposals is not discussed in the HS/HIA or the Energy Statement. This proposal to insulate to internal faces of the external walls should, in our view, be subject to further scrutiny. Proposals to increase thermal performance should not remove or conceal existing historically significant surfaces or change the vapour permeability of the historic fabric nor risk interstitial condensations.

In conclusion.... The approach to the listed buildings themselves is proportionate and justified overall and we consider the removal of the rear additions – though a significant intervention – satisfies the tests set out in the NPPF paras 206 (213) and 208 (215). However, we recommend your authority seeks further information in respect of the proposed party wall openings, the proposals for window replacement, and, in particular, the proposed IWI.”

#### Oxford Civic Society

- 9.5 In a letter dated 31<sup>st</sup> July, focussed their response on the demolition of the Waynflete Building and the replacement development (new buildings) with no comment on the works for which listed building consent is being sought under this application.

#### Archaeological advice (internal)

- 9.6 In this case, bearing in mind the results of the historic building appraisal, I would request that, 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 historic building recording.

#### Public representations

- 9.6 There were no public representations.

## **10. MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. The impact of any alterations including demolition of listed buildings on the significance of those listed buildings.

- ii. Whether any harm would be caused to the significance of the listed buildings and if so then the weight of harm that would be caused.
- iii. Whether any harm that would be caused has been clearly and convincingly justified.
- iv. Whether, if the harm caused is considered to be less than substantial there would be any public benefits that would arise as a result of the proposed development and whether such public benefits would outweigh the level or weigh of harm that would be caused.

**i/ii Impact of the proposed alterations including demolition on the significance of the listed buildings 9-13 St Clements and weight of harm that would be caused.**

- 10.2. 9-13 St Clements are a group of C18 and C19 timber framed townhouses, all listed at Grade II that front onto The Plain in St Clements. The buildings have been subjected to a series of alterations throughout the C19, C20 and early C21 centuries as a result of changing uses. To the rear of the frontage buildings are a series of outshuts or rear building ranges that run north towards the River Cherwell and that have been added on to the principal buildings at later dates.
- 10.3. The plan form of the frontage buildings survives with small alterations that have resulted from later interventions making connections between the buildings. It is proposed to essentially preserve the surviving plan form where this survives.
- 10.4. The significance of the buildings is both historical and architectural and varies across the group. Of greatest significance is No 12 which dates from the early C18 and has a substantial amount of surviving historic fabric dating from its first construction. The buildings contain elements typical of their dates of origin but there are elements of fabric such as windows that are more recent, C20 replacements. Overall, it is considered that the principal buildings have a moderate level of significance. The rear building ranges have much less significance, very little original fabric survives in these rear ranges and they are the result of a series of successive extensions to the rear of the original buildings.
- 10.5. The application proposes the demolition of the rear ranges of the building group and it is considered that due to their limited significance their loss would cause a low level of less than substantial harm to the overall significance of the listed buildings.
- 10.6. The surviving stone boundary wall that separates plots 11 and 12, running along the western boundary of No 12 St Clements, originally proposed to be demolished is through a process of collaborative design evolution to be retained where it stands alone, not as part of the rear building range. The partial loss of this historic boundary would cause some harm to the significance of this curtilage listed structure which is considered to be of a moderate significance and officers consider that the harm caused would be of a low level of less than substantial

harm. The significance of the plot boundary and a significant amount of the historic building fabric being preserved.

- 10.7. Proposed alterations to the principal, frontage buildings in addition to small alterations to plan form to enable accessibility and connections between plots, the more substantive of which are to occur where there have previously been interventions are interventions that would improve the thermal performance of the buildings' external fabric.
- 10.8. Many of the existing windows are relatively recent C20 replacements which it is proposed to replace with carefully designed double-glazed replacements that would preserve the significant detail of traditional windows and thus preserve the contribution that these elements make to the architectural significance of the listed buildings. Where occasional, older, more significant windows survive the applicant is proposing to repair existing windows and use secondary glazing to improve thermal performance.
- 10.9. The remaining external building facades are to receive internal wall insulation. Concerns have been raised by statutory consultees who urge that the detail of this installation be carefully considered. Officers have recommended a condition be attached to any grant of listed building consent to approve the detail of this element of intervention subject to further investigation of the construction of these building facades and the survival of timber frame elements. There is a good awareness of the potential for unintended consequences of such an intervention if the detailing and application is not carefully considered and increasing understanding of "best practice" will inform the final detailing of this area of intervention. The intervention will have some impact on the proportion of internal spaces and officers consider that this would cause a low level of less than substantial harm to the significance of the listed buildings.
- 10.10. As part of the upgrading of the existing buildings it is proposed to upgrade/install new mechanical, heating and ventilation and electrical services. This will involve some intervention in existing building fabric. The application proposes that this should be carried out carefully seeking to preserve all surviving significant historic building fabric. In order to ensure that this can be carried out as intended, further investigation of existing fabric will need to be carried out and whilst officers consider that in principle the proposals may be acceptable that a condition is recommended to be attached to any grant of listed building consent to cover the submission and approval of details of these works to enable more investigation of building fabric and the results of those investigations to inform the detail of the installations proposed. Officers consider that although every attempt will be made to avoid harm from the information and understanding presently available, there may be a very small amount of less than substantial harm caused to the significance of the listed buildings from these proposed interventions and that this harm would be considered to be less than substantial harm and likely to be at the very lowest level of this category of harm.



**iii Justification of any harm that it is considered would be caused to the significance of the listed buildings.**

10.11. Officers have assessed that it is likely that there would be an overall low to moderate level of less than substantial harm that would be caused to the significance of Nos 9-13 St Clements.

Justification for the demolition of the rear ranges 9-13 St Clements

10.12. The significance of the rear building ranges of Nos 9-13 St Clements is considered to be low. The harm that would be caused to the overall significance of the listed buildings is considered by officers to be a low level of less than substantial harm. Their demolition has been justified as necessary in order to make best use of the land available for development in order to meet Magdalen College's ambitions to create the highest quality student accommodation appropriate for the C21 and into the future with beautiful external spaces that address the context of the site more appropriately than the present buildings and increase the biodiversity potential of the site. The existing building ranges would be almost impossible to be successfully refurbished and upgraded to meet any relevant standards and regulations. Officers therefore consider that the loss of these buildings and the consequent harm to significance of the heritage assets has been clearly and convincingly justified in accordance with the objectives of paragraph 213 of the NPPF (Dec 2024).

Justification for the proposed internal alterations to 9-13 St Clements

10.13. The application proposes a number of internal alterations to Nos 9-13 St Clements. The more intrusive alterations, structural openings for example are proposed to buildings and in locations where it is presently understood that building fabric has been substantially altered and where little or no fabric of significance survives. The interventions are justified in order to enable connections between buildings, accessibility and improved fabric performance. Officers have recommended conditions to ensure that where more investigation is necessary to fully understand the impact of interventions in each case the interventions would be subject to detailed design that would cause no or a very low level of harm to the significance of the listed buildings.

10.14. The proposed fabric upgrades are considered by officers to have been carefully considered to minimise the level of harm that would be caused to the significance of the listed buildings and again where further more intrusive investigation is necessary to give a greater understanding of the present, surviving fabric, conditions to cover the approval of more detail have been recommended to be attached to any grant of listed building consent. Officers therefore consider that

the proposed internal interventions have been clearly and convincingly justified in line with the objective of paragraph 213 of the NPPF (Dec 2024).

**iv. Whether, if the harm caused is considered to be less than substantial there would be any public benefits that would arise as a result of the proposed development and whether such public benefits would outweigh the level or weigh of harm that would be caused.**

- 10.15. There would be levels of less than substantial harm from very low to moderate that would be caused to the architectural and historical significance of the listed buildings. The buildings are considered to have a moderate level of significance.
- 10.16. The harm caused by the loss of the rear ranges of Nos 9-13 St Clements would be outweighed by the benefit of being able to create a high quality integrated development with beautiful spaces that would make a positive contribution to the surrounding context of the site.
- 10.17. The harm that would be caused to the significance of the principal listed buildings through internal alterations, small changes to plan form and fabric upgrading would, officers consider be outweighed by the public benefits that would arise from the careful repair of the surviving fabric, the increased understanding of the significance of the listed buildings and making the buildings more sustainable and fit for a longer life.

## **11. CONCLUSION**

- 11.1 In conclusion whilst officers consider that there would be a low to moderate level of less than substantial harm caused to the architectural and historical significance of the grade II listed buildings Nos 9-13 St Clements, the level of harm, in the case of each harmful intervention or alteration would be clearly and convincingly justified. In addition, officers consider that there would be sufficient public benefits that would arise as a result of the proposed development to outweigh the low to moderate level of less than substantial harm.
- 11.2 It is therefore considered that the proposed development would meet the objectives of policies DH3 and DH4 of the Adopted Oxford Local Plan 2036. In addition, the proposals for which listed building consent is being sought are considered to meet the principles of planning policies set out in section 16 of the National Planning Policy Framework. Furthermore, in granting listed building consent, subject to the recommended conditions it is considered that the local planning authority would meet the duty placed upon decision makers in section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to “ pay special regard to the desirability of preserving the building or its

setting or any features of special architectural or historic interest which it possesses”.

11.3 In considering the application submitted and in reaching this recommendation, officers have placed great weight on the importance of preserving the significance of the listed buildings (heritage assets). In assessing the impact that harm would cause to the significance of heritage assets officers have apportioned substantial weight to such harm. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

11.4 It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to the recommended conditions as set out in section 12 of this report.

## **12. CONDITIONS**

### **1. Time Limit**

The works permitted shall be begun not later than the expiration of three years from the date of this consent.

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

### **2. Works as approved only**

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

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

### **3. Making good**

Details of all making good/reconstruction of building facades where adjoining built elements or building ranges are to be removed shall be submitted to the local planning authority (LPA) within one month of the demolition of the adjoining, built elements. Details shall include detail of any external render to show detail where render meets existing features such as windows and eaves

and shall be approved in writing by the LPA. All works of making good shall be carried out as approved unless subsequently approved otherwise and confirmed in writing by the LPA.

Reason: the application offers limited information on these works and the LPA wishes to ensure that the architectural significance of the buildings to be retained is preserved or enhanced in accordance with local plan policies DH3 and DH4 of the adopted Oxford Local Plan 2036 as well as with the objectives of national planning policies as set out in the National Planning Policy Framework (Dec 2024) and in particular with policies set out in section 16 of that document.

#### **4. Details of thermal upgrading**

Full drawn and specified details of all fabric upgrading including details of replacement and/or upgraded windows, details of internal wall insulation including methodology for removing and reinstating features, fixtures and fittings such as architraves, skirting boards and window cills; details of floor insulation and roof insulation to show connections between various elements of thermal upgrading to prevent the unintended consequences of cold bridges and interstitial condensation with the potential impact on existing, significant historic fabric shall be submitted to the local planning authority (LPA) and approved in writing prior to the commencement of development. All work shall be carried out only as approved unless subsequently agreed otherwise and confirmed in writing to that effect.

Reason: none of these works have been described in any detail and the LPA wishes to ensure that all works of alteration and intervention meet the objectives of policies DH3 and DH4 of the adopted Oxford Local Plan 2036 as well as national planning policies as set out in the National Planning Policy Framework (Dec 2024).

#### **5. Details of new openings in walls**

Details of new openings in existing walls in particular openings in party walls between properties shall be submitted to and approved in writing by the local planning authority (LPA) before any of the relevant work is commenced on site. Details to include structural interventions as well as existing fabric to be removed. All works to be carried out only in accordance with the approved details unless subsequently approved otherwise and confirmed in writing by the LPA.

Reason: these works have not been described or shown in any detail and the LPA wishes to ensure that any works of alteration or intervention will meet the objectives of policies DH3 and DH4 of the adopted Oxford Local Plan 2036 as well as the national planning policies as set out in the National Planning Policy Framework.

## **6. Archaeology – building recording.**

No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of historic buildings recording 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 medieval and post medieval historic fabric in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036.

## **7. Samples – new materials**

Samples, including where agreed to be appropriate sample panels of all new materials, including materials required to make up quantity of material to match existing materials, such as roof slates, shall be provided on site for inspection and approval to be then confirmed in writing by the local planning authority. All new materials used shall be only as approved.

Reason: the local planning authority wishes to ensure that the materials used will preserve the architectural significance of the listed buildings and meet the objectives of policies DH3 and DH4 of the adopted Oxford Local Plan 2036.

## **8. Details of all drainage, M&E installations**

Details of all internal and external drainage, mechanical and electrical interventions including details of all builders work in connection with these installations to show details of interventions in historic building fabric shall be submitted to, and approved in writing by, the Local Planning Authority before any of these areas of work are commenced on site. All works shall be carried out in accordance with approved details.

Reason: In order to ensure that these works will preserve the significance of the listed buildings, in accordance with policies DH3 and DH4 of the Adopted Oxford Local Plan 2036 as well as meeting the objectives of the National Planning Policy Framework (Dec 2024).

## **13 Appendices**

### **13.1 Site Plan**

## **14 HUMAN RIGHTS ACT 1998**

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

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

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

14.

# Appendix 1

24/01345/LBC - 9-13 St Clements

## Site Plan



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**Oxford City Planning Committee**

25th February 2025

**Application number:** 23/02262/FUL

**Decision due by** 24th November 2023

**Extension of time** 25th June 2024

**Proposal** Erection of a modular manufacturing building (Use Class E). Extension to service road. Installation of sprinkler with palisade fencing, electrical transformer, vehicle barriers, bollards and lampposts. Provision of car and cycle parking, bin storage, loading area, fencing and landscaping. (amended description, plans and drainage strategy).

**Site address** Clinical Biomanufacturing Facility, Churchill Hospital, Old Road, Headington – see **Appendix 1** for site plan

**Ward** Churchill Ward

**Case officer** Nia George

**Agent:** Ms Dawn Brodie      **Applicant:** The Chancellor,  
Masters And  
Scholars Of The  
University

**Reason at Committee** Called in by Councillors Smowton, Miles, Smith, Railton, Fry and Lygo to consider whether proposal is acceptable with regards to drainage in the catchment of the Lye Valley SSSI.

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

- to the removal of an objection from Natural England;
- the satisfactory completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

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

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

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the proposed erection of a modular manufacturing building (Use Class E), the extension to the existing service road, the installation of sprinkler with palisade fencing, electrical transformer, vehicle barriers, bollards and lampposts, as well as the provision of car and cycle parking, bin storage, loading area, fencing and landscaping.

2.2. The report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Highways and car parking
- Bicycle storage
- Drainage and impact upon SSSI
- Biodiversity
- Sustainable design and construction
- Land quality
- Archaeology
- Trees

2.3. The proposed development is acceptable with regard to its design and would not cause any detrimental harm upon the character and appearance of the surrounding area, nor the setting of the non-designated heritage assets on the wider Churchill Hospital Site. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring occupiers, and nor would the proposals cause any impacts in relation to highways and car parking, bicycle storage, sustainable design and construction, land quality, archaeology nor trees. In addition, the proposal would not cause any detrimental impacts with regards to

drainage, biodiversity and the Lye Valley SSSI. Subject to the recommended unilateral undertaking, conditions and informatives, the proposals are considered to comply with the relevant policies of the Oxford Local Plan, the Headington Neighbourhood Plan, and the NPPF.

2.4. Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material consideration and support the grant of planning permission.

2.5. During the course of the application several amended plans and documents were received amending the location red line boundary, the description of works, the plans, as well as the drainage strategy. It is the latest revised red line boundary, plans and documents received on 9 December 2024 and 17 January 2025 upon which the application is considered, as well as the letter received on 10 February 2025 outlining the ground water level readings taken as requested by Natural England.

### **3. LEGAL AGREEMENT**

3.1. The Local Highways Authority Oxfordshire County Council initially requested for S106 contributions to the “Eastern Arc” bus service of £24,721.47, however it has been agreed that this can be dealt with by way of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 directly between the applicant and the County Council.

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

4.1. The proposal is liable for CIL, an amount of £27,420.12.

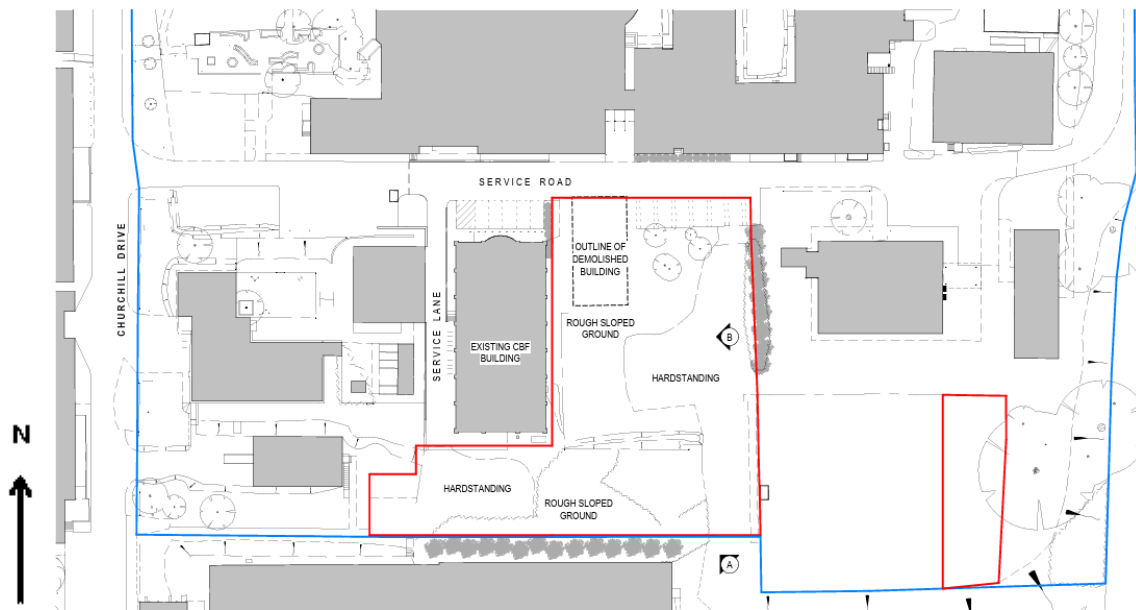
### **5. SITE AND SURROUNDINGS**

5.1. The application site is located to the east of Churchill Drive, within the wider Churchill Hospital Site which is located within the Headington area of the city, just to the south of Old Road. The hospital site comprises of a mixture of hospital and academic research buildings, in which the hospital buildings are located to the west of Churchill Drive, and the academic research buildings to the east.

5.2. The Clinical Biomanufacturing Facility which is located immediately to the west of the application site is occupied for Clinical Medicine, being the applicant, the University of Oxford’s Good Manufacturing Practice manufacturing facility. The facility aims to provide the link between academic research and clinical drug development, to allow all their collaborators to make rapid progress into clinical trials.

5.3. Immediately to the west and south of the facility there is a parcel of land which comprises a mixture of hard surfacing as well as undeveloped land. Previously there was a single storey storage shed directly to the west of the facility on this land too which was demolished under application reference 21/03572/DEM. It is this parcel of land which the application site comprises of.

5.4. See block plan below:



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 Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes the erection of a modular manufacturing building (Use Class E), the extension to a service road, and the installation of sprinkler with palisade fencing, electrical transformer, vehicle barriers, bollards and lampposts. It also considers the provision of car and cycle parking, loading area, fencing and landscaping.
- 6.2. The proposed building would be sited to the west of the existing Clinical Biomanufacturing Facility, and would measure 24.2m in width and 32.5m in depth. The building would have a maximum height of 8.2m when viewed from the existing service road to the north of the site, and 11.2m when viewed from the proposed access road to the south of the site. This is due to the sloping ground level at the site where the south is lower than the north.
- 6.3. The existing service road at the north of the site is proposed to be extended to join up with the service lane serving the existing Clinical Biomanufacturing Facility service lane to the west. This would create a loop around the proposed building with a layby for loading proposed directly to the rear of the building. The vehicle parking spaces proposed would be located to the north/front of the building, with cycle parking proposed to the west of the entrance. To the south of the service road it is proposed to accommodate a sprinkler with palisade fencing, and an electrical transformer.

## 7. RELEVANT PLANNING HISTORY

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

15/03466/FUL - Erection of two storey extension with basement to the Clinical Bio-Manufacturing Facility and provision of new substation (additional
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information). Approved 20th October 2016.

21/03572/DEM - Application to determine whether prior approval is required for the method of demolition. Prior approval required and granted 18th February 2022.

22/02480/DEM - Application to determine whether prior approval is required for the method of demolition of Building 247, 58 store, 63, 236 and 248 garage. Prior approval required and granted. 10th November 2022.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan:
Design	131-141	DH1 – High quality design and placemaking  DH7 - External servicing features and stores	CIP1 – Development to respect existing local character  CIP3 – Innovative design  GSP4 – Protection of the setting of the site
Conservation/Heritage	202-221	DH4 – Archaeological remains  DH5 – Local heritage assets	
Housing	61-84	H14 – Privacy, daylight, and sunlight	
Commercial	85-87	E1 – Employment Sites	
Natural environment	161-186, 187-201	RE4 – Sustainable and foul drainage, surface and groundwater flow  RE9 – Land quality	GSP3 – Conserving and enhancing biodiversity

		<p>G2 – Protection of biodiversity and geo-diversity</p> <p>G7 – Protection of existing Green Infrastructure features</p> <p>G8 – New and enhanced Green and Blue Infrastructure</p>	
<b>Transport</b>	109-118	<p>M1 – Prioritising walking, cycling, and public transport</p> <p>M3 – Motor vehicle parking</p> <p>M5 – Bicycle Parking</p>	TRP1 – Parking provision at major employment sites
<b>Environmental</b>	124-130, 161-186	<p>RE1 – Sustainable design and construction</p> <p>RE2 – Efficient use of land</p> <p>RE7 – Managing the impact of development</p> <p>RE8 – Noise and vibration</p>	
<b>Miscellaneous</b>	7-14	<p>S1 – Sustainable development</p> <p>SP19 – Churchill Hospital Site</p> <p>AOC9 – Old Road</p>	

## 9. CONSULTATION RESPONSES

9.1. Site notices were initially displayed around the application site on 17 October 2023. Since that date the application has been re-advertised a number of times

due to the submission of revised information. The latest round of consultation took place with site notices being displayed on 12 December 2024.

