

West Area Planning Committee

12th April 2016

Application Number: 15/01747/FUL

Decision Due by: 23rd September 2015

Proposal: Erection of 4 buildings on one, three and four levels to provide 286 student study rooms together with ancillary facilities including dining room, reception, lounge areas, car and cycle parking, bin storage and landscaped gardens. (Amended Application).

Site Address: Land South Of Manor Place, **Appendix 1.**

Ward: Holywell Ward

Agent: JPCC

Applicant: McLaren (Manor Place) Ltd
And The Warden And
Scholars

Recommendation: Committee is recommended to refuse planning permission.

Reasons for Refusal.

1. The evolution of the design has resulted in a development proposal whose buildings (their size, height, massing, footprints, architecture and siting) and landscape would fail to respond appropriately to the particular character, constraints and opportunities of the site. The proposal is an unacceptable and inappropriate form of development that would result in the overdevelopment of the site and would not make a place of sufficiently high quality. The proposal would therefore be contrary to Policy CS18 of the Council's Core Strategy, Local Plan Policies CP6, CP9 and CP11 and would fail to meet many of the objectives and policies set out in the Government's National Planning Policy Framework in particular the core planning principles set out in paragraph 17 and policies set out in sections 7 and 12 of the document.
2. The proposed design by virtue of the architecture, size, height, massing, footprint and siting of the buildings and the landscape proposal would result in an unacceptable development, out of place with the character and appearance of its surroundings, neither preserving nor enhancing the special character or appearance of the Central (University and City) Conservation Area. Approval of the proposal would contravene the duty set out in section 72(2) of the Planning (Listed Buildings and Conservation Areas Act 1990). The proposed development would fail to comply with the policies set out in of the Government's National Planning Policy Framework including those set out

in paragraphs 9 and 17 and sections 7 and 12 of the document. The development proposal, by virtue of the reasons set out above would be contrary to Policy CS18 of the Oxford City Council's Core Strategy, Policies CP.8, HE.3 and HE.7 of the LPA's adopted Oxford Local Plan and Policy SP27 of the OCC Sites and Housing Plan.

3. The proposal is unacceptable by virtue of the siting, height and massing of Building A which would relate poorly to and have an overbearing impact on the garden of No.13 Manor Place and consequently would be detrimental to the amenities of the occupiers. The proposal would therefore be contrary to Policy HP14 of the Sites and Housing Plan.

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP19 - Nuisance
CP20 - Lighting
CP21 - Noise
TR1 - Transport Assessment
TR2 - Travel Plans
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR5 - Pedestrian & Cycle Routes
NE6 - Oxford's Watercourses
NE12 - Groundwater Flow
NE13 - Water Quality
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
NE21 - Species Protection
NE22 - Independent Assessment
NE23 - Habitat Creation in New Developments
HE2 - Archaeology
HE3 - Listed Buildings and Their Setting
HE7 - Conservation Areas
HE8 - Important Parks & Gardens
HE9 - High Building Areas
HE10 - View Cones of Oxford

Core Strategy

CS1 - Hierarchy of centres
CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS25 - Student accommodation

Sites and Housing Plan

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking
SP27 - Land off Manor Place

Other Planning Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance.
- Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plan is SPD 2007
- Natural Resource Impact Assessment SPD
- Oxford Character Assessment Toolkit
- English Heritage: The Setting of Heritage Assets (October 2011)
- English Heritage: Good Practice Advice on Setting and Decision - Taking

Planning Obligations and Community Infrastructure Levy (CIL).

The development as proposed is eligible for a financial contribution of £1,130,920 plus £56,546 costs towards off - site affordable housing secured by S.106 legal agreement, and a CIL contribution of £858,691.

Pre Application Engagement.

Prior to the submission of the planning application the applicant undertook its own consultation procedures which were reported in the documentation received in the form of a Statement of Community Involvement (SCI). The applicants sought to engage with elected members, interested third parties, various University colleges, student groups, the press and University Estates Office. This was done by a series of briefings, a community newsletter to properties within 0.5 miles of the site, a website and preview events before submission. Some 56 people attended events on 23rd and 25th January 2015 with 16 feedback forms received. Whilst there were few direct comments on the proposals, a number of queries were raised, in particular relating to the choice of the site for student accommodation, future management of the development, the potential for students to own cars, job creation, disturbance during

construction and flooding issues. The SCI can be viewed in full on the Council's website.

Public Consultation

Statutory Bodies.