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

#### Oxfordshire County Council (Highways)

9.2. No objection – subject to conditions and contributions towards Eastern Arc bus service

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

9.3. No objection – subject to condition

#### Natural England

9.4. Objection received - awaiting final comments. Latest comments received via email on 22 January 2025 stated the following:

*I have reviewed the additional documentation sent over and the applicant has made quite a few improvements to the SuDS design but there is now just one outstanding query regarding how reliable the groundwater monitoring data is. The infiltration tank is proposed to be located in the same groundwater area as the perched aquifer (JBA report confirms this) and the groundwater level here is higher than the rest of the site as the aquifer sits on the valley slope. The water level was measured in November 2024, but groundwater levels don't peak at this site until February. This means that if the consultants haven't got the correct baseline information and groundwater levels are actually higher at peak then the tank might not have the correct clearance and the system might not work as efficiently as it could, particularly in a storm scenario. Would it be possible please for the applicant to undertake additional borehole monitoring in February so that the peak groundwater levels can be confirmed?*

### **Officer response**

9.5. A letter was received by the applicant on 10 February 2025 which confirmed that readings taken on 8 February 2025 showed a drop in the groundwater level compared to the previous reading. As such it is expected that Natural England will formally remove their previous objection to the application. An update will be provided at Committee.

#### Friends of Lye Valley

9.6. Objection received – latest comments provided on the application dated 05.01.2025 noted the following:

- We regret the difference of opinion over the rain catchment limit for Lye Valley springs in this west flank of the SSSI fen area – hydrological contractors for the CBF rebuild here asserting that the SUDS infiltration tank area is now positioned outside the Lye valley spring catchment limit whereas Lamberth (2007) indicated the area is within the Lye Valley catchment and in addition, recently we read in the new documents that contractors for the Oxford City Council ( JBA Consulting) also indicate this

development is within the Lye Valley catchment. So uncertainty on this key issue is the case, but we observe that JBA Consulting have been studying the Lye Valley catchment via groundwater monitoring for nearly 2 years now, so significant weight should surely be given to their opinion.

- Any development involving soil-sealing over most of the site area within the fen rain catchment (such as this) will inevitably prevent rain penetration into the soil and natural geology and aquifer and thus reduce a proportion of the calcium-rich alkaline groundwater emerging from springs on which the Lye Valley fen depends. There will be a degree of alkaline spring flow loss to the fen.
- SUDS infiltration tanks do not mimic the natural fen water supply system because they put all the gathered roof water into the ground in just one small area rather than it gently penetrating over a much larger area. One area deprived, one area overloaded.
- In the redesign of hydrology measures we note new infiltration measures all around the building in permeably paved areas e.g. ACO drains and the raised kerb to retain surface run off on the sloping marginal areas and allow infiltration via permeable paving. Run-off from the northern access road is at least now addressed, when this was not considered before. All this will help a little to get rain water into the ground over a larger area. But the roof water is a big issue, and this still all goes to a single infiltration crate in the south west corner of the site. Situated to the north, and upslope, of the staff car park
- We note the redesign of the SUDS infiltration tank in its new more westerly position and that the tank is now of a shallower construction. As we have said several times before, this is an area of documented naturally high water table (perched aquifer) within the Beckley sands and its intermittent limestone banding. This fits with the observation from the new borehole log WS5 from this location that there is a degree of artesian pressure meaning the water table here rose after coring to a high level of approx. 2.20m below surface in the borehole in November 2024. However this date is far too early for a definitive maximum winter ground water level assessment. The ground water level measured will not be the winter maximum in this area on this date, because last year's maximum groundwater levels in the Beckley Sands were not observed until February, as explained in our previous objection. Only February levels will give the important maximum baseline information needed. Bearing this in mind the following statement is premature (especially when considering Climate Change to much more frequent extremely heavy rainfall events by the 2080s):

*'The proposed infiltration tank has been set approximately 1.17m above the recorded groundwater level providing a 0.17m buffer above the 1.00m required clearance below the infiltration tank to the groundwater table to allow for potential seasonal rise in groundwater level.'* (Cover Letter)

- A higher maximum groundwater level here in winter will not allow this tank system to work as the required 1m gap above groundwater will not exist, and this will mean exceedance overflow will happen frequently, with consequent downslope flooding (the very thing such 2 SUDS crate systems were supposed to be designed to prevent). Fen areas downslope in the valley will be oversupplied (flooded) with inappropriately low calcium



surface water, Footpath 80 (which is old fen) flooding would be worse (its already very bad) and some floodwater may even reach the Lye Brook (only 120m away) increasing its flashiness and contributing to flood problems further down the brook system nearer the Thames.

- Despite efforts by the CBF design team to make SUDS improvements after a site meeting last year with Chair Judy Webb, it still seems that there is not yet sufficient information on groundwater levels for certainty that the SUDS will not cause those three different problems described above. February water table data is needed.

### **Officer response**

9.7. Comments made in relation to material planning considerations are addressed within the relevant sections of this report.

### Headington Heritage

9.8. Objection received – latest comments provided on the application dated 14.02.2025 noted the following in summary:

- I note the recently uploaded report shows WS5 (at the location of the proposed tank) having only 2.10m BGL. (Groundwater Survey)
- With made ground of 0.8m (Page 9 PDF page of GI redacted) a 1m “freeboard” required from the maximum groundwater ever possible and a 1m tank depth, clearly the design is completely impossible.
- 2.10m is one reading, in one year, with 40% climate change and high and low years, this could be much higher. The range is only 3 months (Nov-Jan in effect)
- Even if this were to work, it transfers water out of the Lye Catchment into Boundary Brook and changes discharge from days and weeks to hours, increasing surface (or near) and reducing groundwater levels by reducing “back pressure” in the Lye Valley.
- Again, I urge refusal as applicant has been unable to present a feasible design, which is very probably impossible.

9.9. Comments provided on the application dated 31.01.2025 noted the following in summary:

- The Headington Heritage objections of 19/05/2024, 24/06/2024, and 30/09/2024 (superseding that of 09/09/2024), and 03/01/2025 still stand.
- This submission only addresses the move of the soakaway westward out of the Lye Valley Catchment and into the Boundary Brook one, the worst possible outcome.

9.10. Comments provided on the application dated 03.01.2025 noted the following in summary:

- The Headington Heritage objections of 19/05/2024, 24/06/2024, and 30/09/2024 stand, the last superseding that of 09/09/2024.

- This submission primarily addresses the new errors in the application only which continues to be very muddled.
- Two primary risks can be identified – negative effects on the groundwater to the Lye SSSI and LWR, and surface flooding locally across the SP80 footpath and at Cowley Marsh.
- The applicant has failed to address either of these satisfactorily (or at all), presenting irrelevant and incorrect data to support the development.

9.11. Comments provided on the application dated 30.09.2024 noted the following in summary:

- The only substantive change in the August revision to this application is the relocation of the infiltration tank from the base of the new CBF to that of the current CBF building below the existing CBF car park, this represents a substantially worse outcome than previous proposals. The work on the groundwater and SuDS is so preliminary still and there is so much basic information missing, it is difficult to make any meaningful comments. A full groundwater survey over one year is required with the following objectives:
  - Ascertain the precise catchment boundaries between the Lye and Boundary Brook
  - The ground area served by the current and proposed SuDS ie: from land north above, currently assumed as zero
  - Understand groundwater flows and underlying strata which guide them
  - Understand groundwater responses to rainfall events and calculations of likely maximum height of the groundwater table, allowing for climate change which dictates the proposed SuDS capacity, feasibility and design
  - The cause and resolution of current flooding at footpath SP80
  - The role of groundwater and hydrostatic pressure in this area in direct contributions to the SSSI and LNR and indirect hydrostatic pressure which enables emergencies upstream
  - Height information and boreholes of the site of the proposed SuDS
- The proposed relocated infiltration tank:
  - Is smaller than the original design, which was already too small for the capacity required.
  - Is in an area where no tank can have sufficient capacity due to the maximum area and depth, (dictated by the highest water table) being insufficient
  - Is at a lower ground level (approx. 97.8m original, to 96.20m proposed) meaning reduced capacity in relation to the original design, as the Invert Level (Base) cannot be lower than the water table.
  - To be built where land is steeper, resulting in more flooding
  - Will discharge into Boundary Brook groundwater catchment, not that of the Lye as it is further west, resulting in loss of water to the Lye Fen and LNR
  - Is designed to drain half down in a 1:30 event in 24 hours – this is absolutely not mimicking natural systems which would retain groundwater for some weeks. (Tech Note 6.3) Further, to achieve this a much larger tank would be required for a slower drain down.
  - No assessment of impacts on downstream structures

- Continues to concentrate flows to one part of the site only
- The new tank has a shorter “front” for discharge, resulting in even more flow concentration than previously (and to the wrong catchment)
- Does not meet the requirements laid out in CIRIA SuDS Manual C753 2015 eg: objective 4 of Table 3.1 SuDS manual to “Preserve and protect natural hydrological systems on the site”. It also appears an obsolete version is used (C697/2007)
- In addition:
  - Thames Water has indicated no further connections can be made prior to upgrade of Oxford Sewage Treatment Works in 3-5 years, beyond the life of the current Local Plan. A condition that cannot be realistically discharged in the next 3-5 years should not be made, the development that will not even be built in the Local Plan period (2036)
  - Extensive flooding in Cowley Marsh on 23/09/24 indicates that no further connections can be made unless a greenfield runoff rate can be achieved – It can’t as per above.
  - All the asbestos contaminated made ground will need to be removed, meaning the existing SuDS will have to be removed and reconstructed, this is not addressed. Further, this will remove thick, and valuable moor-like vegetation currently there.
  - The “wildflower meadow” and green areas, due to geotextile membranes reduces the permeable area, as it is currently an area of mature vegetation and could simply result in an unofficial car park
  - All exploratory work will need to be repeated – asbestos remediation, boreholes, hydrological calculations and archaeological surveys on the proposed SuDS site.
  - Flows from offsite to the north continue not to be addressed.
  - No Environmental Impact Assessment (EIA) has been performed.
  - No indication of how the existing CBF car park will be addressed (above proposed tank location)
  - The WWII hut with the asbestos roof to the immediate south will be degraded by the new flows, causing a health and safety issue.
  - Surface and foulwater discharge may affect the southern unit of the SSSI due to old and leaking pipework.
  - The purpose and dimensions of the sprinkler tank are not explained.
  - The depths of the transformer, pump house and tank are not given and may impact on groundwater flows, these are not draining to the new SuDS in new design
  - The penetration, soak and other tests are inaccurate or wrong as made ground will be removed and replaced. Testing done only on made ground.( Tech Note Table 1 p.34)
  - The nature of the industrial activity at the CBF and impacts (water, chemicals, sprinkler tanks) are not articulated
  - Multiple, and fundamental, errors in the Tech Note are addressed below
  - As only one consultant appears to be engaged, it buddy/four eyes check of the report is required
  - The surface area calculation for SuDS Network Calculation Appendix E, p.1 is a total of 0.155ha not the 0.196ha claimed (which does not include the new SUDS area) seemingly excluding the area to the south of the driveway – the area including sprinkler tanks and transformers and the

infiltration tank has thus effectively unregulated flows, this is not explained. The surface area of the roof is not listed in the calculations, and the area is divided evenly between SW1/2/3 which could not be possible as SW1 is highest, SW4 is not even included.

- The replacement of hard surfacing with permeable surfacing of driveways will make a small positive contribution but this is wholly offset as above.
- The Tech Note concentrates almost exclusively on surface water issues, groundwater content is either absent or wrong.
- Oxfordshire County Council is the LLFA, it does not have jurisdiction over groundwater flows to the Lye, so its response relates purely to surface flows.
- The least harmful outcome is a SuDS fully extended along the southern boundary within the Lye Valley catchment.

9.12. Comments provided on the application dated 24.06.2024 noted the following in summary:

- The application must be refused, as it is impossible to mitigate loss of rainwater by evaporation from the roof therefore it is contrary to RE4, no design can mitigate this
- The proposal will unacceptably reduce and disrupt existing groundwater flows which indirectly and directly contribute to the Lye Valley SSSI and the LNR.
- Rainwater/groundwater will be lost to the SSSI and LNR in normal conditions due to evaporation from the roof, and increased flooding and damage to the LNR in times of flood it does not “mimic natural flows.” In natural conditions flows are regulated via percolation and retention.
- Currently, the existing CBF causes flooding of the LNR and footpath SP80 from its soakaway on the application site.
- The new SUDS/tank proposed for the new CBF at the existing soakaway location will concentrate all flows from both the existing and new CBF into the same Tank, (or very close) .
- The existing soakaway will be removed by the access road above and made ground replacement and the new Tank.
- The proposal represents a very high concentration of flow and a threefold increase in surface area (0.11 h.a.(Existing CBF)-> 0.11 h.a. + 0.20 h.a.(New CBF)=0.3 h.a.) and therefore flow to this location, approximately six impermeable tennis courts equivalent.
- The network calculation shows the existing CBF is not included in the SUDS/Tank calculations (see below) so 50% of inflow is not addressed, this is a key issue, but curiously absent from the reports.
- An exacerbation of this existing flooding issue cannot be accepted due to the threat to the LNR. It is a criminal offence to obstruct a public footpath.
- The internal base of the Tank (IL) is ON the Apr 2020 BH3 water table (2.85m bgl) recorded in dry conditions (April 2022) and below it in wetter conditions.
- Both now and with a very conservative 40% climate change prediction part of the Tank will be below the highest water table, therefore cannot work as designed. NB: This is using corrected AODs provided.

- Standards dictate the base of the SUDS/Tank (IL) must be a minimum of 1m above the highest possible water table, it is not, and cannot, be achieved.
- The tank cannot move up as it will be too close to the proposed building (<5m), or down as it will then be even lower, or expand as there is no space, so essentially the proposed Tank is infeasible and possibly illegal in any design, this is grounds for refusal.
- Clarification is required for the Lye Valley SSSI, this site contributes indirectly to flows by providing hydrostatic back-pressure for flows further upstream, and probably directly as flows follow ground strata not surface contours as incorrectly interpreted in the report.
- The site has a very high water table (94.5m AOD at BH3) far higher than sites upstream in the valley, with the Lye emergencies at approximately 83-86m AOD only metres away, indicating this area is of great importance to the Lye Valley SSSI. 4 Dr Lamberth Report v. Developer Reports The Council has two sources of information, The Dr. Lamberth report, (Oxford City Council) which shows:
  - The development site is in the groundwater catchment of the Lye Valley SSSI.
  - No SUDS or other system should be allowed in these catchments It is simply beyond belief the applicant would produce a report where it appeared:
    - An error of 3m of height was made on a hydrological and drainage report.
    - Data from another company was not checked for the most basic input – the baseline height (94m v. 97m)
    - The internal discrepancies were only observed by FOLV and Headington Heritage. Engineering Deficiencies in Applicant Reports - Summary In addition:
    - The applicant has not produced any calculation as to total rainwater/groundwater loss from the roof (100% by evaporation in normal conditions).
    - Current flows from the current CBF are not measured, neither is the efficiency of the current soakaway to be able to establish a delta.
    - The interpretation of the hydrological reports confuses surface flows, via gradients, and groundwater flows which flow via strata – A basic misunderstanding. Direct groundwater flows to the SSSI are unknown and unassessed and may be highly local.
    - The specification of the new SUDS/Tank does not appear to include any design or allowance for the existing CBF current flows and soakaway replacement, the input surface area is that of the new CBF (0.186 h.a.) only.
    - The DN\_TN Appendix E Network Calculation shows SW1,SW02,SW03 shows even inputs whereas SW03 will receive the existing CBF AND 50% of the new CBF, SW1 will receive very little at all as it is at the top of the site above the building.
    - The tank design is not feasible (see below)
    - The proposed geocellular SUDS/Tank does not provide calcification and the requirement is unaddressed.

- The crushing and blocking effects of the new CBF foundations, pads and tank on groundwater flows are not addressed. (18mm->24mm settlement in GI report)
- The foundations or supports required on a slope for the tank will be below the water table.
- All made ground will need to be removed (Remediation Report) as it is asbestos contaminated, this will reduce the height by 600mm-1.3m at the location of the infiltration tank no calculation is provided or solution to replace removed soil or how the tank can be constructed at which levels (AOD)
- The tank height is based on the current surface, but will be lower due to the access road above and the top 1.2m will be unusable as this is the diameter of the input pipes
- Severe flooding of SP80 due to the existing CBF and the accumulated effect of the new CBF site discharging from the same Tank is not assessed
- Geotextile membrane will reduce groundwater flows, this is unassessed. 5 Report Claims Debunked
- The site is in the groundwater catchment as per Lamberth
- The new CBF site does not drain via the existing sewer system as claimed, there is no or little existing rainwater sewer system on the application site as per their own plans (SW\_2016 and this application) almost all flow will be additional.
- Groundwater flows to the Lye Valley SSSI are affected, either by direct flow, or indirectly by providing back-pressure to groundwater upstream which then goes into the SSSI.
- The onsite groundwater contribution from the undeveloped new CBF development site as-is is high. (HH PDF p.18-22) The small wooden shed is demolished and there is almost no existing rainwater sewers on site.
- Groundwater flows do not follow surface contours but follow underlying strata which may be very different, also the surface is very disturbed with made ground.
- The current and proposed can not “mimic natural flows” concentrating a large surface area from the existing and new CBF into a small tank area.
- Produce a design for a SUDS/Tank that breaks existing design guidance and cannot function as designed
- Claim the new drainage strategy mimics the current one which it does not
- The network calculation suggests SW1,SW2 and SW3 (soakway nodes), have equal input flows, which is clearly incorrect Due to the multiple apparent basic errors above, the consultants’ reports must be entirely discounted and new team appointed to ensure the safety of the Lye if this application is consented The recommendations of the Lamberth report must therefore take priority.

9.13. Comments provided on the application dated 19.04.2024 noted the following in summary:

- The proposal is contrary to RE4 and Ground water protection zones are not fully mitigated by the use of SUDS therefore development within these areas must be restricted or eliminated. (Lamberth 2007, 39)
  - The site, almost 4 tennis courts in size, (1961sqm) currently has 61% infiltration of the site area (equivalent) reduced to 4.9% by this development, with a 95% sealed area (see below) to be diverted into one infiltration tank without calcification.
  - Groundwater calcification is reduced as flows downslope to tank via drains which bypass the Wheatley limestone rich member at the north of the site and the bands in the Beckley Sand Member
  - High levels of evaporation from rooves, parking and hard surfacing (95%), blockage by geotextile membranes prior to entry into any SUDS system means it is technically impossible to meet RE4 requirements with any drainage design so permission must be refused, not conditioned as per precedent cited below
  - Conversely, in times of heavy rain, water will be diverted into the storm water drainage system depriving the Fen. Any artificial drainage used must subtract from the water contribution to the Lye and cause downstream flooding and sewage release in the south fen and below.
  - The pad foundations will cause reduced flows by compressing and puncturing delicate strata by 18mm-24mm leading to water loss, only 2m above the water table (DN\_TS PDF p79-81).
  - The proposed SUDS system proposed has a tank top (CL) 2m below the base of the groundwater level, and 4m below at its internal base (IL) which is technically infeasible.
  - Any SUDS/Soakaway is unacceptable in the groundwater catchment, as per Lamberth below.
  - Differentials in land levels of 97m AOD prior to development and 94m after in reports imply very substantial excavation of contaminated and other earth/rock, placing the development closer to the water table and causing more compression.
  - Above impacts not only on the Lye SSSI, but areas of potential restoration such as those immediately below the site, currently an LNR.
  - Scouring of the South Fen and flooding in Campbell Road is directly related to surface runoff from Churchill and Nuffield car parks, road infrastructure and other hard surfacing. This and demand for foul drainage in this proposal will both exacerbate this, technical reports refer to surcharging in storm events.
  - Release of chemicals (PCBs) during exposure and removal of contaminated made ground are dangerous to both humans and the Lye Fen.
  - Asbestos dust from the current made ground left after World War II is dangerous to humans. There is no safe limit for asbestos.
  - Possible chemical release from proposed aggregates replacing the asbestos and PCB contaminated soil and other building materials may upset the delicate Lye chemistry.
  - Chemical hazards from industrial processing at the facility are unaddressed
  - No calculation or information regarding the uplift in staff numbers adding more pressure to the transport network.

- The applicant should pay a CIL Levy as this is clearly commercial activity.
- Reduction in need to travel is not addressed by supply of offset housing on car parks.
- The ugly industrial ventilation ducting is placed on the Lye valley fans generating noise to the west of the site and intruding on the natural landscape of the Lye
- Light pollution highly undesirable and a threat to the natural environment  
The technical reports are grossly inaccurate and do not even address groundwater flows issues:
- Damage to strata, diversion and stoppage from crushing.
- Calcification either through strata or via SUDS.
- Losses from evaporation on rooves, or via storm events.
- Final ground levels after contaminated made ground removal.
- The valley and watercourse identified by Young now hidden, flowing into the Fen The proposals presented (DS\_TN) will place the TOP (Cover) of the infiltration tank 2 metres below the water table, and the IL (base of tank) at 4 metres below (89m) The HRA report is grossly inaccurate and largely irrelevant. (See below) Traffic impacts and staff numbers, and toxicity from processing are not addressed as above.
- Damage to possible Roman archaeology on the CBF site, which is on, and north of the site excavated by Young (1971,1972,1973).

### **Officer response**

- 9.14. Comments made in relation to material planning considerations are addressed within the relevant sections of this report. In response to all other comments, a response is provided below.
- 9.15. The Local Lead Flooding Authority have been consulted on the application and their comments are material considerations which much be considered.
- 9.16. Thames Water have not provided any comments or recommended any conditions on the application as they were not required to be consulted.
- 9.17. Asbestos is not a material planning consideration; there is specific health and safety legislation for asbestos management during construction and demolition separate to planning legislation. Nevertheless, an informative has been recommended to ensure the applicant is aware of their responsibility.

### **Public representations**

- 9.18. 27no. local people commented on this application from addresses in Bulan Road, Covereley Road, Glebelands, Highfield Avenue, Hollow Way, Leafield Road, Lye Valley, Minster Road, Ramsay Road, St Anne's Road, Church Cowley Road, Gathorne Road, Hawthorn Avenue, Kennet Road, Oxford Road, Belvedere Road, Old Road, Town Furze and Banbury Road.
- 9.19. In summary, the main points of objection from the 27no. residents were:
- Concerns of drainage and impact upon Lye Valley SSSI, development is



only 82m from the SSSI's fen's high level west side springs

- Amount of development on site
- Contaminated land issues
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on traffic
- Flooding risk
- Information missing from plans – lack of information on hydrology (infiltration SuDS design, location and annual maintenance schedule), details of permeability of road and parking area and maintenance, design and depth of foundations, where sewage will go, details of the heat pump type, details on how potential light pollution would be mitigated, why parking is needed for other than emergency vehicles, and how many lizards were translocated.
- Local ecology/biodiversity
- Request for Dr Judy Webb to be made a statutory consultee and all future planning applications affecting the Lye Valley
- Support objections made by Friends of Lye Valley
- Need re-assurance the spring flow and chemistry upon which the fen wildlife depends will not be damaged.
- Every other planning application within the rainwater catchment has to provide such documentation; why is this different.
- Effect on adjoining properties
- Light – daylight/sunlight
- Noise and disturbance
- Parking provision
- Not enough information given on application
- Detrimental impact upon ecology of Lye Valley SSSI and Nature Reserve – light pollution on fauna and bats, noise from the generators and vehicles, installation and operation of heat pumps, foundations on ground stability, discharge of water from the site.
- Lye Valley SSSI is a nationally significant and rare habitat.
- Proposal contrary to NPPF and the statutory Environmental Improvement Plan.
- Unacceptable to have an unspecified provision of parking given the congestion and traffic on Old Road, hazardous for cyclists and pedestrians.
- Access.
- Local plan policies.
- Understand Oxford needs to develop its scientific work, but this should not be at the cost of our special green environments such as the Lye Valley, which are vital to the health and wellbeing of citizens.
- There has recently been housing development near the Lye Valley and it appears that this unique treasure is being chosen for environmental abuse
- May not understand the ecology of the site, but please appreciate the land around the Lye Valley needs to be protected.
- The site is a hive of wildlife and unusual plants and optimal conditions must be preserved so that they can continue to thrive.
- Being able to walk through the Lye Valley and enjoy the unique

environment is an important part maintaining a healthy lifestyle in which the value is not to be underestimated.

- Although sympathetic to the need for this facility and the importance of the work that would be done there, dispute this being the appropriate location.
- Traffic on Old Road and Morrell Avenue has been exacerbated by the introduction of LTNs and the close of Divinity Road. Adding to the number of vehicles is unfair on residents and those employed in the vicinity from whom there is no appropriate bus link and who can only reach work by car.
- Congestion has led to vehicles occupying cycle lanes, resulting in cycles and e-scooter using the pavement. Pavement is the main access route for students going to and from Cheney School.
- Inadvisable to allow any increase of traffic on Old Road
- The eight-thousand year old Lye Valley Fens are approximately one thirteenth of the NVCM13bhabitat left in England and as such demand special consideration. They are of international importance (Wildlife and Countryside Act, Core Strategy CS12, European Priority Habitat H7230). They are home to 20 plants on the Oxfordshire Rare Plants Register and 14 on the Vascular Plant Red List for England, including Few-flowered Spike Rush, Dioecious Sedge, Grass of Parnassus and Marsh Helleborine orchids. The Council has a statutory obligation not to "Carry out or authorise operations likely to damage a SSSI..." and to "Fail to minimise any damage to a SSSI..." under the Wildlife & Countryside Act 1981.
- Ask if there is scope to reduce footprint of the sealed surfaces by putting transformer and generator under the building, for a green roof, and if space to turn around next to the current generator location would remove the need for the road along the east side of the building.
- Not against development on suitable sites within the Lye Valley fens water catchment which supplies the springs. Some types of redevelopment can actually help and be beneficial to the rare fen habitat but only if, as part of the development, water infiltration into the ground is increased over the situation prior to redevelopment.

### **Officer response**

9.20. Comments made in relation to material planning considerations are addressed within the relevant sections of this report.

9.21. The comments submitted request for Dr Judy Webb of the Friends of Lye Valley to be made a statutory consultee for planning applications. The Friends of Lye Valley are not however a statutory consultee which the council are required to consult with as outlined within Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Nevertheless, the Friends of Lye Valley are welcome to comment on applications and any representations received will be taken into account by the Council.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development

- Design
- Neighbouring amenity
- Highways and car parking
- Bicycle storage
- Drainage and impact upon SSSI
- Biodiversity
- Sustainable design and construction
- Land quality
- Archaeology
- Trees

**a. Principle of development**

10.2. Policy E1 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.

10.3. The policy also states that planning permission will not be granted for development that results in any loss of employment floorspace on Category 1 sites. No other non-employment uses will be permitted on Category 1 sites except:

- a) residential development for staff linked to the employer (where this is permitted under Policy H3); or
- b) other complementary uses that support the successful economic function of the site.
- c) Start-up or incubator businesses will also be supported, if it can be demonstrated that they will not cause any negative impact on the main economic function of the site

10.4. The proposed development lies within a category 1 employment site at the Churchill Hospital. The proposed development would not result in any loss of employment floorspace, and it would result in the intensification in use of the site. The proposed building would provide extra manufacturing capacity at the existing Clinical Biomanufacturing Facility (CBF) on the site. This would include manufacturing spaces, laboratory and buffer preparation spaces, an open plan office and a meeting room with ancillary facilities. The proposal would be located on a vacant parcel of land between two existing buildings on the Churchill site. The proposed building would occupy nearly the full width and depth of the plot, making the full opportunity of the space between the service road to the east, which would link up to the existing service lane of the existing CBF building. The southern part of the plot below the service road would accommodate services

including a pump house, sprinkler tank and electric transformer, with space for a wildflower meadow and soakaway.

10.5. Officers consider that the proposal would make efficient use of this vacant parcel of land between two existing buildings on the site. Whilst the southern part of the plot would not be occupied by the building itself, it is considered that this space is needed to ensure that the proposal would not cause unacceptable environmental impacts and effects; such as in relating to drainage in which the soakaway for the building is proposed to be located in this area.

10.6. Policy SP19 states that planning permission will be granted for:

- i. further hospital related uses, including the redevelopment of existing buildings to provide improved facilities on the Churchill Hospital Site.
- ii. Other suitable uses which must have an operational link to the hospital and are:
  - employment B1(b), B1(c) and B2;
  - patient hotel;
  - primary health care;
  - education;
  - academic institutional;
  - extra care accommodation, including elderly persons accommodation
- iii. Complementary acceptable uses:
  - Residential development
  - employer-linked affordable housing;
  - student accommodation;
  - small scale retail units provided that they are ancillary to the hospital

10.7. It notes that other complementary uses will be considered on their merits. The site would only be suitable for academic institutional uses provided that the requirements of Policy H9 are met.

10.8. As noted previously, the proposal would provide extra manufacturing capacity at the existing Clinical Biomanufacturing Facility (CBF) on the site. The applicant has noted that although the existing facility does not actively provide any educational or academic activity itself, it plays a crucial role in supporting those activities in buildings nearby. As such it is considered that the proposed use would fall under 'other suitable uses which have an operational link to the hospital' and as such would be acceptable in accordance with Policy SP19.

10.9. Policy SP19 also states that new buildings should be designed to create active frontages and avoid creating large areas of inactive frontage and dead streets. Design should draw inspiration from the non-designated heritage assets, drawing inspiration from them to inspire and enrich the identity, character and quality of new development on the site. Evidence should be provided to demonstrate that there is not a negative height impact from surrounding areas.

10.10. The proposed new building would have an active frontage onto the existing service road located to the north of the site. Two entrances to the building would face to the north and the frontage between the road and the building would be used for vehicle parking and a loading area. It is noted that the design of the

building is modular and led largely by its proposed use/function. The site also has varied ground levels with the north of the site higher than the south of the site; and this has also influenced the design of the building. The design and access statement provided with the application has noted that the cladding for the building has been chosen to sit neutrally within its surroundings and to be respectful of the non-designated heritage assets from the 1940s.

10.11. In relation to the height of the building, this has been adapted to accommodate the changing ground levels at the site in which the overall height would be 1m taller than the top of the existing CBF building. Although 1m taller, this height would not be consistent across the whole of the building with the northern part of the building being 2m lower in height. It is the ductwork distribution penthouse, the roof mounted plant and associated ductwork only which would project above in height. In addition, the proposed building would only be 30cm taller than the existing Oxford Vaccine Centre situated to the north of the site. As such it is considered that the building when viewed from its surroundings would not appear out of character and would fit comfortably in relation to its height with the neighbouring existing buildings on site.

10.12. Policy SP19 also notes that development proposals must not prejudice bus access through the site. Improvements to public transport access will be required. Applicants will be expected to demonstrate how the development mitigates against traffic impacts and maximises access by alternative means of transport. Mitigation measures will be required to ensure that proposals do not lead to increased parking pressure on nearby residential streets. The policy also notes that footpaths should be created across the site.

10.13. The proposed building would be located to the east of Churchill Drive and would not therefore prejudice any bus access through the site. This application has been recommended for approval subject to a unilateral undertaking under Section 106 of the Town and Country Planning Order with the Local Highways Authority, that the applicant will make a contribution to public transport services; in particular the Eastern Arc bus service. As such the proposal would involve improvements to public transport which would maximise access by alternative means of transport to the site. No parking is proposed for staff at the site and a cycle store is proposed which would encourage staff to travel without a vehicle. The building would create jobs for 16 members of staff which is considered to make a negligible impact upon the movements on the site associated with the proposal, subject to the conditions outlined within the highways section of this report. The proposal would also be subject to a condition which would require a construction traffic management plan to be submitted and approved which would ensure no adverse traffic impacts are created in the construction process. Whilst no footpath is proposed as part of this application, there is no footpath along the existing service road which any footpath could be joined up with, and as such it would be considered unreasonable to request this.

10.14. Policy SP19 also states that planning permission will only be granted if it can be proven that there would be no adverse impact upon surface and groundwater flow to the Lye Valley SSSI. Development proposals should reduce surface water runoff in the area and should be accompanied by an assessment of groundwater and surface water. Development proposals must incorporate sustainable

drainage with an acceptable management plan. Important trees should be retained. A buffer zone should be provided during the construction period to avoid disturbance to the adjacent SSSI.

10.15. As outlined within the drainage section of this report, the impact of the proposal upon the Lye Valley SSSI has been a key issue when considering this application. Objections were originally received from both Natural England and the Council's internal drainage and flooding officers, and numerous amendments have been made to the scheme to address concerns over the potential impact upon the Lye Valley SSSI. After a number of amendments and as outlined within the drainage section it is now considered that the proposal would be acceptable with regards to the SSSI.

10.16. Policy AOC9 states that planning permission will be granted for new development within the area of change where it would take opportunities to deliver the following, where relevant:

- Uses should enhance or support use of the area of medical and clinical research and practice
- Intensification should take place on existing sites
- Many of the sites include large and separated areas of surface level parking, which should be rationalised
- Buildings higher than existing will often be appropriate, but at 24m a skylining effect will be created, affecting important views out from St Mary's tower
- Maintain and enhance the natural, rural edge setting along Boundary Brook.

10.17. The proposal would provide extra manufacturing capacity at the existing Clinical Biomanufacturing Facility (CBF) on the site and as such would support the use of the area for medical and clinical research. The proposal would involve the intensification of the existing site and the proposal would use a vacant parcel of land which previously had hard surfacing used for informal parking. The proposal would therefore not encourage any additional surface level parking. Although the proposal would be slightly taller than the adjacent buildings, the height would not exceed 24m and have an impact from St Mary's tower; with the maximum height of the building being just over 11m. Although the building would be located close to the eastern edge of the site where the Boundary Brook is located, the proposal would be located between two existing buildings on the site and would not extend any closer to the Brook compared to the existing buildings on site. As such it is considered that the natural and rural edge setting would be retained.

10.18. The policy also notes that Warneford Meadow and the Lye Valley are located along the south and east boundary. This is an attractive and important natural setting providing a pleasant contrast with the large scale and footprint utilitarian buildings of the hospital. It also notes that proposals should consider the following:

- Better relate the development sites with their natural setting, improving access and intervisibility
- New buildings should be inspired by this natural setting in terms of orientation, form and materials
- A masterplan approach for individual sites or across the sites is encouraged
- New buildings should have active frontages to avoid creating large buildings and dead, quiet streets
- Retain the backdrop of mature trees and views to it to help new development better assimilate into the landscape.

10.19. Whilst the building would have a utilitarian appearance, its use of colour palette with darker grey at the lower scale and lighter grey at the top which would resemble an overcast sky, would ensure that the building would not be prominent in the backdrop of the Lye Valley. The building would also have a similar orientation to the existing buildings already located to the south of the service road on the site. Although a masterplan has not been provided with this application, given the scale of the proposal and its location it is considered that this would be unreasonable to request, particularly as it in essence constitutes an infill site between two existing buildings. The proposed building would have an active frontage onto the existing service road to the north. The proposal would not result in the removal of any of the trees which provide a backdrop for the site.

10.20. Overall for the reasons outlined above, Officers consider that the principle of the development would accord with Policies E1, SP19 and AOC9 of the Oxford Local Plan 2036.

#### **b. Design**

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

10.22. Policy SP19 also states that new buildings should be designed to create active frontages and avoid creating large areas of inactive frontage and dead streets. Design should draw inspiration from the non- designated heritage assets, drawing inspiration from them to inspire and enrich the identity, character and quality of new development on the site. Evidence should be provided to demonstrate that there is not a negative height impact from surrounding areas.

10.23. Policy DH5 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the

significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals.

- 10.24. Paragraph 216 of the NPPF also states that the effect of an application on the significance of a non-designated heritage asset should be taken in 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.
- 10.25. The Churchill Hospital was originally built by the UK Ministry of Health as an Emergency Medical Services Hospital for local air raid casualties in the second world war. This later proved unnecessary however and the hospital was invited to be taken over by the United States Medical Services in 1942. There are plaques situated within the original hospital building on Churchill Drive as well as within the American garden further to the west of the site outlining the history of the hospital.
- 10.26. As noted within the supporting text of the Oxford Local Plan 2036, many of the current buildings on the Churchill Site are low-quality, single-storey buildings and floorspace could be increased on the site by redeveloping these buildings at an appropriate density and scale. Buildings from the original hospital used during the Second World War have been retained and these are non-designated heritage assets. They make a positive contribution in terms of their visual interest and in providing a historical reference to the interesting history of the site. Their value should be recognised in future proposals and should be used to inspire and enrich the identity, character and quality of new development on the site.
- 10.27. The proposed building would measure 24.2m wide, 32.5m in depth, and would have a maximum height of 8.2m when viewed from the access road to the north of the site, and 11.2m when viewed from the newly created access road to the south. This is due to the sloping ground level at the site where the south is lower than the north. The building would have a modular and utilitarian appearance, with a block form and exposed plant and ducting equipment at the roof level and at the rear of the building.
- 10.28. Although the majority of the larger buildings located within the immediate context of the application site have pitched roof forms and are finished in brick, within the Churchill site there is a highly varied character and appearance of buildings. A high number of single storey buildings on the site including directly to the west of Churchill Drive have flat roofs and are low quality buildings with various material finishes, and many are in need of repair/refurbishment. There are also to the north of the site a number of three and four storey buildings with flat roofs in use as residential accommodation. The layout of buildings is also varied with spacing between buildings not being uniform and heights of buildings varying. As such Officers consider that the design of the building would not be out of character with the wider Churchill site, and whilst utilitarian, it would not appear unusual.



- 10.29. The lower half of the building would be finished in insulated cladding panels in anthracite grey colour, with the ductwork distribution penthouse located at the top of the building finished in a lighter grey colour. The louvred plant screening at the top of the building would also be finished in light grey to match the lighter grey colour on the penthouse. The fenestration proposed would also have frames matching in colour to the dark grey cladding it would be situated next to. As noted previously, whilst the building would have a utilitarian appearance, its use of colour palette with darker grey at the lower scale and lighter grey at the top which would resemble an overcast sky, would ensure that the building would not be prominent in the backdrop of the Lye Valley and when viewed from wider viewpoints.
- 10.30. There would also be brickwork on the east and west elevations of the building at the sections below the upper ground level to the north. Staffordshire blue brickwork with a contrasting mortar is proposed which is considered to help break up the deeper massing of the building when read from the sides of the building, and the brickwork and its chosen colour would be considered to form an appropriate visual relationship with the grey cladding.
- 10.31. An array of photovoltaics are proposed on the roof of the building towards the front/north section of the building. These would be laid on the flat roof of the building at a 45 degree angle facing south. Although these would not be laid flat on the roof, the plant screening surrounding the front of the roof would mitigate views of these and as such would not be prominent features of the design.
- 10.32. The non-designated heritage assets on the wider site which reflect the history of the hospital are all located to the west of Churchill Drive. The closest building to the application site considered to be an asset; the Churchill Hospital East Entrance, is located to the north west approximately 100m away. Between the site and this building there are intervening buildings including the existing Clinical Biomanufacturing Facility, the Oxford Vaccine Centre, as well as the Oxford Respiratory Trials Unit. Given the distance the proposed building is located away from the nearest asset, coupled with its height and scale being commensurate to the existing buildings on the site, it is considered that the proposal would not cause any harm upon the significance of the non-designated heritage assets.
- 10.33. In relation to the design requirements outlined within site specific Policy SP19, as noted within the principle section the proposed new building would have an active frontage onto the existing service road located to the north of the site. Two entrances to the building would face to the north and the frontage between the road and the building would be used for vehicle parking and a loading area. It is noted that the design of the building is modular and led largely by its proposed use/function. The site also has varied ground levels with the north of the site higher than the south of the site; and this has also influenced the design of the building. The design and access statement provided with the application has noted that the cladding for the building has been chosen to sit neutrally within its surroundings and to be respectful of the non-designated heritage assets from the 1940s.
- 10.34. Also as noted in the principle section, in relation to the height of the building, this has been adapted to accommodate the changing ground levels at the site in

which the overall height would be 1m taller than the top of the existing CBF building. Although 1m taller, this height would not be consistent across the whole of the building with the western and northern parts of the building being lower. It is the ductwork distribution penthouse, the roof mounted plant and associated ductwork only which would project above in height. In addition, the proposed building would only be 30cm taller than the existing Oxford Vaccine Centre situated to the north of the site. As such it is considered that the building when viewed from its surroundings would not appear out of character and would fit comfortably in relation to its height with the neighbouring existing buildings on site.

10.35. Overall it is considered that the proposal would be considered to comply with Policies DH1, DH5 and SP19 of the Oxford Local Plan and the NPPF, and that no harm would be caused by the proposals upon the setting of the non-designated heritage assets on the wider Churchill Hospital Site.

### **c. Impact on neighbouring amenity**

10.36. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

10.37. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.38. Policy RE8 states that planning permission will not be granted for development proposals that will generate unacceptable noise and vibration impacts.

10.39. The proposed building would not be located in close proximity to any existing homes, with the closest located on Heath Close which is over 90m away. Given the presence of other buildings forming intervening features between the proposal and the scale of the building being similar to others on the Churchill site, it is considered that the proposed building would not result in any detrimental impacts associated with daylight access, privacy, outlook, and nor would it be overbearing when experienced from these properties.

10.40. The Council's noise officer was consulted on the application given a large number of plant proposed including three supply and three extract air handling units, three air source heat pumps, one mechanical ventilation with heat recovery unit, one extract fan, and one generator being proposed. The plant would primarily be located on the roof of the building with the generator and air source heat pumps located at ground level. They noted that an acoustic assessment has been submitted to satisfy British Standard 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' "Document reference: 24709/3/1/3 dated 22<sup>nd</sup> June 2023 for the proposed plant installation at the site.

- 10.41. The report establishes the existing ambient noise levels at the nearest noise sensitive receivers (NSR) and calculates the likely 'Rating Level' of the new mechanical plant installation and determines the likely noise impact resulting from the operation of the new plant.
- 10.42. In relation to all plant and equipment design and selection, appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings and BS4142:2014 +A1:2019 "*Methods for rating and assessing industrial and commercial sound*" and policy RE8 of the Oxford Local Plan 2036.
- 10.43. They considered that all plant noise level criteria has been adequately predicted at suitably identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by any building.
- 10.44. They concluded that they were satisfied that the scheme would comply with Policy RE8 given the appropriate design choice of plant and offered no objections to the application. They did however suggest two conditions to be attached to any planning consent which would ensure that the noise emitted from the proposal would not be detrimental.
- 10.45. Subject to the recommended conditions, the proposal would not cause any harm to residential amenity and accord with Policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

#### **d. Highways and car parking**

- 10.46. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport.
- 10.47. The policy goes on to say that in order to safeguard and promote the provision of public transport in Oxford, development that will add to demands on public transport should contribute towards improvements to bus network infrastructure including pedestrian and cycle routes to bus stops, shelters, passenger seating, waiting areas, signage, timetable information and infrastructure relating to zero emissions. It also states that financial contributions fairly and reasonably related to the development will be sought towards the cost of new or improved bus services where the direct impact of development would make such measures necessary.
- 10.48. Policy M3 states that the parking requirements for all non-residential development will be determined in light of the submitted Transport Assessment or Travel Plan, and that the presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. It also states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site

from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

- 10.49. Policy TRP1 of the Headington Neighbourhood Plan states that proposals for any net additional car parking spaces for employees, which are accessible during peak periods, at major employment sites in Headington will only be supported if they can demonstrate strong evidence by the submission of a Transport Assessment that Headington's road network has adequate unused capacity at peak times.
- 10.50. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.
- 10.51. The Local Highways Authority were consulted on the application who considered the access arrangements to the site, sustainable transport connectivity/transport sustainability, car parking, as well as traffic impacts.
- 10.52. In relation to access arrangements, they noted that it is proposed to extend the existing service road located west of the CBF facility building and connect it to the existing service road located north of the site, thereby creating a loop around the existing CBF building and the proposed building. The northern service road connects to Churchill Drive, a private road through the Churchill Hospital complex. Churchill Drive connects to Old Road via a signalised junction. The extended service road includes a layby south of the building and there is also a loading area proposed north of the building. Delivery and maintenance vans will be using the service road, and a swept path analysis of a van has been included in the site plan.
- 10.53. In relation to sustainable transport connectivity/transport sustainability, they noted that the nearest bus stop is located on Churchill Drive 200m north of the site and therefore within walking distance of the site.
- 10.54. With regard to car parking, the proposals include 2 disabled car parking spaces, 2 visitors parking spaces and an unloading area to the north of the building, accessed via the northern service road. No car parking has been provided for staff.
- 10.55. In relation to traffic impact, the authority noted that as the development proposals are modest and there will be no car parking for staff, the additional vehicle movements associated with the development will include servicing and visitors trips only. It is therefore considered that the residual cumulative impact on the local road network is acceptable. They noted however that the small increase in staff will need to travel to the site by sustainable modes and that the proposed Eastern Arc bus services will connect the housing areas outside the city with employment areas in the eastern part of Oxford.
- 10.56. The highways authority has requested for a public transport service contribution to be made towards improved bus services along Oxford's "Eastern Arc". This is because the development will benefit from the new or improved direct, not via city centre, Eastern Arc bus connections to and from places

including Witney, Eynsham Park & Ride, Oxford North, Kidlington, Oxford Parkway, Thornhill Park & Ride, Cowley, Grenoble Road, Oxford Science Park and Redbridge Park & Ride.

10.57. They have also suggested conditions to ensure that the car parking and manoeuvring areas are completed prior to occupation and for a construction traffic management plan to be provided prior to the commencement of works.

10.58. Subject to the unilateral undertaking under Section 106 of the Town and Country Planning Act between the County Council and the applicant and the recommended conditions, the proposal is considered to accord with Policies M3 and RE7 of the Oxford Local Plan 2036.