- County Council: Strategic Comments: No Comments.
- County Council: Highways: No objection to final amendments and details; visibility at Manor Road / Manor Place junction achievable; cycle parking in accordance with Sites and Housing Plan; suggest conditions relating to visibility splays, cycle parking details, Travel Plan, construction travel plan, student management plan and sustainable drainage.
- County Council: Ecology: Advice to be taken from internal advisors.
- Environment Agency Thames Region: No strong objections to the development.
- Natural England: Raise no objection; would not damage the nearby SSSI at Magdalen Grove or new Marston Meadows.
- Historic England: Objections to the original proposals on heritage grounds, particularly the impact on St Catherine's College, Magdalen deer park, views into and out of Holywell Cemetery, and the Oxford Central Conservation Area generally; objection no longer sustained on amended proposals but recommends Council determines the application making a balanced assessment in line with the requirements of paragraph 134 of the NPPF and the development plan.
- Environmental Development: Recommends conditions in respect of working hours and noise in the construction stage, and standards for noise for air conditioning and other plant and the student rooms.

Third Parties.

- Oxford Design Review Panel (ODRP): ODRP originally raised a number of concerns including the need to take a more holistic approach, to change aspects of building and landscape design as necessary to deliver a scheme that is sensitive to its setting. Following amendments support amended application in principle; siting of buildings improved, now with successful relationship to cemetery wall but aspects of the detailed building design would benefit from further resolution; landscaping now successful, responding well to character of area but suggest enhancing biodiversity with more diverse species and consider in more detail the placement of proposed trees in proximity to the site boundary; height and massing of blocks B and C sound and does not impact negatively on views; elevations well composed. *(NB: Copies of ODRP letters of comment of 8th October 2015 and 7th January 2016 attached as **Appendices 2 and 3.**)*
- Campaign to Protect Rural England (CPRE): Object to the scale, size, massing and bland design of the proposed development; alternative sites for student accommodation in less sensitive locations should be developed first.
- Oxford Civic Society: Object on grounds of non-compliance with the development plan, particularly Policy CS25, overdevelopment of the site, inadequacy of the facilities for students leading to noise disturbance and public nuisance, inadequate student management, transport and highway implications, and the impact of the proposals on the Holywell Cemetery.
- Oxford Preservation Trust: Object on grounds of design and impact on heritage

assets; amendments have not addressed concerns relating to proximity to listed buildings at St. Catherine's college, Law Library, Magdalen Deer Park and Holywell Cemetery; recommend refusal of application.

- St Catherine's College: Objection to the original proposals and revised scheme on basis of impact on the setting of St Catherine's College and its grounds; concerns also on affordable housing, the architectural design of the development, the quality of the student accommodation proposed, the private nature of the development and traffic related matters.
- Magdalen College: Accepts the principle of developing the site for student accommodation but objects on grounds of the scale, bulk and mass of the development on heritage assets, and on grounds of inadequate consultation, flood risk, and ecology.
- Brasenose College: Accepts the principle of student accommodation site, but has concerns about the scale of development on the site.
- All Soul's College: Object on grounds of the impact on heritage assets, noise disturbance, and flood risk.
- Queens College: No objection in principle, but present proposal too visually intrusive.
- St Edmund Hall: No objection in principle, but standard of accommodation and facilities poor; security potentially unsatisfactory; development will create excessive congestion on Manor Place;
- The Victorian Group of the Oxford Architectural and Historic Society: Object on grounds of scale and adverse impact on Magdalen Deer Park, St Catherine's College, Holywell Cemetery and the Conservation Area generally; poor standard of design, loss of trees, and poor standard of accommodation.
- The Twentieth Century Society: Object on the grounds of adverse impact on heritage assets, particularly St Catherine's College, and on the character of the Conservation Area.
- Friends Of Holywell Cemetery: Object on the grounds of the standard of accommodation; potential noise and disturbance from residents; impact on wildlife, flood risk and tranquillity of the cemetery.
- Oxfordshire Gardens Trust: Object on grounds of scale, design and disposition of proposed buildings, impact on heritage assets and, Holywell Cemetery in particular.

Individual Responses.

Approximately 70 comments were received from individuals in response to the original application. Objections were raised on the following grounds:

- Scale of development; over development of the site
- Adverse effect on the character of the Central Conservation Area
- Poor design of buildings
- Adverse impact on Magdalen Deer Park and Holywell Cemetery
- Destruction of Civil War defences
- Adverse effect on the tranquillity of the area
- Increase in light pollution
- Adverse effect on tourism
- Traffic and highways impacts
- Road safety, especially for cyclists
- Amenity of neighbouring occupiers

- Destruction of mature trees
- Adverse effects on ecology and biodiversity
- Erosion of wildlife corridors
- Increase in degree of risk from flooding
- Noise and disturbance for nearby occupiers
- Standard of accommodation, particularly size of study bedrooms, lack of communal facilities, inadequate kitchens and cycle storage
- Lack of supervision and safety for residents

In processing the planning application, various rounds of public consultation were undertaken. In undertaking re-consultation on the amendments in December 2015, January and February 2016 some 28 comments/objections were received from individuals. No additional issues were raised.