#### **e. Bicycle storage**

10.59. Policy DH7 states that bike and bin stores and external servicing features should be considered from the start of the design process. Planning permission will be granted where it can be demonstrated that:

(a) bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area, whilst meeting practical needs including the provision of electric charging points where appropriate; and

(b) external servicing features have been designed as an integrated part of the overall design, or are positioned to minimise their impact; and

(c) materials used for detailed elements such as for stores or rainwater goods are of high quality so they enhance the overall design and will not degrade in a way that detracts from the overall design.

10.60. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3.

10.61. Policy M5 also notes that bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.

10.62. It also states for new non-residential development, the City Council will seek the provision of showers and changing facilities in accordance with the thresholds and minimum standards set out in Appendix 7.3.

10.63. Although the proposed use of the building is not explicitly covered within the Appendix, it notes that for other developments that these uses should be treated on their individual merits, guided by the principle of 1 space per 5 people. The proposed building would be used by 16 members of staff and 10 bicycle spaces are proposed. As such this number of spaces would exceed the minimum requirements. The bicycle parking would be provided within a secure store located to the west of the building next to its entrance. The location would be

considered appropriate; ensuring convenient, unobstructed and level access to the service road to the north. This would be a covered store with Sheffield stands which would be considered of a practical design which would be convenient for users. The store would also be considered of an acceptable design given the character and context of the site and not to detract from the overall appearance of the building. It would be sited to the western side of the proposed building, between it and the existing CBF Building on site, and as such would not be a prominent addition. Landscaping is also proposed to the north and west of the building in the form of a tree and planters, and therefore this would also screen the shelter.

10.64. The Local Highways Authority were consulted on the application who considered cycle parking and they noted that the provision of 10 cycle parking spaces is in line with the required provision set out in the Oxford City Council Car and Bicycle Parking Technical Advice Note (2022). They also noted that the guidance states that for businesses 1 space per 90 sqm is required which would require 10 spaces for the GFA of 868 sqm.

10.65. In relation to showers and changing facilities, Appendix 7.5 notes that for all other developments except offices and warehousing uses, that 1 shower per 2,500m<sup>2</sup> up to 10,000m<sup>2</sup>, and 1 shower per 4,000m<sup>2</sup> thereafter should be provided. The proposed building would provide 1 shower along with 4 changing facilities which would meet this requirement.

10.66. In order to ensure that the proposed development would accord with the policies and promote sustainable travel, conditions have been recommended which would require these facilities to be delivered on site prior to occupation.

10.67. Subject to the recommended conditions, the proposal would be considered to accord with Policies DH7 and M5 of the Oxford Local Plan 2036.

#### **f. Drainage and impact upon SSSI**

10.68. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the following drainage hierarchy:

a) store rainwater for later use; then:

b) discharge into the ground (infiltration); then:

c) discharge to a surface water body; then:

d) discharge to a surface water sewer, highway drain or other drainage system; and finally:

e) discharge to a combined sewer

10.69. Policy RE4 also states that within the surface and groundwater catchment area for the Lye Valley Site of Special Scientific Interest (SSSI), development will

only be permitted if it includes SuDS and where an assessment can demonstrate that there will be no adverse impact on the surface and groundwater flow to the Lye Valley SSSI.

10.70. Policy G2 states that planning permission will not be granted for any development that would have an adverse impact on sites of national or international importance (the SAC and SSSIs), and development will not be permitted on these sites, save where related to and required for the maintenance or enhancement of the site's importance for biodiversity or geodiversity. It also notes that development proposed on land immediately adjacent to the SSSIs should be designed with a buffer to avoid disturbance to the SSSIs during the construction period.

10.71. Policy GSP3 of the Headington Neighbourhood Plan states that development proposals that seek to conserve and enhance land which has a significant wildlife or ecological value will be welcomed. It also states that development proposals which may result in significant harm to sites and/or species of ecological value as defined by Policy CS12 of the Oxford Core Strategy or any future policy in a subsequent development plan document will not be permitted, unless the developer can demonstrate that the benefits of the development clearly outweigh the loss, and this can be mitigated against and compensated for elsewhere within the HNSA by providing a replacement habitat on an equivalent or higher ecological value.

10.72. The site lies within 80 metres of the Lye Valley SSSI and it is therefore very important that the particular requirements of this habitat are carefully considered and allowed for in the design and construction of any development at the site. The SSSI is designated for the very high conservation value of the alkaline fen habitat and how that habitat supports a wide range of plants which are exceptionally rare in Oxfordshire. The maintenance of the habitat depends upon regular and consistent management input which prevents succession of scrub and keeps vegetation low (and which is carried out through the efforts of the Friends of Lye Valley Group), as well as protection of water supply to ensure the underlying peat remains waterlogged.

10.73. It is therefore important to determine whether or not this site falls within the groundwater catchment for the Lye Valley. The initial consultant assessment submitted as part of the planning application suggested that the site did not lie within the Lye Valley catchment. However, this view has now been updated in light of an emerging Oxford City Council study which provides groundwater catchment boundaries based on the latest information available. The Meyer Brown Drainage Strategy Technical Note, 9th issue, December 2024 submitted by the applicant is now in agreement with the Council's view that the site lies wholly within the Lye Valley groundwater catchment. The latest information received by the applicant on 9 December 2024 with regards to drainage assesses the risk to the Lye Valley and proposes suitable mitigation. The revisions submitted also included a revised red line boundary for the site to accommodate a soakaway to the south west of the site.

10.74. Through the consultation process for this application, the applicant has developed the surface water drainage strategy to move away from one where

surface water was discharged to surface water sewers (which would remove surface water from the Lye Valley catchment), to the most recent submission of a strategy where all surface water will be retained on site, discharging via infiltration into the ground. This water will ultimately continue to find its way to the Lye Valley through the ground, enabling it to contribute to the water supply to the SSSI.

- 10.75. Overall, the impermeable area of the site will decrease under the current proposals, from 1085m<sup>2</sup> to 1041m<sup>2</sup>, or a 4% betterment as stated in the Meyer Brown Drainage Strategy Technical Note, section 3. Appendix D submitted with the Technical Note shows that the surface water catchment area of the site has been extended to the north to include approximately 205m<sup>2</sup> of existing road, which will drain via pipes into the new soakaway and ultimately infiltrate this water into the Lye Valley groundwater catchment, rather than into the sewer network as it presently does. A full retention interceptor tank will be installed upstream of the infiltration tank to ensure that any pollutants from the road runoff are captured and removed.
- 10.76. The areas of hard landscaping and the access road to the perimeter of the building have been designed as permeable paving which will serve to filter out pollutants, and to act as attenuation, before water infiltrates naturally into the ground. In combination with the soft landscaping, the proposed permeable area extends to the full length and width of the site, excluding the building footprint, in which roof water goes to the soakaway. This will help to ensure that groundwater infiltration and flow towards the Lye Valley is received from the full site length, and not just a point source.
- 10.77. With regard to impact of the development on wider groundwater flow, the applicant has confirmed in Appendix G that the foundations and excavations of the proposed building will not be at or below the depth of groundwater, and therefore that the proposals will not affect groundwater flow.
- 10.78. Sustainable Drainage Systems (SuDS) have been used to limit runoff, managing surface water as close to source as possible, following the drainage hierarchy by discharging into the ground through infiltration. Infiltration testing was carried out on site, and the results of this gave an infiltration rate of 4.89x10<sup>-6</sup> m/s. This figure has been used in the calculations to develop the design solution. The surface water drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event, plus an allowance of 40% for climate change.
- 10.79. The submitted ground investigation information includes depth to groundwater. When the infiltration tank proposed location was moved during design development, additional investigation was carried out in the new tank location, and this gave a groundwater level of 89.31mAOD, measured in October 2024. The proposed tank invert level is 90.48mAOD, 1.17m above the groundwater. This meets best practice (CIRIA c753 - The SuDS Manual) for the invert level of a soakaway to be a recommended minimum of 1m above measured groundwater levels. Additional monitoring was requested by Natural England, to confirm the groundwater levels in February, which is seen as being the annual maximum for the site. Observations from this additional monitoring



found groundwater at 2.76m below ground level (89.47mAOD), confirming that the soakaway invert is greater than 1m above measured groundwater levels, even at the seasonal maximum. Borehole data from the location of the soakaway identified the first limestone band (approximately 0.10m – 0.15m thick) at between 88.07m – 88.64m AOD, which is a minimum of 1.84m below the invert level. This will provide a buffer for water to flow through and acidify before reaching the limestone bands, which in turn will facilitate the dissolving of limestone to maintain the chemistry of the Lye Valley SSSI. In the other areas of the site, the use of permeable paving over a large area will replicate the natural conditions relating to groundwater chemistry, and improve them where previously impermeable area is being replaced.

10.80. A SuDS maintenance and management plan is provided in Appendix F of the submitted strategy, making recommendations on the frequency and types of maintenance to ensure that the sustainable drainage system will continue to function safely and effectively in perpetuity.

10.81. Concerns were raised about flooding of a nearby footpath as a result of the development. The drainage strategy has been designed in accordance with best practice to accommodate extreme storm events, up to and including a 1 in 100 year + 40% Climate Change event, with no flooding on the site. This is likely a huge improvement to the existing situation, as it assumed from the existing soakaway sizing, that the system is designed to a lower order event, such as that required previously by Building Regulations (1 in 10 year). This notwithstanding, the design incorporates raised kerbs to prevent any exceedance runoff from flowing towards the footpath.

10.82. In conclusion, the Council's internal flooding and drainage officers are satisfied that the development will not increase flood risk, adversely affect the Lye Valley SSSI, and that the surface water drainage system has been designed in accordance with industry standards, current best practice, local/national requirements, and in a way to best manage surface water with regards to the Lye Valley SSSI.

10.83. The proposed foundations and excavations will not affect groundwater flow patterns within the Lye Valley SSSI catchment. The proposals will offer a potential betterment to groundwater quality, since the scheme includes permeable paving which will filter pollutants, and an existing area of road surface will be drained via an interception tank to remove pollutants before entering a soakaway and infiltrating to the ground, maintaining groundwater recharge to the Lye Valley SSSI. There will be a 4% decrease in impermeable surface on site, and all rainwater is to be retained on site and will enter the ground through infiltration, retaining the groundwater recharge rates on the development site itself. It is not proposed to discharge any surface water to a sewer, and therefore there will be no increase in discharge of such sewers to a watercourse due to this development.

10.84. The internal officers consulted recommended that should the application be approved that they would recommend three conditions to be applied; one for the detailed design and construction of the sustainable drainage system to be developed in accordance with the submitted Meyer Brown Drainage Strategy

Technical Note, 9th Issue, dated December 2024 and associated appendices, one for a final SuDS maintenance and management plan to be submitted to the Council, and one for a detailed CEMP to be submitted to the Council.

10.85. As noted earlier in this report, Natural England were consulted on the application and in their latest comments received on 22 January 2025 they stated the following:

*I have reviewed the additional documentation sent over and the applicant has made quite a few improvements to the SuDS design but there is now just one outstanding query regarding how reliable the groundwater monitoring data is. The infiltration tank is proposed to be located in the same groundwater area as the perched aquifer (JBA report confirms this) and the groundwater level here is higher than the rest of the site as the aquifer sits on the valley slope. The water level was measured in November 2024, but groundwater levels don't peak at this site until February. This means that if the consultants haven't got the correct baseline information and groundwater levels are actually higher at peak then the tank might not have the correct clearance and the system might not work as efficiently as it could, particularly in a storm scenario. Would it be possible please for the applicant to undertake additional borehole monitoring in February so that the peak groundwater levels can be confirmed?*

10.86. A letter was received from the applicant on 10 February 2025 which confirmed that additional borehole readings taken on 8 February 2025 showed a drop in the groundwater level compared to the previous reading. As such it is expected that Natural England will formally remove their previous objection to the application. A verbal update will be provided at Committee.

10.87. Similar concerns were raised by the Friends of Lye Valleys who in their latest comments noted "Despite efforts by the CBF design team to make SUDS improvements after a site meeting last year with Chair Judy Webb, it still seems that there is not yet sufficient information on groundwater levels for certainty that the SUDS will not cause...problems...February water table data is needed." Given that confirmation of the February water table data has been received and showed a drop in the groundwater level compared to the previous reading, Officers are satisfied that the design of the soakaway proposed would be acceptable.

10.88. Whilst it is therefore noted that many public comments were received objecting to the application on the potential impact to the Lye Valley SSSI, as well as objections from the Friends of Lye Valley and Headington Heritage, for the reasons outlined above, Officers consider the proposal would be acceptable and comply with Policies RE4 and G2 of the Oxford Local Plan 2036, as well as Policy GSP3 of the Headington Neighbourhood Plan. It must be stressed that this conclusion has only been reached through multiple revisions to the drainage strategy proposed and meetings held between the Council and the applicant and their consulting team, as the original submitted documentation for this application lacked consideration of the potential impact upon the Lye Valley SSSI and how the proposal would be drained via SuDS. This has now been suitably overcome.

#### **g. Biodiversity**

- 10.89. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. It also notes that compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.
- 10.90. Policy GSP3 of the Headington Neighbourhood Plan states that development proposals that seek to conserve and enhance land which has a significant wildlife or ecological value will be welcomed. It also states that development proposals which may result in significant harm to sites and/or species of ecological value as defined by Policy CS12 of the Oxford Core Strategy or any future policy in a subsequent development plan document will not be permitted, unless the developer can demonstrate that the benefits of the development clearly outweigh the loss, and this can be mitigated against and compensated for elsewhere within the HNSPA by providing a replacement habitat on an equivalent or higher ecological value.
- 10.91. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended).
- 10.92. The National Planning Policy Framework (NPPF) at paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species.
- 10.93. The Environment Act 2021 introduced a minimum 10% net gain requirement for most development from January 2024 onwards, although for small sites the requirement applied from April 2024. Given that this application was submitted prior to April 2024, this requirement is not relevant to this planning application and cannot be required by Oxford City Council in this instance.
- 10.94. The Council's ecology officer was consulted on the application who noted that the applicant submitted a note on ecological matters, which included the results of habitat and reptile surveys undertaken. A small population of common lizards (peak count: four) was recorded within the application site.
- 10.95. Prior to submitting the planning application, the project ecologist (Ecology Solutions) translocated the reptiles out of the application site to a receptor site approximately 40m east, in anticipation of the suitable habitat within the application being removed. The Council's officer noted that this is not best practice given the impacts a translocation can have on the reptiles; however, the ecology officer was not unduly concerned in this instance given the small population and local receptor.
- 10.96. The officer noted however that insufficient information had been provided regarding the receptor site, including the habitats present. Though they understood some wildflower turf was laid in November 2022, and a hibernacula created, details of the proposed management regime and details of how this

management would be secured for the long-term is necessary to understand the suitability of that land for its intended purpose (supporting reptiles).

- 10.97. The officer advised that the applicant should submit an Ecological Impact Assessment (EclA) that identifies, quantifies and evaluates the potential effects of the proposed development on habitats, species and ecosystems. This should specify the measures taken to avoid and mitigate negative impacts arising from the proposed development – including more detail on the reptile mitigation strategy - and identify specific measures that would be adopted to compensate for any residual effects. They also noted that this should also account for indirect impacts on offsite habitats and the species utilising them (specifically the east of the application site, within and adjacent to the Lye Valley SSSI and Local Nature Reserve (LNR). This should include consideration of light pollution.
- 10.98. The applicant also submitted a summary of calculations undertaken using the Biodiversity Metric 4.0 as a means of demonstrating a net gain in biodiversity. The ecology officer noted however that a copy of the metric should be submitted in support of the application and that they would only be able to undertake a full review at that point.
- 10.99. The officer also requested for additional justification for the categorisation of the baseline grassland, with reference to the UKHab definitions. Furthermore, given the small scale of grassland proposed within the application site, they did not consider it credible that this will deliver other neutral grassland, regardless of the number of species sown.
- 10.100. In response to these comments from the ecology officer, further information was submitted by the applicant and the officer was re-consulted. The applicant submitted a Biodiversity Net Gain assessment in support of the proposed development. Whilst it was welcomed that the applicant had engaged and looking to increase biodiversity on site post development, the officer noted that the ecological issues raised previously had not been adequately addressed, and an Ecological Impact Assessment (EclA) had not been submitted. The ecology officer noted however that the site was subject to several EclAs for previous schemes, and after consultations with the project ecologist, it was agreed that these would suffice, and as such they withdrew the request for an additional EclA. In lieu of a full EclA, they did however request a more detailed reptile mitigation strategy.
- 10.101. Further detail was initially requested regarding the proposed management and how this was to be secured for the receptor site to understand the suitability of the land for its intended purpose (supporting reptiles). However, no such detail had been forthcoming. The applicant stated that the grassland on the receptor site will be managed to 'moderate' condition, but this did not explain how the habitat will be managed to support reptiles. The officer therefore requested for this document to be revised to demonstrate how the receptor site will be managed to support reptiles, as well as how this will be secured, with input from the project ecologist. They noted that there should be a particular emphasis on how this land will be managed to support the reptiles it is designed for.

- 10.102. Although the development does not fall under the criteria under Policy G2 to deliver a minimum 5% net gain, the applicant is proposing to deliver a net gain of 0.12 habitat units (+26.98%) and a 100% net gain in hedgerow units. The applicant has also provided further justification for the existing baseline habitats. The ecology officer was satisfied that the proposals are achievable and did not request further information on this.
- 10.103. The applicant provided further details again on the application in response to the second set of comments by the ecology officer. Within their third consultation response, the ecology officer noted that they previously requested further detail regarding the proposed management and how this was to be secured for the receptor site to understand the suitability of the land for its intended purpose (supporting reptiles). The applicant subsequently provided a document explaining in greater detail how the site will be managed for reptiles. The officer confirmed that they were satisfied that the information provided was sufficient and that a detailed management plan could be secured via condition. With the above issue now resolved, they were satisfied that a robust assessment has been undertaken and the potential presence of habitats and species has been given due regard.
- 10.104. During the course of the application however, the red line boundary for the application was amended and enlarged and the design amended to include a new soakaway to the west of the original site boundary. As such the ecology officer noted that these changes, including the additional habitat loss as part of the proposed works, needed to be addressed.
- 10.105. Further information was received from the applicant to address these comments, which the officer then reviewed and confirmed they raised no objection to the scheme. The officer did however note that there is strong indication from submitted plans and aerial imagery that there was bramble scrub present within the additional section of the red line boundary to the west. This has not been captured as part of the updated assessment, and as such an accurate baseline assessment prior to interventions must be undertaken. The additional area which had not previously been considered in terms of BNG was included in drawings from the 12/08/24. It is requested that the information is reviewed and is reflective of the baseline habitat coverage to at the time the other surveys were conducted prior to any intervention. An updated BNG report, metric and pre- and post-development UK Habitat mapping which reflects the baseline prior to any interventions has therefore been recommended to be submitted via condition.
- 10.106. Subject to conditions which would require the provision of a final BNG report, a habitat management and monitoring plan, and for the development to be implemented in accordance with the measures proposed, the officer raised no objection.
- 10.107. The officer also noted that the letter by Ecology Solutions dated 15 May 2024 recommended for the management and monitoring of the reptile mitigation area to be secured. This will secure the long-term delivery of the habitat coverage and condition specified, as well as the measures stated in the letter by Ecology Solutions dated 15 May 2024. A condition requiring a landscaping and

ecological management plan (LEMP) to be submitted to the Council has therefore been recommended to cover the monitoring.

10.108. Subject to the recommended conditions, as well as informatives relating to the applicants duties with regards to protected species, bats and wild birds, the proposal would be considered to accord with Policy G2 of the Oxford Local Plan 2036, Policy GSP3 of the Headington Neighbourhood Plan, The Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats Regulations 2017 (as amended), and the National Planning Policy Framework.

#### **h. Sustainable design and construction**

10.109. Policy RE1 states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

- (a) Maximising energy efficiency and the use of low carbon energy;
- b) Conserving water and maximising water efficiency;
- c) Using recycled and recyclable materials and sourcing them responsibly;
- d) Minimising waste and maximising recycling during construction and operation;
- e) Minimising flood risk including flood resilient construction;
- f) Being flexible and adaptable to future occupier needs; and
- g) Incorporating measures to enhance biodiversity value

10.110. The applicant has submitted a sustainability report which outlines that the proposal includes an array of solar photovoltaics which would support its energy requirements and that water and air source heat pumps would be used for both heating and cooling the building. It also notes that should the building need to be demolished for any reason in the future, the steel chassis is fully recyclable, and that the exterior panels, steel and insulation are readily recyclable too.

10.111. The sustainability statement provided notes that water consumption will be kept to a minimum via the specification of appropriate sanitaryware, and that flow control devices will be incorporated to minimise undetected wastage and leaks from appliances when the areas are unoccupied.

10.112. Officers consider that the sustainability measures outlined show that the principles in the policy have been incorporated where relevant and as such would be acceptable.

10.113. Policy RE1 also states that an Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.114. Given that the proposed building would have a footprint less than 1,000m<sup>2</sup>, as such it would not trigger an energy statement to be provided to show how it would accord with the policy but the sustainability measures proposed are welcomed. A condition securing the sustainability measures on site has also been recommended.

10.115. As such the proposal subject to condition would be considered to accord with Policy RE1 of the Oxford Local Plan 2036.

**i. Land quality**

10.116. Policy RE9 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment; and detailed mitigation measures.

10.117. The Council's internal land quality officer was consulted on the application and they noted that they have reviewed the submitted documentation relating to land quality, contamination risk assessment and the draft remediation plan. They noted that it is apparent that no groundwater monitoring was completed at the site which was part of the rationale for installing boreholes at the site. In the GIS report it states 'BH3 was converted to a groundwater monitoring well, the details of which are presented on the Borehole log'. The officer reviewed the log and they noted that it seems that groundwater was present within this well and this is verified from discussion within the Remediation Implementation Plan report which states 'The GIS investigation recorded groundwater strikes around 4.00 m BGL, with resting levels in BH3 approximately 2.90 m BGL.' The groundwater risk assessment has been completed based on soil leaching tests and a lack of groundwater in contact with made ground. Although it is accepted that the overall groundwater risk is likely to be low, where groundwater is present it should be sampled to assess contamination levels and not rely on soil leaching tests. This will need to be completed and the information submitted to this authority for approval.

10.118. The land quality officer also noted that the presence of a leaking corroded oil drum and presence of free-phase product will need to be fully investigated prior to formalising the remedial strategy. The extent of any contamination should be delineated and the works completed prior to updating the remedial strategy. This will need to be completed and submitted to this authority for approval.

10.119. The officer confirmed that the draft remedial strategy which outlines the works proposed to mitigate against identified contamination risks on site is likely to offer sufficient protection to future users of the site, buildings and any off-site receptors. However they noted that this cannot be confirmed until such time as the further investigation work is completed and an updated remediation plan produced.

10.120. Due to the issues identified above, it is considered that a further element of site investigation and contamination delineation is required on site prior to updating the proposed remediation strategy. In this respect planning conditions should be added to any permission to ensure that this work is completed.