Officers Assessment:

Background to Proposals.

1. The planning application relates to a site on the eastern side of the city centre allocated for development in the Sites and Housing Plan. It was submitted in May 2015 following lengthy pre application negotiations and was accompanied by an Environmental Assessment (ES) under the provisions of the Environmental Impact Assessment Regulations 2011. This followed a formal "Screening Opinion" made by the Planning Authority that an ES was required to accompany the planning application.
2. As submitted the planning application gave rise to a number of objections and, following ODRP review, amended proposals were submitted, reducing the size of the development and the number of student rooms from 349 to 286. The amendments also resulted in small changes to the disposition of buildings and their design, including moving the main structures away from the cemetery wall and a reduction in height of the southern wings of Buildings B and C located closest to Magdalen College and the deer park.

The Site and Surroundings.

3. The site, an irregular shaped parcel of land of 1.19 hectares (2.9 acres) lying historically on the eastern edge of the town (the Magdalen wall forms part of the historic town wall), has evolved to become the apparently abandoned, overgrown area of land that can be seen today. The site has been vacant and unused for many years, its last known use still being evident in the remnants of hard tennis courts that survive amongst the numerous mature and semi - mature trees. Archaeologically the site is important in that it has released evidence of Civil War defences. In its current guise it provides a space in the heart of the city which is verdant and tranquil, contributing positively to settings of a number of highly significant and important heritage assets as well as providing a valuable green space within the Central (University and City) Conservation Area. The land is currently owned by Merton College. However the current proposals are of a

commercial nature in terms of the end user and not for the college's particular use.

4. The site as well as lying within the Central (University and City) Conservation Area, also falls within the City Centre Archaeological Area, and the Transport Central Area, and within 1,200 metres of Carfax, i.e. the area within which the height of buildings is restricted.
5. Clockwise from the north the surroundings to the site consist of Edwardian housing on the west side of Manor Place with a two storey terrace of 5 dwellings and two no. two storey detached houses. On the east side there are two terraces of five dwellings each plus a detached house. In the main these are substantial dwellings in red brick with steeply pitched, tiled roofs. Adjacent to number 10, Manor Road crosses Holywell Mill Stream into the grounds of the Grade 1 listed St Catherine's College, designed by Arne Jacobsen and opened in 1965. The College's surroundings are a Grade II Registered Park and Garden.
6. To the south of St Catherine's College lies Holywell Ford, comprising a collection of buildings located just to the east of the River Cherwell. Some structures are located over the sluice gates themselves. The original house dates from the late C19 and is designed, typically of this period, in a vernacular style, in this case in the manner of a C17 farmhouse built in coursed stone rubble with distinctive, steep roofs and prominent chimney stacks. The building is Grade II listed and together with a modern 1990s development is used as accommodation for postgraduate students at Magdalen College. Adjacent to the C19 building group is a further 1990s building housing squash courts, also for Magdalen College. Holywell Mill Lane is owned by Magdalen College rather than Merton and forms the southern boundary of the site for about 110 metres. On the south side of the Lane, the northern boundary of Magdalen Grove (the deer park) consists of a Grade II* listed, castellated stone wall dating from the 15th century about 3.7metres (12') in height.
7. The deer park itself is a Grade 1 Registered Park and Garden and is a Site of Special Scientific Interest (SSSI). It consists of grassland with a large number of mature trees, despite losses to Dutch Elm disease in the 1970s. To the south lie the buildings of Magdalen College itself, the nearest at a distance of about 200 metres from Holywell Mill Lane. To the west is located student accommodation also dating from the 1990s and occupied by St. Cross and Brasenose Colleges.
8. Holywell Cemetery was established in 1847 and contains memorials to a number of notable people. It is identified in policy CS12 of the Core Strategy as enjoying biodiversity interest. The wall which forms its southern and eastern boundaries adjoining the site of the proposed development marks a difference in ground levels. The wall is a significant feature but is not listed. At the north - western edge of the cemetery lies St Cross Church a Grade 1 listed building of early medieval origin, which was extensively rebuilt in the

nineteenth century. It closed in 2008 and is now used by Balliol College as a historic collections centre. The wall around the churchyard is Grade II listed. The site of the original Holywell Manor occupies a roughly triangular site facing onto Manor Road. The oldest part of the site consists of a 16th century farmhouse. Extensive later additions by George Kennedy include the road façade, and two wings in a Queen Anne style. More recent additions include the James Fairfax Yard block (1993). Holywell Manor is occupied by graduate students of Balliol College.