10.121. Subject to the recommended conditions, the proposal would be considered to accord with Policy RE9 of the Oxford Local Plan 2036.

#### **j. Archaeology**

10.122. Policy DH4 states within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical.

a) a Heritage Assessment that includes a description of the impacted archaeological deposit or feature (including where relevant its setting), an assessment of its significance and the impact of the proposed development on its significance, in all cases using a proportionate level of detail that is sufficient to understand the potential impact of the proposal. The Statement should reference appropriate records (including the information held on the Oxford Historic Environment Record); and

b) if appropriate, a full archaeological desk-based assessment and the results of evaluation by fieldwork (produced by an appropriately qualified contractor. Pre-application discussion is encouraged to establish requirements). In the City Centre Archaeological Area where significant archaeological asset types can be shown to be subject to cumulative impact from development, the desk-based assessment should contain appropriate contextual assessment of this impact.

10.123. It also notes that development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. In addition, it states that proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach as set out in Policy DH3.

10.124. NPPF paragraph 209 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.

10.125. NPPF Paragraph 211 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.



- 10.126. This application is of interest because it involves groundworks over the northern part of an important Roman pottery manufacturing compound that was previously partially excavated in the 1970s. The compound is one of the best recorded examples of a Roman pottery production area within the extensive landscape of dispersed compounds associated with the Oxford Roman pottery industry orientated on the Dorchester to Alchester Roman Road. The industry can be assessed as a local industry of national significance in the field of Roman studies.
- 10.127. In this instance there are a number of factors to consider; the site has been built up and contaminated with asbestos since the 1970s dig. Furthermore, it is unclear how much in situ archaeology was left behind by the 1970s excavation and there is some potential to associated features to survive beyond the previously excavated area. Therefore, a programme of works is required comprising making the site safe, a targeted strip and record excavation, and a watching brief during the remaining ground works. A programme of archaeological works has been submitted which can be conditioned.
- 10.128. The Council's internal archaeologist concluded that in this case, bearing in mind the character of the proposed works, that they would request that, 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 a programme of archaeological mitigation. They also noted that a satisfactory mitigation programme by Oxford Archaeology has been submitted, which can be conditioned for implementation.
- 10.129. Subject to the recommended condition, the proposal would be considered to accord with Policy DH4 of the Oxford Local Plan as well as the NPPF.

#### **k. Trees**

- 10.130. Policy G7 states that planning permission will not be granted for development that results in the loss of green infrastructure 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.
- 10.131. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green spaces.
- 10.132. Policy DH1 seeks to ensure that development would be of a high quality design.
- 10.133. The Council's internal tree officer was consulted on the application who noted that there is one young self-seeded oak on site, however it is less than 150mm in stem diameter at 1.5m. Therefore according to the British Standard

5837:2012, it should not be considered as a significant constraint to development.

10.134. Whilst no tree information has been provided with the submission, given there are no significant arboricultural constraints on the site, they raised no objection to the scheme. The tree officer did however ask for a landscaping plan to be conditioned in the interests of visual amenity.

10.135. Subject to the recommended condition, the proposal would be considered to accord with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

## **11. CONCLUSION**

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

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

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

### *Compliance with development plan policies*

11.4. In summary the proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of the surrounding area, nor the setting of the non-designated heritage assets on the wider Churchill Hospital Site. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring occupiers, and nor would the proposals cause any impacts in relation to highways and car parking, bicycle storage, sustainable design and construction, land quality, archaeology nor trees. In addition, the proposal would not cause any detrimental impacts with regards to drainage, biodiversity and the Lye Valley SSSI. Subject to the recommended unilateral undertaking, conditions and informatives, the proposals are considered to comply with the relevant policies of the Oxford Local Plan, the Headington Neighbourhood Plan, and the NPPF.

11.5. Therefore officers considered that the proposals would accord with the development plan as a whole.

### *Material considerations*

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

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

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal are considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report, and subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking 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.

### **Development in accordance with approved plans**

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

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

### **Materials – as specified**

3. The materials to be used in the new development shall be those as specified on the approved plans. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with Policy DH1 of the Oxford Local Plan 2036.

### **Construction Traffic Management Plan**

4. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This shall identify;

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

The approved CTMP shall be adhered to at all times during construction.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents,

particularly at morning and afternoon peak traffic times in accordance with Policy RE7 of the Oxford Local Plan 2036.

### **Contamination risk assessment**

5. Prior to the commencement of the development, a further site investigation and contamination risk assessment is to be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination.

The updated assessment shall include:

- A groundwater risk assessment completed by sampling any groundwater present rather than relying on soil leaching tests.
- An investigation into the presence of a leaking corroded oil drum and presence of free-phase product prior to formalising an updated remedial strategy.

The updated risk assessment shall be accompanied by an updated remediation plan and submitted in writing and approved by the local planning authority.

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

### **Remedial works**

6. 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 in writing by the Local Planning Authority.

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

### **Contamination reporting**

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

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

### **Landscaping plan**

8. A landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The plan shall show in detail all proposed tree and shrub planting including to boundaries, treatment of paved areas, and areas to be grassed or finished in a similar manner. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

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

### **Landscape reinstatement**

9. Any new trees or plants planted in accordance with the details of the approved Landscape Plan that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation 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 DH1 of the Oxford Local Plan 2036.

### **Archaeology**

10. All site works shall be carried out and completed in accordance with the submitted Archaeological Written Scheme of Investigation by Oxford Archaeology (Churchill Hospital, Chemical Biomanufacturing Facility Oxford Written Scheme of Investigation Version Issue 5 Dated January 2025) unless otherwise first agreed in writing by the Local Planning Authority.

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

### **Surface Water Drainage**

11. The drainage strategy shall be implemented in accordance with the approved Meyer Brown Drainage Strategy Technical Note, 9<sup>th</sup> Issue, dated December 2024 and its associated appendices.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and that the proposal does not adversely affect the Lye Valley SSSI in accordance with Policies RE4 and G2 of the Oxford Local Plan 2036.

### **SuDS Maintenance and Management Plan**

12. Prior to the commencement of development, a SuDS maintenance and management plan shall be submitted to and approved in writing by the Local

Planning Authority. The development shall then be developed in full accordance with the approved maintenance and management plan thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and that the proposal does not adversely affect the Lye Valley SSSI in accordance with Policies RE4 and G2 of the Oxford Local Plan 2036, and GSP3 of the Headington Neighbourhood Plan.

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

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

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

Reason: To ensure adequate measures are incorporated to control surface water drainage and prevent risk of surface water flooding in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

### **Construction Environmental Management Plan**

14. No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP which addresses both biodiversity and the impact upon the Lye Valley SSSI 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 and the SSSI 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 and the SSSI;
- 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;
- i) Management of surface water runoff; quantity and quality, during construction in order to protect the Lye Valley SSSI.

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 beforehand by the Local Planning Authority.

Reason: To prevent harm to species and habitats within and outside the site and the Lye Valley SSSI during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policies RE4 and G2 of the Oxford Local Plan 2036, and GSP3 of the Headington Neighbourhood Plan.

### **Car Parking**

15. The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework, in accordance with Policy RE7 and the NPPF.

### **Cycle Parking**

16. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with the plan hereby approved. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

### **Noise**

17. The noise emitted from the proposed installations located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for



rating and assessing industrial and commercial sound,” with all machinery operating together at maximum capacity.

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

### **Noise - vibration**

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with Policy RE8 of the Oxford Local Plan 2036.

### **Biodiversity Net Gain**

19. Provision of a final Biodiversity Net Gain report, metric and pre- and post-development UK Habitat mapping to reflect the baseline prior to recent interventions, and to confirm a measurable net gain for biodiversity is delivered as part of the proposed development, shall be submitted and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: To ensure the development accurately delivers against Paragraph 187 (d) of the National Planning Policy Framework (NPPF) 2021 which requires planning decisions to minimise impacts on and provide net gains for biodiversity. This is further supported within Paragraph 192 (d) “*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*”.

### **Habitat Management and Monitoring Plan**

20. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) for on-site and off-site habitat delivery, prepared in accordance with the approved Biodiversity Net Gain Report and Metric and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- e) the monitoring methodology and frequency in respect of the created or enhanced habitat.

has been submitted to and approved in writing by the Local Planning Authority. The management and monitoring plan shall then be adhered to at all times thereafter.

Reason: To ensure the development addresses Paragraph 187 (d) of the National Planning Policy Framework (NPPF) 2021 which requires planning decisions to minimise impacts on and provide net gains for biodiversity. This is further supported within Paragraph 192 (d) *“development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate”*.

### **Ecological mitigation**

21. The development hereby approved shall be implemented strictly in accordance with the measures stated in the letter by Ecology Solutions dated 15 May 2024, or as modified by a relevant European Protected Species Licence. The proposed common lizard receptor site shall be completed 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.

### **Landscape and Ecological Management Plan**

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

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

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

The approved plan will be implemented in accordance with the approved details at all times thereafter.

Reason: To ensure the delivery of biodiversity net gain in accordance with the NPPF.

## Sustainability measures

23. The development shall be carried out in complete accordance with the measures detailed in the submitted Sustainability, Energy and Utilities Statement.

Reason: To ensure that the development achieves the requirements for sustainable design and construction in compliance with Policy RE1 of the Oxford Local Plan 2036.

### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
- 3 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. A derogation licence from Natural England is required before any works affecting bats or their roosts are carried out.
- 4 All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.
- 5 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this

amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

- 6 Advice relating to health and safety legislation for asbestos management during construction and demolition can be found at the found address: <https://www.hse.gov.uk/asbestos/managing/index.htm>

### **13. APPENDICES**

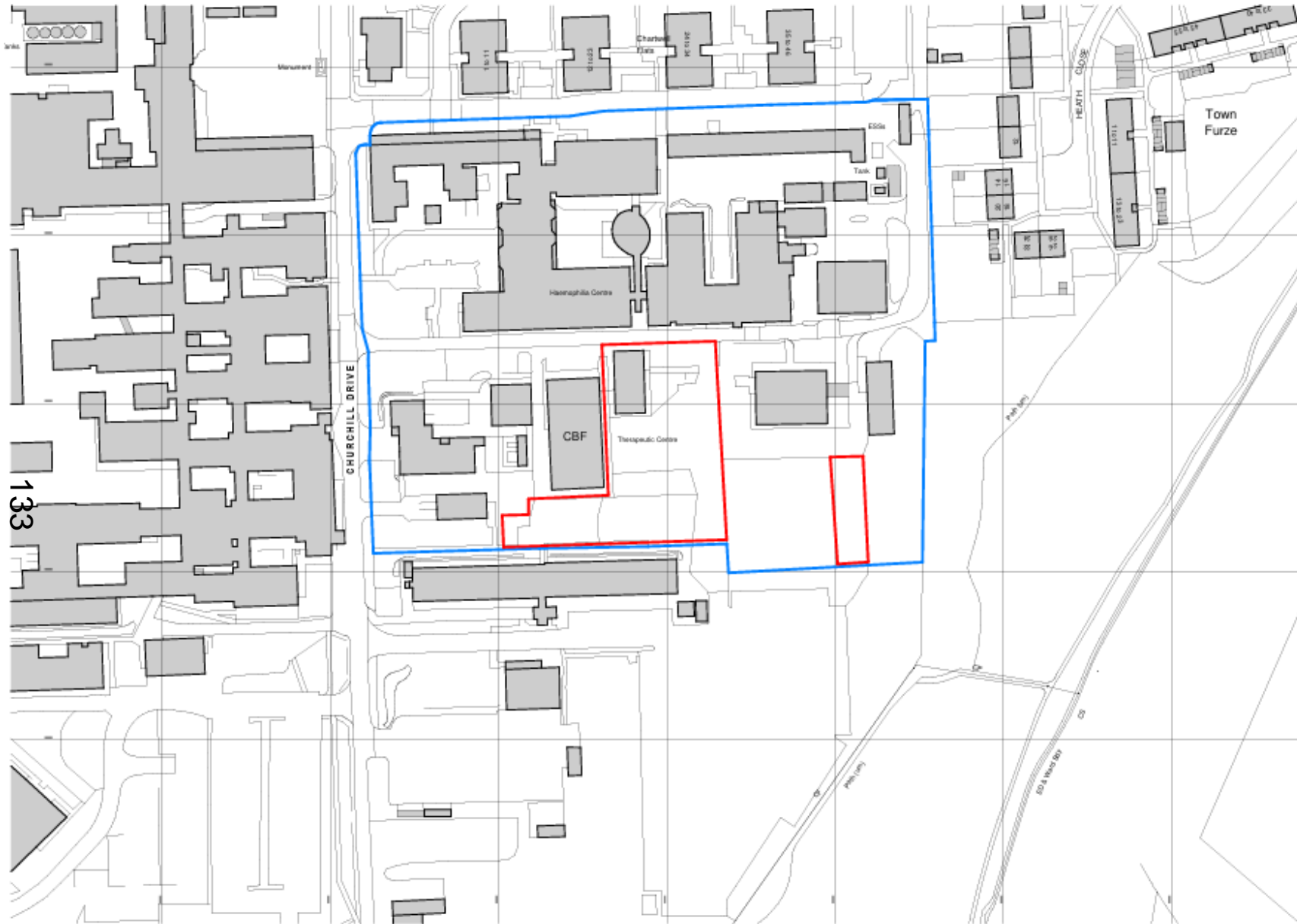
- **Appendix 1** – Site location plan

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

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

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

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



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**1** **SITE LOCATION PLAN**  
1 : 1250



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Oxford City Planning Committee

25<sup>th</sup> February 2025

**Application number:** 24/02206/FUL

**Decision due by** 25th February 2025

**Extension of time** TBA

**Proposal** Demolition of the existing semi-detached building and outbuildings. Erection of a part three, part four-storey apartment block with basement to create 6 x 4 bed, 2 x 3 bed and 1 x 2 bed HMO flats (Use Class C4). Provision of private amenity space, 1no. short-stay car parking bay, bin and cycle stores and associated landscaping. (Amended plans and additional reports).

**Site address** 253 And 255-257 London Road, Headington, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** Quarry And Risinghurst Ward

**Case officer** Nia George

**Agent:** Adrian James      **Applicant:** Dunne

**Reason at Committee** This application was called in by Councillors Smowton, Jupp, Smith, Miles, Gant and Sandels, to allow the committee to consider whether the form, scale, character and appearance of the proposed building constitutes high-quality design.

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **refuse the application** for the reason given in paragraph 1.1.2 of this report and to delegate authority to the Head of Planning Services to:

- finalise the reason for refusal including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.2. The recommended reason for refusal is as follows:

- The proposal due to its scale, massing, form, and detailed design would result in an overly bulky and prominent form of development which would fail to appropriately respond to the context of the site, appearing as an alien feature within the streetscene, causing harm to the predominantly low scale domestic townscape character of the area. The proposal would not create or enhance local distinctiveness, it would not respond appropriately

to the site and character of the area, nor would it be an innovative design which would enhance the identity, character and setting of the area. As such the proposal would be considered contrary to Policies DH1 and RE2 of the Oxford Local Plan, Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan, as well as the NPPF.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers a proposal to demolish the existing buildings on site and to erect a part three, part four storey apartment block with basement to create 6 x 4 bed, 2 x 3 bed, and 1 x 2 bed HMO flats (Use Class C4). It also considers the provision of private amenity space, 1no. short-stay car parking bay, bin and cycle stores, and associated landscaping.

2.2. This report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Internal space
- External space
- Vehicle parking and highways safety
- Bin and bicycle storage
- Drainage
- Biodiversity
- Sustainability
- Land contamination
- Community Infrastructure Levy

The development is considered to be unacceptable. The proposal due to its scale, massing, form, and detailed design would result in an overly bulky and prominent form of development which would fail to appropriately respond to the context of the site, appearing as an alien feature within the streetscene, causing harm to the predominantly low scale domestic townscape character of the area. The proposal would not create or enhance local distinctiveness, nor would it respond appropriately to the site and character of the area, nor would it be an innovative design which would enhance the identity, character and setting of the area. As such the proposal would be considered contrary to Policies DH1 and RE2 of the Oxford Local Plan, Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan, as well as the NPPF.



### 3. LEGAL AGREEMENT

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

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

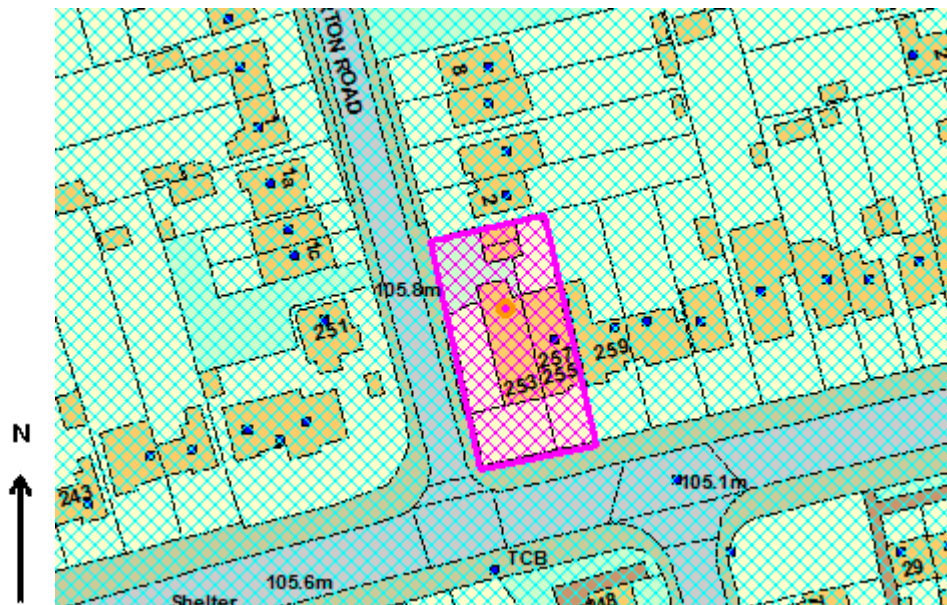
4.1. The proposal would be liable for CIL. An amount of £85,106.32 would have been requested had Officers recommended the application for approval.

### 5. SITE AND SURROUNDINGS

5.1. The application site comprises of a pair of semi-detached buildings located on a corner plot at the junction between London Road and Barton Road. The existing buildings comprise of partly commercial and partly residential use, spread across the three storey buildings. The buildings have previously been extended with a flat roofed single storey side and rear extension as well as a flat roofed two storey extension to the rear.

5.2. The site lies within the eastern section of Headington, close to the Headington Roundabout and outside of the Headington District Centre which is located over 500m to the west. London Road which the site fronts onto is one of the main arterial roads into the city centre. Despite being a main road, the immediate locality surrounding the site and this section of London Road is predominantly residential in use with inter-war 1930s dwellings, typically two storey in scale.

5.3. See block plan below:



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Ordnance Survey 100019348

### 6. PROPOSAL

6.1. The application proposes the demolition of the existing semi-detached building and outbuildings and the erection of a part three, part four-storey apartment block with basement, to create 6 x 4 bed, 2 x 3 bed and 1 x 2 bed HMO flats (Use Class C4). Permission is also sought for the provision of private amenity space,

1no. short-stay car parking bay, bin and cycle stores and associated landscaping.

6.2. It must be noted that this submission follows a previously refused application on the site under reference 22/01099/FUL which was for the 'demolition of 2no semi-detached dwellings and the erection of a three storey building to create 9no HMO flats, with the provision of disabled car parking space, landscaping and bin and cycle storage'. This was refused for the following reasons:

The proposed development by reason of its siting, layout, scale, massing, height, form, appearance and landscape would result in a significant and excessive building that would be a strident and incongruous addition in the streetscape and would unduly dominate this open and prominent corner plot, detracting from the prevailing suburban character of the area. The layout of the proposal further exacerbates harm by the siting of bin and cycle structures on the frontage of the development in a manner that dominates the frontage, with excessive hardstanding and insufficient opportunities for meaningful landscape. The resulting interface with the public realm is considered to not be of a high quality creating harm to the streetscape. The proposal is therefore considered harmful to visual amenity and an overdevelopment of the site which would not result in a high quality development contrary to the NPPF, National Design Guide, policies DH1 and DH7 of the Oxford Local Plan and policies CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan.

The proposed development would result in an unacceptable outdoor amenity provision for the occupiers of the flats, with compromised access to a good standard of outdoor space, fresh air and privacy, by reason of its restricted and enclosed shape and space, thereby impacting usability and poor outlook to the detriment of future occupiers. Furthermore, the proposed development fails to provide private amenity space for the occupiers of Flat 3 having access to communal shared amenity space only for the occupiers of this flat and the other flats, thereby compromising the standard of amenity space provided. The development would be contrary to policies H16 and RE7 of the Oxford Local Plan 2036.

The proposed layout of the development would introduce unacceptable loss of privacy through overlooking to the rear garden of 259 London Road, as well as to the amenities of the Flat 3 through overlooking from the shared use of the communal garden and overlooking occupiers within the basement gardens causing harm to the occupier's amenity contrary to the aims of policies H14 and RE7 of the Oxford Local Plan 2036.

The proposed layout of the development would introduce unacceptable loss of privacy through overlooking to the rear garden of 259 London Road, as well as to the amenities of the Flat 3 through overlooking from the shared use of the communal garden and overlooking occupiers within the basement gardens causing harm to the occupier's amenity contrary to the aims of policies H14 and RE7 of the Oxford Local Plan 2036.

6.3. Since the refusal of this application, the applicant has engaged in the pre-application process with the Council which involved three iterations of a proposal.

## 7. RELEVANT PLANNING HISTORY

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

73/01219/A_H - Alterations and extensions to existing shop to enlarge shop area. Approved 6th September 1973.
80/00584/NF - Change of use from retail shop to light industrial (Retail/fitting motor tyres, batteries and exhaust systems). Withdrawn 14th August 1980.
80/00751/NF - Change of use from shop to offices. Approved 30th September 1980.
10/01374/FUL - Change of use of ground floor from class B1 office to class A2 financial and professional services. Approved 27th July 2010.
15/02552/FUL - Formation of dropped kerb. Alterations to front elevation. (Retrospective). Approved 13th November 2015.
15/02553/ADV - Display of 1No externally-illuminated fascia sign. (Retrospective). Approved 13th November 2015.
15/03113/FUL - Erection of first floor side extension. Change of use of first and second floors from Use Class C3 (dwellinghouse) to Use Class A2 (Financial and Professional Services). Withdrawn 13th November 2015.
22/01099/FUL - Demolition of 2no semi-detached dwellings. Erection of a three storey building to create 9no HMO flats (8 C4 and 1 C4 Large Sui Generis) comprising 5 x 4-bed, 2 x 3-bed, 1 x 2-bed and 1 x 6-bed flats (Use Class C4). Provision of disabled car parking space, landscaping and bin and cycle storage. Refused 4th August 2022.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
Design	131-141	DH1 – High quality design and placemaking  DH7 - External servicing features and stores	CIP1 – Development to respect existing local character  CIP3 – Innovative design  GSP4 –

			Protection of the setting of the site
<b>Housing</b>	61-84	<p>H1 – The scale of new housing provision</p> <p>H2 – Delivering affordable homes</p> <p>H4 – Mix of dwelling sizes</p> <p>H6 – Houses in Multiple Occupation</p> <p>H14 – Privacy, daylight, and sunlight</p> <p>H15 – Internal Space Standards</p> <p>H16 – Outdoor amenity space standards</p>	
<b>Commercial</b>	85-87	E1 – Employment Sites	
<b>Natural environment</b>	161-186, 187-201	<p>RE4 – Sustainable and foul drainage, surface and groundwater flow</p> <p>RE9 – Land quality</p> <p>G2 – Protection of biodiversity and geo-diversity</p>	
<b>Transport</b>	109-118	<p>M1 – Prioritising walking, cycling, and public transport</p> <p>M3 – Motor vehicle parking</p> <p>M5 – Bicycle</p>	

		Parking	
<b>Environmental</b>	124-130, 161-186	RE1 – Sustainable design and construction  RE2 – Efficient use of land  RE7 – Managing the impact of development  RE8 – Noise and vibration	
<b>Miscellaneous</b>	7-14,	S1 – Sustainable development	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 2nd October 2024. Revised site notices notifying of additional plans and reports were also displayed around the application site on 8th January 2025.

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

#### Oxfordshire County Council (Highways)

9.2. No objection – subject to conditions

#### Thames Water Utilities Limited

9.3. No objection – subject to conditions

### **Public representations**

9.4. 8no. local people commented on this application from addresses on London Road, and Barton Road.

9.5. In summary, the main points of objection from the 5 residents were:

- Access.
- Amount of development on site - number of units/density excessive for site and would create negative impact, 50 people would live here on the site of two former houses.
- Effect on adjoining properties.
- Effect on character of area - not in keeping with area which is characterised by two storey family dwellings, surprising anyone would design a building like this in a residential suburb.
- Effect on existing community facilities.

- Effect on privacy - layout of proposal and siting of balconies and windows would overlook surrounding properties and gardens.
- Effect on pollution.
- Effect on traffic.
- General dislike or support for proposal.
- Height of proposal - Four storey height would be higher than existing building and anything else in the area, dominating and overshadowing neighbours. The height of the building is of great concern, partly on aesthetic grounds.
- Light - daylight/sunlight - Block light to the adjacent houses and gardens especially given it would be located to the south of neighbours.
- Noise and disturbance.
- On-street parking/parking provision- No on-site parking will result in additional on Barton Road and surrounding area which is already generally full. Although bicycle parking is proposed, some residents would have cars which if given permits could have an impact. On the weekend football matches take place in the park and parents will struggle to find anywhere to parking with possible knock on effect of matches being cancelled.
- Previous application was refused on overdevelopment and overlooking this proposal is larger and does not address the previous reasons for refusal.
- Site should be developed in same way as the corner plot opposite which has low density homes in keeping with London and Barton Road.
- Proposal would be let to individuals who are effectively renting a room with a shared bathroom and limited communal space.
- If the people living here work in hospitality, or in other sectors that keep unusual hours, a lot of people would be using a single entrance on a quiet side street throughout the night which doesn't really seem appropriate.
- Within the design statement addendum the architects say that they are creating local distinctiveness, and whilst that may be true, not convinced that it's a good thing. The proposal isn't in keeping with the rest of the surrounding buildings given its scale, and isn't architecturally interesting enough to be noteworthy. It's substantially higher than the block of flats across Barton Road and is far closer to the pavement there, without any greenery to act as a buffer between the development and Barton Road.
- Not against this plot being developed - it's sat for a long time without use, but the scale of this proposition seems too big and unreasonable.

Officer response

9.6. Each of the material planning considerations raised have been addressed within the relevant sections of the report below.

**10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Residential amenity
- Internal space
- External space
- Vehicle parking and highways safety
- Bicycle storage
- Waste storage
- Drainage
- Biodiversity
- Sustainability
- Land contamination
- Community Infrastructure Levy

**a. Principle of development**

*Loss of existing use*

10.2. Policy E1 states that proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

g) the desirability of meeting as much housing need as possible in sustainable locations within the city;

h) the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses;

i) the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; and

j) the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents

10.3. The application site comprises partially of a commercial use at ground floor level. The site is however not listed as a category 1 or 2 site within Appendix 2 of the Oxford Local Plan and therefore the site would be classed as a category 3 site. As such the loss of the existing commercial use on site is considered against the above objectives, as set out below.

- 10.4. With regards to criteria g, the site is considered to be located in a sustainable location, being sited on London Road which is a main arterial road linking access from the east of the city into the centre. There are regular bus routes along London Road and the Headington District Centre is located less than a 10 minute walk away from the site.
- 10.5. In relation to criteria h, the existing commercial uses would be lost on site with no proposed inclusion of replacement commercial uses within the new scheme. The previous commercial uses comprised of professional services, offices, and the display/sale of goods other than hot food. Although these uses would be lost, it is considered that they do not constitute high employment businesses and are not successful or locally useful. The site comprises 253 and 255 London Road. 253 London Road was last used for A2 Financial and Professional Services on the ground floor with a 4 bed 1st and 2nd floor flat above. 255 London Road was last used as a barbers with storage above. The barbers has relocated from this site and it appears that the offices at 253 London Road have also closed. The existing buildings are vacant and are currently not contributing economically or socially to the community. Further, the existing uses on the site are also limited and represents a small proportion of the site and such its loss is therefore unlikely to compromise other important employment sites. In addition, there would be no juxtaposition of uses on site given that no commercial use is proposed or adjacent, only residential which aligns with the predominant use in the area.
- 10.6. In relation to criteria i, as outlined further in this report, all of the flats would meet space standards and Officers consider that the residential living conditions for the propose occupiers would be acceptable. The site would have direct access along the pavements on London Road to the Headington District Centre where there are shops and community facilities, and further to the west there are schools in Headington too. To the north of the site lies Barton Bradley Recreation Ground and just before the District Centre lies Bury Knowle Park which would provide access to open space. There are also bus stops along the London Road with buses to the city centre including the rail station, as well as to London.
- 10.7. In relation to criteria j, the proposed development would include biodiversity net gain on site and would result in a building which would accord with the sustainability targets outlined under Policy RE1; meeting the 40% carbon reduction target.
- 10.8. As such overall the proposal would accord with Policy E1 of the Oxford Local Plan 2036.

#### *Proposed Use of Housing*

- 10.9. Policy H1 seeks to deliver new homes in Oxford by promoting the efficient use and development of land/sites, including higher densities in appropriate locations.
- 10.10. The proposal would make efficient use of a plot to deliver additional housing, and would include a higher density which in this location on a corner plot would be considered acceptable, subject to the detailed design of the building.



- 10.11. Policy H2 states that planning permission will only be granted for residential development if affordable homes are provided on self-contained residential developments (C2 and C3, including retirement homes, sheltered housing, but excluding student accommodation and employer-linked housing) where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, a minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market. It also goes on to state that across all types of development, where the number of dwellings proposed falls below the relevant thresholds set out above to require affordable housing, the Council will consider whether or not the site reasonably has capacity to provide the number of dwellings that would trigger a requirement to make a contribution towards affordable housing. This is to ensure that developers may not circumvent the policy requirement by artificially subdividing sites or an inefficient use of land.
- 10.12. The proposal would result in 9 new dwellings which is one less than the 10 or more homes threshold for the provision of affordable housing. Officers note that the flats proposed are of varied size and therefore technically ten dwellings could have been achieved if a greater proportion of smaller units were proposed. Officers consider however that the scale of the development is unacceptable as considered in more detail in the design section, including the basement which provides two units. As such Officers consider that the site is unlikely to be able to achieve 10 units whilst being acceptable in other regards such as with the design and quality of living space.
- 10.13. Policy H4 notes that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. It also states that sites below the threshold (25 or more homes (gross) (C3 residential), or sites of 0.5 ha. and greater) or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.
- 10.14. The proposed building would include 6 x 4 bed, 2 x 3 bed, and 1 x 2 bed HMO flats. Although the site does not propose 25 or more homes, is not larger than 0.5 hectares, and is not sited within a city centre or district centre, it is considered that the mix of homes proposed would be acceptable given the size of the plot.
- 10.15. Policy RE2 seeks to ensure development makes efficient use of land, and states that development must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Policy RE2 also requires that proposals address specified criteria, including that the built form and site layout must be appropriate for the capacity of the site.

The proposal would make efficient use of the existing plot to deliver additional housing. It is noted that the policy requires that any built form and site layout must be appropriate for the capacity of the site, and as discussed within the design section of the report, this would not be acceptable and as such renders the site unsuitable for the proposals.

*Proposed Use as a purpose built HMO*

- 10.16. Policy H6 states planning permission, where sought for the change of use of a dwelling in Use Class C3 to an HMO, will only be granted where the proportion of buildings used in full or part as an HMO within 100 metres of street length either side of the application site does not exceed 20%. It also states that planning permission will be granted for new purpose-built Houses in Multiple Occupation, where they are in accordance with the Policy.
- 10.17. Within 100m either side of the applications site, there is a total of 58 buildings, including the application site. The proposal would result in 6 of these buildings being classed as an HMO. The proposed HMO use would result in a total density of 10.3%, which would be within the allowed 20%. As such, the proposal would therefore be considered to comply with Policy H6 of the Oxford Local Plan.
- 10.18. Overall the proposed loss of the existing use on site and the redevelopment for housing; specifically for HMO use would be considered acceptable in principle, subject to the following material considerations outlined within this report.

#### **b. Design**

- 10.19. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. It notes all developments will be expected to be supported by a constraints and opportunities plan and supporting text and/or visuals to explain their design rationale in a design statement proportionate to the proposal, which should cover the relevant checklist points set out in Appendix 6.1.
- 10.20. It goes onto say that planning permission will only be granted where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.21. Policy RE2 seeks to ensure development makes efficient use of land, and states that development must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Policy RE2 also requires that proposals address specified criteria, including that the built form and site layout must be appropriate for the capacity of the site.
- 10.22. Policy GSP4 states that development will be permitted where its design responds appropriately to the site and the character of the surrounding area.
- 10.23. Policy CIP1 states that new developments (including additions, alterations, change of use and extensions) will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments. This may include consideration of aspects such as materials, scale, siting use, layout, form, design and intensity of activity within the built environment and setting of the Headington Neighbourhood Plan Area. Where development proposals are required to submit a Design and Access Statement, they will be expected to demonstrate how their design and layout responds to the local character of the area.
- 10.24. Policy CIP3 states that high quality development proposals, which are of an innovative and/or contemporary design will be permitted where they:

- accord with policies in the Local Plan
- respect and take account of local heritage; and
- enhance the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.

10.25. London Road runs between the Headington Roundabout to the east where it joins the A40 and the Eastern By-Pass, up to Headington Road to the west near Oxford Brookes University. It is one of the main arterial roads into the city centre passing through the Headington District Centre and whilst the London Road itself is busy, there are quiet residential suburbs behind.

10.26. In the immediate locality where the application site is located there is a diverse architectural style, however the area is characterised primarily by two storey inter-war residential buildings with front facing bay windows and pitched or hipped roofs. There are pockets of more recent infill development too within the inter-war houses. There is a variety in terms of the form and design of these buildings with examples of detached dwellings, pairs of semi-detached dwellings, rows of terraces, as well as blocks of flats. The majority of the buildings are set back from London Road with front gardens or driveways serving individual dwellings, and shared outdoor areas for flatted developments. There are also however non-residential uses fronting onto the road in this immediate area including a place of worship, guesthouses, and a hair salon.

10.27. The existing buildings onsite is typical of this area with retail at ground floor, fronting the London Road and commercial/residential use above. The building comprises of a pair of semi-detached units with a tall pitched roofed form. There are three storeys to the building however the third storey is under the pitch of the roof, such that it appears as a two-storey building from the side. There is a flat roofed single storey extension which wraps around the rear and side of the building, as well as a further smaller flat roofed extension at first floor level. There is also a detached garage to the north of the site with a large area of hardstanding to the front, western side, and rear of the plot.

10.28. In principle the demolition of the existing building on the plot would be considered acceptable in design terms. The building does not have any historic or particular architectural merit. In addition, it is considered that the redevelopment of the site would be beneficial; utilising a fairly sizeable plot in this location to improve the character and appearance of the site; in which it must be noted that currently the site is boarded up and not in use.

10.29. It is proposed to erect a new part three, part four storey building on the site which would also incorporate a basement. The building would have a contemporary design with an almost flat roof, of a greater height and bulk compared to the existing building on the site. When viewed from London Road, the building would have the appearance of a flat roofed building which is split into two sections; a three storey element on the eastern side of the plot at a height of 9.4m, with a four storey element located to the western side at a height of 12.4m. The two different heights of the building appear separated from each other as there is a lower three storey link situated further back into the plot between the

two. When turning to the Barton Road elevation, the true roof form of the building would be evident where there would be a very slightly mono-pitched roof on the fourth floor, with flat roofs for the lower floors being evident due to the stepped depth of the building. The building would have a stepped appearance getting shorter in depth higher up the building. The presence of balconies on-top of each floor also emphasises the flat roofed blocky form of the building. On the top floors of the building, the vertical facades would be finished in a dark standing seam metal and on the lower floors they would be finished in buff brick. On the front and rear elevations however, there would be panels of perforated brickwork which would create a latticed pattern. It is also proposed for the building to include a basement which would be highly noticeable from the public realm due to the lightwells and courtyard gardens proposed at basement level, to both the south facing London Road and to the west facing Barton Road. Two arrays of solar panels are also proposed on the roof of the building on both the three and four sections. These would be laid flat on the mono-pitched sloped roof of the building and would not project above the roof itself.

10.30. As highlighted previously, within the immediate locality of the site buildings are predominantly two storey in scale with pitched or hipped roofs. The buildings in the area typically sit back from London Road itself and whilst the current building on the application site is taller than the majority of the other buildings, it reads as two storey built form with a similar character to neighbouring plots with its pitched roofed form, use of similar style and scale of openings, and inclusion of a bay window.

10.31. It is considered that the proposed building would be of a highly contemporary design which in this particular case would fail to appropriately connect and respond to the local character and context of the area. Its flat roofed form coupled with its increase in scale compared to the existing building would be highly prominent along the London Road as well as from Barton Road. From the front and rear the building would have a 'boxy' design where it would have harsh rectangular proportions. Although stepping from four storeys down to three, it has a fragmented design with a lack of suitable integration between the different heights. From Barton Road, it is considered that the design would appear as an alien form of development due to the stepped rectangular form proposed which would have no relationship at all to any buildings within the area.

10.32. When viewed along London Road, in long range views the proposed building would be considered to dominate the skyline and be highly uncomfortable in its context. Whilst a main arterial road, the road dominates the view itself with trees often lining the road either side with low rise buildings behind. The proposed building would be considerably taller than the buildings in the locality and would detract from the townscape character of the area which is relaxed and domestic. It would contrast awkwardly with the modest scale and prevailing pitched roofs and gables in the surrounding area.

10.33. Although the proposal would have a stepped form rising up to four storeys in the south western corner of the site, this would be considerably noticeable from Barton Road. It is considered that there has been little attempt to address the Barton Road frontage, appearing more akin to a side elevation rather than the front, despite this being the location of the entrance to the building. Due to the

site being located on a corner plot we would expect the design to address both frontages, however it is considered that it fails to address Barton Road appropriately. Despite there being openings on all floor levels, there would be a substantial amount of blank façade on this elevation which would further emphasise the bulk and scale of the building. It is considered that the stepped design also boldly increases to the four storey height and fails to transition appropriately, not just from the lower floors of the building to the fourth, but from the lower scale of buildings on Barton Road to the proposed building too. Officers must note that planning permission was refused by the Council for a partly four storey building at 152 London Road under reference 23/00272/FUL, which is located on the corner of London Road and Stile Road, further to the west of the application site and next to the Headington District Centre. The decision was appealed under reference APP/G3110/W/23/3322566 (**Appendix 2**) and the Planning Inspectorate dismissed the Council's decision, noting the following at paragraph 6:

*On the corner of London Road and Stile Road, the proposed hotel building would step up to a full 4 storeys on the frontage of both roads, and it would be sited in such a way that its front building line would advance to line up with the building line of the shops beyond Stile Road. This would give the building a prominent and bulky appearance when seen from both east and west along London Road, and from the opposite side of the road adjacent to Bury Knowle Park. It would have a blocky appearance in the street scene would contrast awkwardly with the modest scale and prevailing pitched roofs and gables of its surroundings. Even away from the corner of Stile Road, where the 4 storey elements would be stepped back, the development would present prominent areas of largely blank high level brickwork when seen from Stile Road and from London Road to the west of the junction. The building would also appear excessively bulky in views along Stile Road towards the park, and would be out of scale with the domestic scale of the street.*

10.34. Officers must emphasise that the application site is located approximately 500m away from the appeal site mentioned and the Headington District Centre, and as such the height and bulk of the proposal at the application site would be even more noticeable and prominent than the appeal site mentioned. As such it is considered that the design would not respond appropriately to its setting in this low scale residential context.

10.35. In terms of materials, whilst it is noted that the use of dark standing seam metal has been chosen for the upper floors to sit with the dark tiles and slates which finish roofs in the local area, it is considered that the similar colour of material would not be sufficient to be considered as forming any relationship with the area. The roofs in the locality have pitched or hipped forms and therefore their darker colour at the top of a building is mitigated as the roofs are not bulky vertical masses which the application site would be proposed to be. The upper floors of the building although designed to appear as roofs, would clearly instead due to the design read simply as upper floors of the building which would stand out due to their height towering above other buildings in the area, and the dark colour would be highly noticeable up in and against the sky. The stark contrast with the light buff brick below would further emphasise the top heavy appearance of the building and its bulky scale. The buff brick has been justified as it would sit

‘comfortably with the bath stone, the warm, tactile material which defines the historic city centre’. The application site itself is located considerably far to the east of the historic core and therefore this justification is considered to be poor, however Officers note that within the locality buff brick is predominantly used to the east so would not in isolation be out of character. As such the choice of materials in isolation is considered to be acceptable, however it is the design of the building and how these materials would interact and sit next to each other which is considered to be problematic.

10.36. The applicant considers that the fenestration proposed would have a similar proportion and similar ratio of glass to wall to the context, however Officers struggle to find any similarities between the proposal and the buildings in the local area. The openings proposed have a tall, narrow and vertical shape, whereas typically in the area properties have wide and low bay windows with a more horizontal emphasis. As such the proposal would not respond to the context of the area in this respect.

10.37. Officers also consider the proposed basement courtyard at the front of the site and the lightwells to the west would be highly out of character with the area. Whilst in other parts of the city there are many houses with basements and lightwells, these are located within the historic core and older parts of the city where basements reflect the age of the building. In ancient times basements were often used for storage or in wealthy homes they were used for living quarters for house staff. Having a basement in this area of Headington would as such appear alien in the context, and the large courtyard garden and lightwells would prominently show these, drawing further attention to them being out of character. The courtyard garden at the front in particular would be alien as it would occupy an area at its widest part 16.2m by at its longest part 9m and would be at a depth of 2.85m below ground level. Being sited immediately adjacent to the pavement on London Road, it would be highly noticeable to users and passers by, emphasising the inappropriate nature of the proposals on this site and inability of the site to accommodate such a significant scale of development. There are no other examples of courtyard gardens in the area and it would be greatly incompatible.

10.38. Whilst as evidenced through the pre-application process with the Council it is accepted that this site has capacity for a denser development on site compared to the existing building and that a taller building could also be accepted, Officers consider that the design proposed does not sensitively address the context of the area to mitigate the impact of the increased height and scale that is needed for a high quality design.

10.39. Within the design and access statement submitted the applicant notes that the step up in scale would simply serve as a marker of the point where the suburban street meets the busy larger thoroughfare. Officers note however that whilst London Road is different to Barton Road, at this eastern section of London Road the urban sprawl of the city is evident as you pass through from Headington District Centre to the west, out to the east where the townscape character is lower in density. The proposed design would starkly contrast with the low scale character of the area and is more akin to a design which would be expected closer to the city centre. The applicant considers that the proposal creates local

distinctiveness, however Officers consider the proposed development would simply result in a building which would be distinctive but in a negative way, in that it would simply appear out of character and alien in the context, being an overdevelopment of the site.

10.40. The design and access statement submitted with the application provides an analysis of the built context. It notes that the London Road for visitors will be their first experience of the city, so it is important as the first page in the story of visitor's experience of Oxford. It also notes that there is a scale to the London Road which gives the sense of an avenue, however the buildings are of low architectural quality, failing to have the scale commensurate with a main arterial road, or any strong presence. Officers consider that whilst low in scale this section of London Road clearly highlights the history of the city and its urban sprawl where housing has extended up to the Headington Roundabout. Whilst in other cities it may be common for a main arterial road to have built form either side of substantial scale and massing, Oxford however is different as it has a historic and sensitive setting with the city centre not dominated by tall skyscrapers, rather its dreaming spires. Nevertheless, the proposed building would be the only building in the area of such a scale and design and along the avenue with its bold and boxy appearance, it is considered it would be highly unusual in this location.

10.41. The applicant notes that within the city centre there are many examples where buildings next to each other vary in scale. However within the city centre there is an abundant number of buildings with highly varied designs and scales, which tell the history of the centre. One of the examples given in the addendum to the design and access statement is the contrast between Queens College and a pair of shops situated immediately to the west. The colleges of the University of Oxford clearly have a different use and architectural and historical significance compared to the shops. As such the smaller shops appropriately respect the grandeur of the College. The applicant has also reference four storey buildings on other arterial roads in the city on the Banbury Road and the Iffley Road. On the Banbury Road there is a four storey building on the corner with Hermes Road which has been pointed out by the applicant. On the opposite side of Hermes Road however there is a tall three storey building; The Burlington House which is considered to have a comparative height and massing to the new building with its tall pitched roof and dominant chimneys. The Dorothy Wadham development referred to on the Iffley Road is also located in a different context to the application site. The section of the Iffley Road where this is located is situated relatively close to the city centre. This area is older than the locality of the application site and features various three storey townhouses with pitched roofs, and therefore the four storey pitched roof building does not overwhelm the road nor appear out of character. It must be stressed that each site has to be considered on its merits and respond to its particular context, and that all of these examples are nowhere near the application site and are not comparable. Officers would point out that the applicant has not mentioned within their submission the dismissed appeal decision at 152 London Road for a four storey development (**Appendix 2**). As described previously within this design section of the report, that proposal was considered unacceptable by the Planning Inspectorate with regards to its bulk and scale in an area with a character of a low scale.