9. On the north side of Manor Road lie a number of University buildings including Sir Leslie Martin's St Cross Building housing English and Law libraries, Sir Norman Foster's Manor Road Building and recent extensions at the entrance to St. Catherine's College by Stephen Hodder.

The Proposals

10. The proposed development as amended consists of the erection of four buildings on primarily four as well as three and one levels, to provide 286 student study rooms, together with ancillary facilities, including dining room, reception, lounge areas, disabled car and cycle parking, bin storage and landscaped gardens. Access is proposed from Manor Place for pedestrians, cyclists and motor vehicles. **Appendix 1** refers. There is no access from Holywell Mill Lane. The general disposition of the buildings of the site is as indicated in **Appendices 4** and **5** and is as follows. Building A is rectangular with a broadly east - west axis. It is located in the northern part of the site, with its western gable end facing the cemetery and its northern elevation nearly perpendicular to Manor Place. Buildings B and C occupy the wider southern section of the site. They each have an 'L' shaped footprint sitting back to back in a symmetrical form; the east - west oriented elements being parallel to Building A and the north - south elements perpendicular. The fourth building is located between Buildings A and B. The three principal buildings consist of three and four floors, with the uppermost floor set into the roof space. The main buildings would have an approximate height of 12.0m. to ridge and 9.0m. to eaves with split gables. The three principal buildings provide the following accommodation;
11. Building A: This building consists of four floors. The ground floor consisting of reception/office, laundry, plant, cycle storage, with upper floors accommodating clustered study bedrooms and kitchen/lounge areas. The third floor rooms are within the pitched roof.
12. Building B: This L shaped building consists of four floors in its east - west oriented sections and three floors in its north south oriented sections. Student study bedrooms and kitchen / lounge areas are provided on the ground, first, second and third floors with the top floor rooms again within the pitched roof.
13. Building C: Building C is a mirror image of Building B, its north - south section parallel to that of Building B and separated by a gap of about 20 metres. It provides identical accommodation to Building B.

14. A fourth building consists of a single storey pavilion set between and linking Buildings A and B. This houses the main kitchen and refectory. The single storey refectory building has been designed to have a sedum roof as has the adjacent cycle store. The east elevation of the refectory is glazed with bifolding screens opening out onto a courtyard and leading to a wide terrace with steps and informal seating. The dining room is set below the ground level of Holywell Cemetery to the west to allow views over it.
15. The external materials are envisaged to be facing brickwork with soldier courses and stone detailing to cills etc with aluminium framed doubled glazed windows. To gable ends composite timber veneer panels are introduced whilst the roofs to the main residential blocks would be of natural slate and green sedum to the single storey buildings. The single storey structures consist of dry stone walling where they face the cemetery wall, with composite timber veneer panels and glazing to other elevations, all under a green sedum roof.
16. Internally the non-self-contained student study rooms are each fitted with a shower room and other facilities within a floor area varying from 16 to 20 sq m per room. This is fairly typical of developments of student accommodation permitted elsewhere in recent times. Students would have the choice of preparing their own meals in the shared kitchens or using the refectory.
17. Externally pedestrian, cycle and vehicular access is taken from Manor Place. The area between the site entrance and the north facing facade of Building A would accommodate 2 disabled car parking spaces, together with a turning area for service, emergency and refuse collection vehicles. The proposed development would be essentially “car-free” and would not therefore include car parking for students, with the exception of the parking spaces for the disabled. The vehicle movements associated with students moving in and out at the start and end of term are intended to be covered by a management plan, although non - car modes of transport would be encouraged via a travel plan in any event. Informal footpaths would link the buildings and the site with Manor Place to the north and the river to the east. There would be provision for parking and storing up to 176 bicycles with secure access arrangements and CCTV coverage.
18. In respect of landscape design the scheme proposes approximately 0.9 hectare of open space, consisting of the following features:
- semi-enclosed garden areas near the accommodation blocks;
 - areas of existing trees and vegetation and enhancement of existing boundary planting particularly along the Holywell Mill Stream;
 - a green buffer area in the north eastern sector of the site between the site and Manor Place;
 - areas of tree planting in the south of the site, to reinforce established vegetation between the proposed development and the Magdalen College Deer Park; and
 - pathways connecting buildings and around the site perimeter.
19. The landscape strategy has taken into account the need to maintain the view from Holywell Cemetery across the site by ensuring that the linking building

between the accommodation blocks is at a height below the top of the cemetery wall. Where practicable, existing trees have been retained. However, a number of existing trees would need to be removed in order to accommodate the new buildings. These are referred to later in this report.