10.42. Overall the height, bulk and siting and articulation of the building would be considered inappropriate in this location and would harm the streetscenes of both London Road and Barton Road; particularly the four storeys on the corner. Officers consider the proposal as such would not create or enhance local distinctiveness. Whilst it is noted that the proposed design would make more intensive use of the site and create additional units of housing, overall the design of the scheme would be considered not to accord with Local Planning Policies.

10.43. The applicant notes that since the submission of the application a new National Planning Policy Framework was adopted by the government and made the following comment:

*“It is noted that, in the Chapter 11 ‘Making Effective Use of Land’ section, the former paragraph 130 (in the now old December 2023 version) which dealt with the requirement to see new development proposals having to be ‘in character with the existing area’, has now been removed entirely. This has plainly been directed at removing what was seen as a limiting design constraint, which prevented the most efficient redevelopment of available land from coming forward and kept down optimum site densities from being achieved, because of the undue limitation to insist upon new developments having to be ‘in character’. This, especially so in relative ordinary, urban areas such as this where local ‘character’ ought not properly to be the determining and main factor in any planning considerations pursuant to the site’s otherwise most effective and efficient redevelopment potential.”*

10.44. Officers dispute this however as within the achieving well-designed places chapter, paragraph 139 notes the following:

*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

10.45. Officers consider that for the reasons outlined within this report that the design would fail to reflect local design policies and that it is not an outstanding or innovative design which would fit in with the overall form and layout of the surroundings.

10.46. The applicant also notes in relation to the new NPPF that “*paragraph 125 (c) is also instructive in this context, in the new Government’s drive to deliver the 1.5 million homes, in so far it now sets out that on brownfield sites within settlements, such as this site plainly, new proposals for housing development ‘should be approved unless substantial harm would be caused’.* This is a new, default



*emphasis on approving new residential developments unless there is substantial harm. There is no level of 'substantial harm' caused here at all."*

10.47. Officers consider that there would be however substantial harm caused by the proposed design as it would be a highly unusual development which would fail to integrate with the local character. As demonstrated through this section, there has been very little consideration of the context of the site, and the siting of the plot on a main arterial road has largely been the justification for the design and scale of the building. The design and access statement submitted with the application makes it clear that the applicant has no intention of enhancing what is locally distinctive, holding a low opinion of the area. As a result, the proposal does not respond to its context in form, features or materials, climbing to a flat roofed four storey building on a corner which would be closer to the road and hence would be considerably more strident than the existing building.

10.48. In summary, the proposal would be considered contrary to Policy DH1 of the Oxford Local Plan, Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan, as well as the NPPF.

### **c. Residential amenity**

10.49. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. It also states that planning permission will not be granted for any development that has an overbearing effect on existing homes.

10.50. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.51. Policy RE8 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

### *2 Barton Road*

10.52. 2 Barton Road is a two storey semi-detached dwelling located to the north of the application site.

10.53. The 45 degree angle test has been applied to the ground and first floor openings at both the front and rear of the property and the proposed building would not contravene this angle. The proposed boundary surrounding the shared garden at the north of the site would contravene this angle when applied to the ground floor window to the front, however the 25 degree uplift angle would not be contravened when applied to the same opening. There are openings located on the southern side elevation of the property at both ground and first floor levels. The 45 degree uplift angle has been applied to these openings and the proposal would not contravene this angle. As such the proposed development would be

considered not to detrimentally impact upon the light afforded to the neighbouring property.

10.54. Given the proposed building would not extend beyond the rear of the neighbouring property, the stepped form of the building where it would increase in height at the south-western corner of the site away from the north, and the separation distance of 7m between the rear of the building at its closest point with the neighbouring property, overall it is considered on balance that the proposal would not be overbearing when experienced from No. 2 and nor would it detrimentally impact upon their outlook.

10.55. It is appreciated that to the rear of the building there would be large openings proposed as well as balconies at first, second, and third floor levels. Officers consider however that given there are already openings located on the rear elevation of the existing building at first and second floor level, that the proposal would not introduce any new views compared to the existing situation. It is also noted that whilst the rear of the building faces directly to the north where 2 Barton Road is, these openings would only face the front driveway of the neighbour and the side of the dwelling, rather than overlooking the private garden of the property which is located further east. In addition on the side of the dwelling, the opening at first floor level is an obscure glazed bathroom window, and the ground floor openings would be obscured from view by the cycle shelter proposed.

10.56. Officers note that along the shared boundary there would be a new boundary wall which would range from 1.5m in height at its western point and would rise to 2.25m where the bicycle store is proposed. Given the maximum height is only just over the 2m height which a boundary can be erected to under permitted development rights, it is considered that the store would not be detrimental with regard to daylight access, outlook and nor would it be overbearing.

#### *259 London Road*

10.57. 259 London Road is a two storey semi-detached dwelling located to the east of the application site.

10.58. The 45 degree angle test has been applied to the ground floor and first floor openings serving both the front and rear of the property and the proposed building would not contravene these angles. There are no openings located on the side elevation of the neighbouring property facing the application site and therefore the 45 degree uplift angle does not need to be applied.

10.59. It is appreciated that the proposed building would rise to four storeys in height which is taller than the existing buildings on site. Officers consider however that given the four storey element is situated on the western side of the plot, coupled with the rest of the building not protruding to the rear of the neighbouring dwelling at ground floor level, nor extending directly adjacent to the neighbours garden, that on balance the proposed building would not detrimentally impact upon the light afforded to the neighbours garden, and nor would it be an overbearing structure when experienced from the neighbouring dwelling.

10.60. Although there are openings proposed to the eastern side elevation of the building, given that there are no openings located on the western side elevation of the neighbouring property, it is considered that the proposal would not overlook or detrimentally impact upon the privacy afforded to the neighbouring occupiers. It is appreciated that to the rear of the building there would be large openings proposed at first, second, and third floor levels. Officers consider however that given there are already openings located on the rear elevation of the existing building at first and second floor level, the fact that these face north and not directly over the rear garden of the neighbour, that the proposal would not introduce any new views compared to the existing situation and would not be detrimental upon the privacy afforded to the neighbouring occupiers.

10.61. It is also noted that balconies are proposed to the rear of the building facing north too. These would be sited 9.5m away to the west from the shared boundary with the neighbour. Given the sufficient distance they would be proposed away from the neighbouring property and their private garden to the east, it is considered that the balconies would not overlook the neighbouring property. Had the overriding reasons for refusal not applied however, Officers would have recommended a condition which would have required details of privacy screens to be submitted to the Council and for any approved screens to be installed prior to occupation and retained in perpetuity.

10.62. Officers also note that the proposed bicycle store would be located directly next to the shared boundary with the neighbour. This however would only have a height of 2.25m which is only just over the 2m height which a boundary can be erected under permitted development. As such it is considered that the store would not be detrimental with regard to daylight access, outlook and nor would it be overbearing.

#### *Amenity of proposed occupiers*

10.63. All of the habitable rooms within the proposed development would be served by openings to provide outlook and daylight access for the future occupiers. Officers have given consideration to the openings proposed serving habitable rooms within the basement level of the building. It is noted that at the basement level there would be two entire units which would solely be served by openings facing onto either the basement courtyards to the front or rear of the building, or lightwells to the west. The openings at basement level would be full height in relation to the rooms however would be located entirely underground.

10.64. Officers originally raised concerns that the outlook and daylight access afforded to the occupiers of the basement flats would be of a poor quality, and given the use of the proposed apartments as HMOs, the occupiers of these flats would typically spend a high proportion of their time within their room compared to if these were family dwellings which was of additional concern for some of the bedrooms proposed.

10.65. In response to the original concerns raised, amendments have been made to the design including changing the finish of the retaining walls to white masonry, increasing the area of the lightwells to Barton Road, the walls forming the guarding at ground level to the lightwells being changed to railings, and the bike

store to the rear being changed to have a curved translucent roof. An internal daylight report has also been provided to the Council which has assessed the daylight proposed to the basement flats, and it has been concluded that the daylight amenity would be very good with all rooms achieving BRE illuminance targets. This report outlines that each of the rooms would meet the recommended targets for median illuminance (Lux) levels, and as such having regard to the amendments and the findings of the study provided, on balance Officers consider it would be unreasonable to refuse the application upon this basis.

10.66. As mentioned previously in this report the proposed solar panels would be laid flat on the proposed mono-pitched roofs of the building, and would not project beyond the plane of the roof. Given their siting at a higher level above any of the neighbouring properties in the area, coupled with the mono-pitched roof having an almost flat roofed form where the panels would lay flat against this, it is considered they would not cause any detrimental impacts with regards to daylight access, outlook, would not be overbearing, and nor would they give rise to any glare.

#### *249 and 251 London Road*

10.67. Previously to the west of the application site on the opposite site on Barton Road there were two dwellings known as 249 and 251 London Road. However permission was granted for these to be demolished and replaced with 2 x two storey blocks of flats as well as 1 detached dwelling.

10.68. The 45 degree uplift angle test has been applied to the openings serving the neighbouring occupiers on their east elevations facing the application site and the proposal would not contravene this angle. As such the proposal would be considered not to detrimentally impact upon the daylight access afforded to the neighbouring occupiers.

10.69. Given the proposed building would be located on the opposite side of Barton Road over 17.3m away from the closest flat, it is considered that the proposal would not be overbearing when experienced from the neighbouring occupier, nor would it detrimentally impact upon their outlook.

10.70. Given the separation distance between the western side elevation of the proposed building and the closest flats of 17.3m with Barton Road separating the two sites, it is considered that the openings located to the west of the proposal would not overlook the neighbouring occupiers. Officers note that at the rear of the proposed building there would be balconies which would although would be located a sufficient distance away, could give rise to the sense of perceived overlooking given that there is a balcony on the neighbouring flats looking directly towards the application site. As such had the overriding reasons for refusal not applied, Officers would have recommended a condition which would have required details of privacy screens to be submitted to the Council and for any approved screens to be installed prior to occupation and retained in perpetuity.

- 10.71. It is considered that all other properties and their occupiers would be located at a sufficient distance away from the site so as not to be affected by the proposals.
- 10.72. In terms of noise and disturbance whilst it is noted that the site would have a capacity for 50 occupants, Officers consider that given the existing commercial use on site would be removed, coupled with the siting of the building on London Road which is a busy road with higher levels of background noise compared to other residential areas to the north or south of the road, that the proposed use and density would not be detrimentally harmful to the neighbouring occupiers in respect of noise and disturbance.
- 10.73. Overall the proposal on balance for the reasons outlined within this section would have been considered to accord with Policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

#### **d. Internal Space**

- 10.74. Policy H15 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1.
- 10.75. Policy H6 states that planning permission will be granted for new purpose-built Houses in Multiple Occupation, where they are in accordance with the criteria contained within the policy. It states that planning permission will only be granted where the development complies with the space standards set out in Policy H15; and the development complies with the City Council's good practice guidance on HMO amenities and facilities, or any equivalent replacement document
- 10.76. Apartments 1, 2, 3, 4, 5 and 6 would be 4 bedroom, 6 person, 1 storey dwellings. The National Space Standard states that the minimum internal floor area for a dwelling of this size is 99m<sup>2</sup>. All of the apartments would measure 101m<sup>2</sup> and as such would comply with this requirement.
- 10.77. Apartments 7 and 8 would be 3 bedroom, 5 person, 1 storey dwellings. The National Space Standard states that the minimum internal floor area for a dwelling of this size is 86m<sup>2</sup>. Both of the apartments would exceed this at 88m<sup>2</sup> and 91m<sup>2</sup> and as such would comply with this requirement.
- 10.78. Apartment 9 would be a 2 bedroom, 4 person, 1 storey dwelling. The National Space Standard states that the minimum internal floor area for a dwelling of this size is 70m<sup>2</sup>. The apartment would exceed this at 87m<sup>2</sup> and as such would comply with this requirement.
- 10.79. Although none of the flats have dedicated storage areas, given the proposed use as HMO flats where occupants would likely store personal belongings solely within their bedrooms and not within communal stores, coupled with the fact that the flats all exceed the minimum floor areas by at least 2m<sup>2</sup>, it is considered that it would be unreasonable to refuse the application upon this basis.

10.80. All of the single bedrooms exceed 6.5m<sup>2</sup> and the double bedrooms exceed 10.22m<sup>2</sup> which are the minimum bedroom sizes for a HMO as outlined within the City Council's good practice guidance on HMO amenities and facilities. The kitchen/living spaces for all apartments exceed 24m<sup>2</sup> and would have 10m<sup>2</sup> of dedicated kitchen space which again would be the minimum space required. For every 4 occupants there needs to be 1 bathroom and for every 5 occupants there needs to be 2 bathrooms. Apartments 1-8 all have 2 bathrooms and apartment 9 has 1 bathroom which would also comply with the guideline in the guidance.

10.81. Overall the shape of the rooms proposed would be considered to allow for the storage of personal belongings and sufficient circulation space around furniture for the occupants.

10.82. As such the proposal would have been considered to comply with Policies H6 and H15 of the Oxford Local Plan 2036.

#### **e. External Space**

10.83. Policy H16 states planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space (in addition to bin or bike storage space), to meet the following specifications:

- a) 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden;
- b) flats and maisonettes of 3 or more bedrooms must provide either a private balcony or terrace of useable level space with a minimum dimension of 1.5 metres depth by 3 metres length, or, in the case of ground floor flats, direct access to a private garden or shared garden with some private space. These private outdoor areas should allow space for outside dining and/or clothes drying, with reasonable circulation, which will require a minimum dimension of 1.5 metres depth by 3 metres length;
- c) houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint. Where a directly accessible private outside area is provided, the remaining requirement for outdoor amenity space could be met by provision of shared private amenity space. The private outdoor areas should allow space for outside dining and/or clothes drying, with reasonable circulation, which will require a minimum dimension of 1.5 metres deep by 3 metres long
- d) the following factors will be material in assessing whether adequate space has been provided:
  - i. the location and context of the development, in relation to the layout of existing residential plots, and proximity to public open space; and
  - ii. the orientation of the outdoor area in relation to the path of the sun;

- iii. the degree to which enclosure and overlooking impact on the proposed new dwellings and any neighbouring dwellings; and
- iv. the overall shape, access to and usability of the whole space to be provided; and
- v. clear delineation between public and private space; and
- vi. for communal spaces that there is a variety of space, including provision of space to sit and to play, and that space is adaptable to the changing needs of residents, being easy to maintain with resilient materials, but with opportunities for communal gardening or food growing

10.84. The occupants of apartments 1 and 2 would be provided with private courtyards, apartment 3 would be provided with a terrace, and all other flats would be provided with balconies. It is also proposed for there to be a private communal garden which all of the flats would have access to at the north of the site.

10.85. The private courtyards for apartments 1 and 2 would be located at basement level; with the courtyard serving apartment 1 measuring 42m<sup>2</sup> and apartment 2 measuring 105m<sup>2</sup>. These would be directly accessible from the kitchen/living spaces for each dwelling. Although located at basement level, Officers consider that given the useable shape of the courtyards, their relatively large size, coupled with the additional private communal garden, that overall the provision of outdoor space for these basement flats would be acceptable.

10.86. All of the balconies proposed would measure 9m<sup>2</sup>, although apartment 7 would have a larger one at 12m<sup>2</sup>, and apartment 3 would have a terrace measuring 6.4m<sup>2</sup>. All of the balconies and terrace would be larger than the minimum dimension of 1.5 metres deep by 3 metres long stipulated within Policy H16, and as such would meet this requirement.

10.87. As such the proposed outdoor space for each of the flats would have been considered acceptable and would comply with Policy H16 of the Oxford Local Plan 2036.

#### **f. Vehicle parking and highways safety**

10.88. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport.

10.89. Policy M3 requires that new dwellings that are located within a controlled parking zone, within a 400m walk of a regular public transport service and within 800m of a local supermarket are car-free. Elsewhere, Appendix 7.3 requires that dwellings provide a maximum of one off-street car parking space. It also states that for HMOs the parking standard is to be decided case by case on their merit.

10.90. Policy M3 also notes that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site

from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.

- 10.91. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.
- 10.92. The application site is located within the Headington North Controlled Parking Zone and within a 400m walk of a regular public transport service and within 800m of a local supermarket. The site is therefore eligible to be car-free.
- 10.93. The site is proposed to be car-free and as such the proposal complies with the requirements of Policy M3. In order to ensure that the site would truly be car-free however and would not lead to an increase in on-street parking in the area, a condition would have been recommended for the site to be excluded from eligibility for parking permits were the proposals otherwise acceptable. This exclusion would also apply for visitor permits to ensure that any visitors to the site would not be able to park on street.
- 10.94. It is proposed on the western side of the site off Barton Road just to the south of the entrance to the plot that a short term parking space for service vehicles would be provided. This measures 6m in length and 2.5m in width and would use the existing dropped kerb at the site. Although this would technically result in a parking space being created on site, there would not be a net gain in parking from the existing level on site where there is currently enough space to park 6 vehicles. As such whilst the site is eligible to be car-free, given there would be no net gain in parking overall, it is considered that this space proposed to assist with deliveries and servicing would be acceptable. Given there is already a dropped kerb on site in this location too, it is considered that there would be no highways safety issues.
- 10.95. A travel plan has been submitted with the application which identifies opportunities for the effective promotion and delivery of sustainable transport initiatives. This notes there would be a travel plan coordinator for the site, travel information packs produced and distributed to new residents, measures to encourage walking and cycling as well as measures to encourage public transport use. As such subject to a condition which required the travel plan details to be implemented and retained in perpetuity for the site, the proposal would have been considered to accord with Policy M1.
- 10.96. The local highways authority Oxfordshire County Council were consulted on the application and they raised no objection to the proposal. Had the overriding reasons for refusal not applied, they did recommend that any permission would be subject to a condition requiring a Construction Traffic Management Plan to be submitted prior to the commencement of works, as well as a condition excluding residents from access to car parking permits as detailed above. They had asked for details to be provided from the applicant regarding the dimensions of the car parking space proposed, however Officers note that the plans provided measure to scale and this shows the space would measure 6m in length and 2.5m in width. They also asked for details on the type of service vehicle that would utilise this space, however this has already been outlined within the design and access



statement. This notes that the 'building will need servicing and there will be deliveries, and there may be occasional wheelchair access required. All of these will inevitably require vehicle access to some degree. So there is a single off-road space proposed for short-term use by these types of vehicles only.'

10.97. As such subject to the recommended conditions, Officers consider the proposal would have complied with Policies M1, M3 and RE7 of the Oxford Local Plan 2036.

**g. Bin and bicycle storage**

10.98. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. This notes that for houses and flats with up to 2 bedrooms, at least 2 spaces per dwelling would be required, and that for houses and flats of 3 or more bedrooms, at least 3 spaces per dwelling are required. It also notes that for HMOs at least 1 space per occupant is required. Policy M5 also states bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.

10.99. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.

10.100. A covered and secure bicycle store with level, convenient and direct access to the street is proposed to the north of the site for 50 bicycles. This is accessed via a gate at the north of the site on Barton Road, past the communal garden and bin store. The flats would have 50 occupants in total and as such the 50 bicycle parking spaces would comply with the requirement of 1 space per occupant for a HMO. Given the bicycle store would be sited in the north east corner of the site and largely screened from the public realm by the boundary wall and gate to the site, it is considered that this would not result in any detrimental impact upon the design of the scheme, nor the streetscene. Only the roof of the store would be visible and this would only just peak above the boundary wall for the site, and as such would not be a dominant structure.

10.101. There would also be at ground floor level next to the entrance of the building space two Sheffield stands for 4 bicycles which visitors could use. These would be welcomed given the large number of occupants proposed within the building. Given they would only be Sheffield stands, they would not detract from the design of the scheme overall. The stands would only be partially covered by the entrance overhang to the building, however given these stands are proposed to be provided over and above what is strictly required, for this reason it is considered that they would be acceptable.

10.102. As mentioned, the bin store is located to the north of the site accessed via the gate fronting onto Barton Road. The store would have an internal area covering 1.65m x 6.25m which would be considered large enough to accommodate the number of bins required for this scale of development. The store would be covered, secure, providing level and convenient access to the

road, and would not be visible from the street scene. As such this store would ensure that the bins do not detract from the overall design of the scheme. The store would also be located in close proximity to Barton Road for waste collection.

10.103. Overall subject to conditions which required the stores to be provided on site prior to occupation and retained in perpetuity, the proposal would have been considered to accord with Policies H15 and DH7 of the Oxford Local Plan 2036.

#### **h. Drainage**

10.104. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the following drainage hierarchy:

a) store rainwater for later use; then:

b) discharge into the ground (infiltration); then:

c) discharge to a surface water body; then:

d) discharge to a surface water sewer, highway drain or other drainage system; and finally:

e) discharge to a combined sewer

10.105. The policy also states that within the surface and groundwater catchment area for the Lye Valley SSSI development will only be permitted if it includes SuDS and where an assessment can demonstrate that there will be no adverse impact on the surface and groundwater flow to the Lye Valley SSSI.

10.106. The application site is located within Flood Zone 1 and as such is not at risk of flooding. However in accordance with Policy RE4 all development proposals must utilise SuDS.

10.107. The Council's internal flooding and drainage team were consulted on the application who noted that the site is shown to fall within the wider catchment of the Lye Valley SSSI. Whilst it is outside of the map boundary previously used, it is within the wider surface water catchment identified to affect the SSSI as part of an emerging report the City Council is in the process of finalising.

10.108. They noted that the site falls within the Modified Surface Water Catchment in which the requirements are to not increase, and ideally to reduce, surface water entering the surface water system, in order to avoid increasing the amount of water entering the sewer network and subsequently the Boundary Brook in the SSSI, causing damage. The internal team stressed that this is in line with the Council's requirements of SuDS for all development proposals under Policy RE4, so whilst the Council refer to the Lye Valley catchment, the additional

information would have been requested even if it was not located within this catchment.

10.109. With regard to the basement, and subsequent Hydrogeological/Basement Impact Assessment, the site is not within the groundwater catchment of the Lye Valley, therefore the assessment does not need to address impacts on the SSSI. However, it must assess, as with all basements under Policy RE4, the impact on any groundwater flow, and also any potential impacts on neighbours and/or groundwater flood risk from the excavation and construction of the basement.

10.110. In response to these comments, the applicant submitted a basement hydrogeological impact assessment. The Council's flooding and drainage team reviewed this further assessment and confirmed that this was acceptable, subject to a condition which would ensure that the drainage system is maintained in perpetuity and the pumps shall be maintained and replaced in perpetuity too in accordance with the manufacturers recommendations.

10.111. Had the overriding reasons for refusal not applied, subject to this condition the proposal would have been considered to accord with Policy RE4 of the Oxford Local Plan 2036.

#### **i. Biodiversity**

10.112. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.

10.113. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended).

10.114. As of 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990, all minor developments are required to deliver a minimum of 10% biodiversity net gain (BNG) in habitat units, hedgerow units and watercourse units (where applicable). There are a series of exemptions, including custom builds and sites that impact a small area/length of habitat below a given de minimis threshold.

10.115. A bat survey report was submitted with the application in which the existing buildings were assessed to be of negligible suitability for roosting bats and no further survey was recommended. The Council's ecologist was satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due regard.

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

1. Deliberate capture, injuring or killing of an EPS

2. Deliberate disturbance of an EPS, including in particular any disturbance which is likely

a) to impair their ability –

i) to survive, to breed or reproduce, or to rear or nurture their young; or

ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

b) to affect significantly the local distribution or abundance of the species to which they belong.

3. Deliberate taking or destroying the eggs of an EPS

4. Damage or destruction of a breeding site or resting place of an EPS.

10.117. The council's ecologist confirmed that they were satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

10.118. The development falls under the statutory requirement to deliver a minimum of a 10% net gain for biodiversity. The applicant is proposing to meet this through the creation of mixed scrub, sedum green roofs and planting of native hedgerow. This is projected to deliver a net gain of 0.0324 habitat units (+261.68%) and 0.1741 hedgerow units (from a baseline of zero). The officer was satisfied that this meets the requirement for the minimum 10% net gain, although care must be taken to ensure that the proposed green roof can be delivered practicably and in accordance with fire and safety regulations.

10.119. Subject to conditions which require a Landscape and Ecological Management Plan (which in particular would secure the Biodiversity Net Gain) and details of ecological enhancements to be submitted to the Council, as well as informatives reminding the applicant of their duty in relation to biodiversity net gain, bats and wild birds, the proposal would have been considered to accord with Policy G2 of the Oxford Local Plan 2036, Schedule 7A to the Town and Country Planning Act 1990, the NPPF, The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

#### **j. Sustainability**

k. Policy RE1 states that planning permission will only be granted where it can be demonstrated that the following sustainable design and construction principles have been incorporated, where relevant:

a) Maximising energy efficiency and the use of low carbon energy;

b) Conserving water and maximising water efficiency;

c) Using recycled and recyclable materials and sourcing them responsibly;

d) Minimising waste and maximising recycling during construction and operation;

e) Minimising flood risk including flood resilient construction;

f) Being flexible and adaptable to future occupier needs; and

g) Incorporating measures to enhance biodiversity value.

10.120. Policy RE1 also requires that new build residential dwellinghouses must achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies and/or energy efficiency measures. New dwellings are also required to meet the higher water efficiency standards within the 2013 Building Regulations Part G2 water consumption target of 110 litres per person per day.

10.121. An energy statement has been submitted with the application along with a BRUKL output document showing compliance with England Building Regulations Part L 2021, and these confirms that the proposal would meet the 40% carbon reduction target by 48%. This is to be achieved through the use of PV panels on the roof of the building, and confirmation was received as amended that exhaust air heat pumps are to be located internally.

10.122. No confirmation has been provided as to whether the higher water efficiency standards within the 2013 Building Regulations Part G2 water consumption target of 110 litres per person per day, would actually be met by the proposal, however had the overriding reasons for refusal not applied, a condition could have been implemented requiring this.

10.123. Subject to conditions ensuring compliance with the energy statement submitted as well as the water consumption target, the proposal would have been considered to accord with Policy RE1 of the Oxford Local Plan 2036.

#### **I. Land contamination**

10.124. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which:

a) details the investigations that have been carried out to assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and

b) sets out detailed mitigation measures to allow the development to go ahead safely and without adverse effect, including, as appropriate:

- i. removing the contamination;
- ii. treating the contamination;
- iii. protecting and/or separating the development from the effects of the contamination;
- iv. validation of mitigation measures

10.125. It also notes where mitigation measures are needed, these will be required as a condition of any planning permission.

10.126. The Council's internal land quality officer was consulted on the application who noted that the former and current use of the ground floor of the site is commercial so there is the potential for ground contamination to be present at the site as a result of this previous use. In addition, there is some evidence that there were artificial deposits placed to level the site prior to the original build which could give rise to potential contamination risks.

10.127. Due to the proposal to re-develop the site to a sensitive residential end-use with amenity areas, it is therefore recommended that a limited intrusive investigation is completed to assess the potential contamination risks at the site to ensure that any potentially significant risks to future occupiers and the surrounding environment are mitigated appropriately. As such the officer recommended two planning conditions to be added to any approval for site re-development associated with a phased risk assessment, remedial works and validation report.

10.128. Had the overriding reasons for refusal not applied, subject to the recommended conditions the proposal would have been considered to comply with Policy RE9 of the Oxford Local Plan 2036.

### **m. Community Infrastructure Levy**

10.129. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development.

10.130. Had the overriding reasons for refusal not applied, the proposal would have been subject to a charge of £85,106.32, and an informative would have been placed on the decision reminding the applicant of this.

## **11. CONCLUSION**

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

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

11.3. The application seeks planning permission for the demolition of the existing semi-detached building and outbuildings and the erection of a part three, part

four-storey apartment block with basement to create 6 x 4 bed, 2 x 3 bed and 1 x 2 bed HMO flats (Use Class C4). It also seeks permission for the provision of private amenity space, 1no. short-stay car parking bay, bin and cycle stores and associated landscaping. Whilst the loss of the existing buildings and their use on site would be acceptable and the proposed use as a HMO would be acceptable too, the proposal is unacceptable in terms of its design, and the contribution of 9 HMO flats is considered not to outweigh this harm. As such the proposal is contrary to Policies DH1 and RE2 Oxford Local Plan, Policies CIP1, CIP3 and GSP4 of the Headington Neighbourhood Plan, and the NPPF.

11.4. It is recommended that the Committee resolve to refuse planning permission for the reason given in paragraph 1.1.2 of this report with delegated authority being given to the Head of Planning Services to finalise the wording of this reason.

## **12. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – Appeal decision at 152 London Road

## **13. HUMAN RIGHTS ACT 1998**

13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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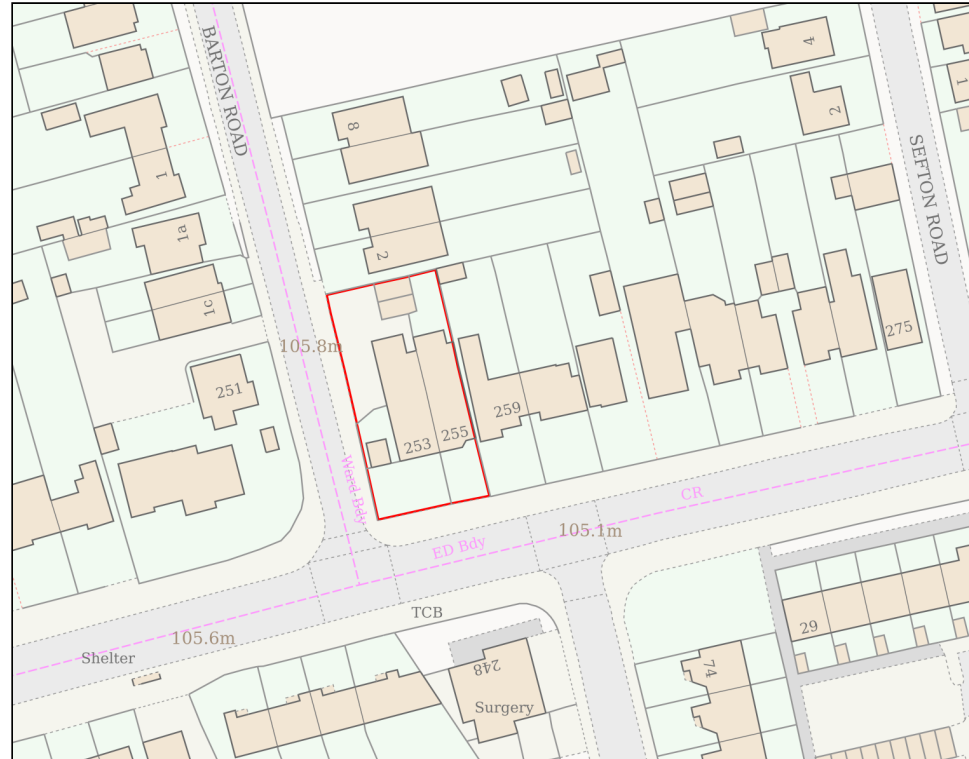
# Location Plan

Site Address: Easting: 455134 Northing: 207372

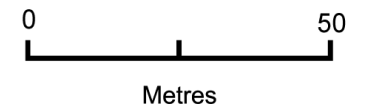
Date Produced: 12-Sep-2024

Scale: 1:1250 @A4

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Planning Portal Reference: PP-13291747v1



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# Appeal Decision

Site visit made on 24 January 2024

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 January 2024**

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**Appeal Ref: APP/G3110/W/23/3322566**

**152 London Road, Headington, Oxford, OX3 9ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Cantay Estates Ltd against Oxford City Council.
- The application Ref 23/00272/FUL, is dated 7 February 2023.
- The development proposed is the demolition of the existing retail store (Use Class E) and the erection of a new building at 1 to 4 storeys containing a retail store (Use Class E) and hotel (Use Class C1), service area, landscaping, cycle parking, and drop off bays on Stile Road.

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## Decision

1. The appeal is dismissed and planning permission is refused.

## Main Issues

2. The main issues in this case are, firstly, the effect of the proposed development on the street scene; secondly, the impact on the setting of St Andrews CE Primary School, which is a non-designated heritage asset; and thirdly, the effect on parking, congestion and highway safety in the area.

## Reasons

The effect of the proposed development on the street scene

3. The site is on the corner of London Road and Stile Road, and is occupied by a Co-op supermarket. The proposed building would consist of a 92 room hotel with reception area and smaller retail store than at present. The site lies within the Headington District Centre Area of Change and within Headington's primary shopping frontage as defined by the Oxford Local Plan. The centre is characterised by 2 to 3 storey buildings with ground floor shop frontages, interspersed with a few larger commercial buildings.
4. The Local Plan states that within the Area of Change there may be an opportunity to redevelop some sites in a more intensive way which would still be in keeping with the character and the function of the centre. Policy AOC6 thus allows for development within the district centre where it would (among other things) make more efficient use of land through infill and taller development. The Co-op store is mostly single storey but with a small two storey element, and is set back behind a parking area; the scheme would make more intensive use of the site.
5. However, the appeal site lies towards the eastern edge of the District Centre Area of Change and any redevelopment scheme must have due regard to its

immediate surroundings. Stile Road marks an important break in the character of London Road. The more intensively built up commercial part of London Road lies to the west of Stile Road and includes a few buildings that rise above the prevailing height such as Holyoake Hall and John Leon House. But to the east of the Stile Road junction, which includes the appeal site, London Road has a more relaxed, domestic, lower scale character. The building line also changes at Stile Road, so that the school and the interwar semi-detached houses beyond it are set further back than the shops and commercial buildings to the west of the junction. This change of character is reinforced by the trees and low wall of Bury Knowle Park on the other side of London Road. The appeal site, despite its commercial nature, belongs in location, scale and character to the area to the east of Stile Road.

6. On the corner of London Road and Stile Road, the proposed hotel building would step up to a full 4 storeys on the frontage of both roads, and it would be sited in such a way that its front building line would advance to line up with the building line of the shops beyond Stile Road. This would give the building a prominent and bulky appearance when seen from both east and west along London Road, and from the opposite side of the road adjacent to Bury Knowle Park. It would have a blocky appearance in the street scene would contrast awkwardly with the modest scale and prevailing pitched roofs and gables of its surroundings. Even away from the corner of Stile Road, where the 4 storey elements would be stepped back, the development would present prominent areas of largely blank high level brickwork when seen from Stile Road and from London Road to the west of the junction. The building would also appear excessively bulky in views along Stile Road towards the park, and would be out of scale with the domestic scale of the street.
7. The development would unacceptably disrupt the transition to the lower scale at the edge of the shopping centre and would be an unattractive and out of scale feature in the street scene. In addition, the three storey and four storey elements would be overly dominant in relation to the adjacent school, and this is dealt with in more detail below.
8. The use of obscure glazing for some of the hotel rooms to avoid the overlooking of the school and neighbouring residential property is symptomatic of the excessive bulk and inappropriate siting and design of the development.
9. The other redevelopment schemes referred to by the appellant are noted, but the site circumstances of each case are different. Whilst Oxford Local Plan Policy AOC6 recognises the potential for change in Areas of Change, and Policy V5 supports hotels in District Centres, it does not follow that a scheme of this nature is acceptable in this location. The scheme would conflict with Oxford Local Plan Policy DH1 and Headington Neighbourhood Plan Policies GSP4, CIP1 and CIP3 which seek high quality design that enhances local distinctiveness and responds appropriately to its setting.

The effect on the setting of St Andrews CE Primary School

10. Immediately to the east of the site is St Andrews CE Primary School, a non-designated heritage asset, which is of a simple red brick single storey design with pitched roofs. Part of the proposed building would present a bulky three storey elevation towards the school and, behind a set back, the building would rise to four floors. This scale and design, combined with the slight forward step in its building line adjacent to the school, would give the building an

overbearing presence next to the school when seen from both east and west along London Road and would erode its setting. Further into the site the upper floors would be set back a little more, but even this part of the development would appear too dominant in scale in relation to the school. The scheme would harm the setting of the non-designated heritage asset and would conflict with Policies DH5 of the Oxford Local Plan and CIP4 of the Neighbourhood Plan which requires development to have regard to the impact of the scheme on the significance and setting of a non-designated heritage asset.

The effect on parking, congestion and highway safety in the area

11. London Road Headington benefits from good public transport accessibility. Local Plan Policy M3 states that in the case of the redevelopment of an existing site, the Council will seek a reduction in parking where there is good accessibility to a range of facilities. This would be the case in the appeal scheme, which would be car free save for two drop off spaces and a servicing area. It is possible that some hotel guests would use local car parks, but the demand placed by hotel accommodation on car parking tends to be early and late in the day and is unlikely to coincide with peak shopping demand for parking. Moreover, traffic generation associated with the proposed use has the potential to be lower than the multiple trips associated with the existing shopping use.
12. There is therefore no evidence that the scheme would create problems in respect of car parking, congestion or highway safety and it would accord with Local Plan Policy M3. It would also accord with Policy M1 of the Local Plan, which seeks to prioritise the use of sustainable transport; the appellant has submitted an agreement with the County Council under s106 to provide for a contribution towards 4 real time passenger information displays at nearby bus stops, together with a travel plan monitoring contribution. However, none of these considerations outweigh the objections discussed above.

### **Conclusion**

13. The building's height, bulk, design and siting would be inappropriate in this location and would harm the street scene and the setting of the adjacent school which is a non-designated heritage asset. Whilst the scheme would make more intensive use of the site, and would encourage the use of sustainable means of transport, these benefits do not outweigh the harm that the proposed building would cause.
14. I have considered all the other matters raised. The Council's concerns about BREEAM standards, drainage, trees and ecology would in my view all be capable of resolution, but neither these nor any other matters raised alter the balance of my conclusions. For the reasons given above I dismiss the appeal.

*Jonathan Bore*

INSPECTOR

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## Minutes of a meeting of the Planning - Oxford City Planning Committee on Tuesday 21 January 2025



### Committee members present:

Councillor Clarkson (Chair)	Councillor Fouweather (Vice-Chair)
Councillor Altaf-Khan	Councillor Coyne
Councillor Henwood	Councillor Hunt
Councillor Rawle	Councillor Regisford
Councillor Ottino (for Councillor Chapman)	Councillor Diggins (for Councillor Hollingsworth)
Councillor Waite (for Councillor Upton)	

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

Andrew Murdoch, Development Management Service Manager  
Hayley Jeffery, Development Management Team Leader (East)  
Ross Chambers, Planning Lawyer  
Uswah Khan, Committee and Member Services Officer  
Tom Bridgman, Executive Director (Development)  
Jane Winfield, Head of Corporate Property

### Apologies:

Councillor(s) Chapman, Hollingsworth and Upton sent apologies.  
Substitutes are shown above.

### 55. Apologies for absence and substitutions

Councillor Upton, Councillor Hollingsworth and Councillor Chapman sent apologies.  
Substitutions are shown above.

### 56. Declarations of interest

#### General

In relation to 22/02954/OUT and 22/02955/FUL Councillor Fouweather declared that one of the speakers representing the applicant lived on the same road as him but that he had not discussed the application with him before this meeting and comes to the meeting with an open mind.

## 57. 22/02954/OUT Land at Oxpens Road

The Committee considered an outline application (22/02954/OUT) (with all matters reserved except for access) for a mixed-use scheme comprising residential and student accommodation (Class C2, Class C3 and Sui Generis), commercial, business and service (Class E), and Hotel (Class C1) uses, with public realm, landscaping, associated infrastructure and works, including pedestrian and cycle routes.

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans.

- The Planning Officer provided a verbal update regarding a letter received from the Environmental Agency (EA). Their updated comment maintained their objection to the development, citing concerns that it would lead to increased wastewater loads to the Oxford Sewage Treatment Works and risk further deterioration of water quality in Northfield Brook. However, they also recommended that, should the local authority approve the application, condition 17 outlined in section 11 should be included. The officer also provided an update that para 6.2 of the report should make reference to the 2017 EIA regulations; para 9.197 the FRA was dated June 2024; and that para.10.7 should read that proposals that accord with the development plan should be approved without delay.
- The application sought outline planning permission for a mixed-use development on the current redundant and underused land. The purpose of the application was to regenerate the area by creating a new innovation quarter, which would feature commercial spaces, including laboratory space, a hotel and community facilities. In addition, the development would include 234 new city-centre dwellings, with 50% designated as affordable housing, as well as 258 student accommodation units. A new public open space, incorporating a riverside area, was also proposed.
- Although there was a high level of less than substantial harm to the setting and significance of the Central Conservation Area and Oxford skyline, it was determined that the public benefits that would derive from the proposed development would outweigh the harm.
- The recommendation is for Planning Committee to grant planning permission for the proposed development, subject to the conditions set out in the report and the completion of the legal agreement on the terms set out in the report.

Councillor Muddiman spoke against the application.

Kevin Minns (Applicant) spoke in favour of the application.

**Councillor Regisford** did not vote during this item as she arrived late to the presentation.

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

- Concerns were raised regarding the proportion of affordable housing and why residential units were not prioritised. The Planning Officer clarified that the adopted policies outline the required level of affordable housing, which is set at 50%. The current proposal meets this requirement, with an 80-20 split between



social rented and shared ownership dwellings. Additionally, the scheme was providing a higher proportion of social rent than originally anticipated when the application first came forward.

- Questions were raised concerning parking provision and emergency vehicle access on the site. The Planning Officer explained that, as this is an outline planning application, the layout would be determined at a later stage. The applicant added that extensive tracking had been conducted across the site to ensure emergency vehicle access. He expressed confidence that the layout would be feasible, subject to approval of the reserved matters at a future stage.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer's recommendation to approve the application for the reasons listed on the report, and subject to the conditions set out in the report and the completion of a legal agreement.

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

## **58. 22/02955/FUL Land at Oxpens Road**

The Committee considered an application (22/02955/FUL) for the implementation of flood mitigation scheme and the reinstatement of the Oxpens Meadow, demolition and installation of interim boundary

treatments including fencing, alongside ground works and installation of sheet piling to regrade areas of public realm, including works to the existing towpath to allow for outfall pipes (additional information and amended plans).

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans.

- The application sought planning permission for the implementation of a flood mitigating scheme, along with the reinstatement of Oxpens Meadow. The proposal included the demolition of several buildings on the site, the provision of boundary treatments and the installation of sheet piling to regrade areas of the public realm. Additionally, works were planned for the path to accommodate pipes as part of the drainage strategy. The environmental statement submitted with the outline application addressed these works as part of the broader mitigation measures for the effects of the wider development.
- The first part of the application involved the demolition of the Formula One Autocentre and the former night club, now used as council offices. The principal aspect of the proposal focused on the provision of a flood compensation scheme, which included cutting and filling, along with some reprofiling of Oxpens Meadow and the rear of the Ice Rink, to create additional flood storage capacity during times of flooding. This flood compensation was designed to be integrated within the Meadow itself.
- The recommendation is for Planning Committee to grant planning permission for the development, subject to the conditions set out in the report. Additionally, the Planning Officer noted that part of the biodiversity net gain, particularly regarding river credits, would need to be secured through the completion of a legal agreement.

Kevin Minns (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's discussions included, but were not limited to:

- Concerns about flood mitigation and reprofiling. The Planning Officer clarified that the aim was to create flood compensation by lowering the land levels, which would then be filled to facilitate the flood storage capacity.
- Concerns about the removal of trees, particularly mature trees. The Planning Officer clarified that the tree removal would be limited, with no high-quality trees being affected. Furthermore, a larger area of trees would be planted as part of the replanting efforts, providing a more sustainable, long-term tree canopy.

On being proposed, seconded, and put to the vote, the Committee

agreed with the officer's recommendation to approve the application for the reasons listed on 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 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 the report; and
  
2. **Agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary and issue the planning permission.
  
  - 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 Services considers reasonably necessary; and
  
  - Complete the section 106 legal agreement referred to above and issue the planning permission.

## **59. 24/01397/FUL The Bungalow**

The Committee considered an application (24/01397/FUL) for the demolition of existing bungalow and garage. Erection of three storey building to create 12 x 1 bed flats (Use Class C3). Formation of new vehicular access. Provision of 5no. car parking spaces, bin and cycle storage.

The Planning Officer gave a presentation outlining the details of the location and the proposal. This included site photos and existing and proposed elevations and plans.

- The application sought planning permission for the demolition of the existing Bungalow and the erection of 12 one-bedroom units, all intended as affordable housing for social rent.
- The proposed site plan included the provision of five car parking spaces, each equipped with electric vehicle chargers, alongside bicycle storage located at the rear of the building, accessible through the internal structure. Each flat was designed to feature either a small terrace or a balcony on the upper floors, with all residents having access to a shared amenity space.
- The recommendation is for Planning Committee to grant planning permission for the development proposed, subject to conditions set out in the report and the completion of the legal agreement on the terms set out in the report.

The Committee asked questions about the details of the application which were responded to by the officer.

On being proposed, seconded, and put to the vote, the Committee agreed with the officer's recommendation to approve the application for the reasons listed on 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 and informatives 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 the report;
- 2. Agree to delegate authority** to the Head of Planning Services to:
  - finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
  - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
  - complete the section 106 legal agreement referred to above and issue the planning permission.

## **60. Minutes**

The Committee resolved to approve the minutes of the meeting held on 10 December 2024 as a true and accurate record.

## **61. Forthcoming applications**

The Committee noted the list of forthcoming applications.

## **62. Dates of future meetings**

The Committee noted the dates of future meetings.

**The meeting started at 6:00pm and ended at 8:10pm.**

**Chair .....**

**Date: Tuesday 25 February 2025**

*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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