20. Generally the proposed landscape and planting scheme seeks to reinforce the existing vegetation that is to be retained. It is also intended to pollard the willows along the proposed ditch features. There would be areas of lawn laid out near the accommodation blocks as well as a sunken garden in the centre of the site. Native wildflower grassland would be seeded around the edges of the site and amongst areas of new tree planting.

21. Overall Officers consider the principal determining issues in this case to be:

- planning policy;
- site layout, built forms and heritage assets;
- archaeology;
- trees and planting;
- impacts on adjacent properties;
- affordable housing;
- highways, access and parking;
- flood risk and drainage;
- biodiversity;
- sustainability;
- public benefits of the development; and
- Environmental Assessment.

22. The detailed report which follows is arranged under these headings.

Planning Policy

23. At the national level, the NPPF encourages the effective use of land by reusing land which has been previously developed to secure good standards of design and amenity, and to focus significant development in locations which are sustainable and where the fullest possible use of transport by sustainable means can be made.

24. Locally the Core Strategy at policy CS1 is relevant to the proposed development to the extent that it states that planning permission will be granted for higher density development in the city centre and its immediate surroundings *“subject to the need to protect and enhance the character and setting of Oxford’s historic core, and to deliver a high-quality public realm”*. Similarly policy CS2 states that development will be focused on previously developed land. The application site constitutes previously developed land as defined by the glossary to the NPPF, so the proposed development is consistent with this policy. Moreover the proposed development, providing 286 units of student accommodation on a site of about 1.2 hectares, can reasonably be described as higher density development in its context.

25. The strategic context for the provision of student accommodation is provided

by Core Strategy policy CS25 which seeks to ensure that the number of students at both universities living outside accommodation provided by either institution does not exceed 3,000, and that the provision of new student accommodation keeps pace with any expansion of the universities. Thus the need for additional student accommodation is established, though under the requirements of policy CS25, in the event of planning permission being granted, occupation would not be limited to students of the 2 universities but to *“students in full - time education on courses of an academic year or more”*.

26. As indicated at the head of this report a whole range of other adopted Core Strategy, Sites and Housing and Local Plan policies are relevant to the application and have been taken into account in coming to a recommendation. Some of these are sited in this section and elsewhere in the body of the report.
27. In terms of the Sites and Housing Plan, policy HP5 for example identifies locations where student accommodation may be appropriate, whilst site specific requirements on impact on residential amenity issues are expressed in policy HP 14.
28. Policy SP27 of the Sites and Housing Plan specifically allocates this site for student accommodation or car free residential development or a mix of both uses. The policy acknowledges however the sensitivity of and constraints on the site in terms of built environment, natural environment and flood risk and requires careful design vis-a-vis the conservation area and listed buildings.
29. Oxford Local Plan policies of significance are:
CP1 relating to development proposals and requires inter alia:- a) high standard of design; b) appropriate quality materials; e) appropriate landscape treatment; and g) preserve or enhance the character and setting of listed buildings and conservation areas;
CP6 relating to efficient use of land and in particular requires in d) that built form and site layout must suit the site’s capacity;
CP8 which seeks to ensure that design of development relates to its context;
CP9 on creating successful new places;
CP11 on landscape design;

Site Layout, Built Forms and Impact on Heritage Assets.

30. It is recognised that the site will be developed at some point and that its current character will be changed. However it is important to retain the sense of place that the site provides at present and to try to preserve some of this quality in the design of any new development, as advised by the NPPF at paragraphs 58, 126 and 131 and in Local Plan policies CS18 and HE.6. In addition the Sites and Housing Plan specifically identifies this site and sets out in the supporting text at paragraph B2.76:

“This site consists of a mix of disused hard and grass tennis courts, abandoned private allotments and an orchard. It is a sensitive site as it is close to a number of listed buildings, the Holywell Cemetery and within the Central Conservation Area with a number of large trees on site. Any

development would need to ensure that there was no adverse impact upon the setting of the listed buildings and the Central Conservation Area. There is high potential for archaeological interest on the site with Civil War defences having previously been excavated”

31. Officers considered that the originally submitted proposal for 349 rooms was an unacceptable over-development of the site and had an adverse impact on heritage assets and neighbouring properties. In discussion with the applicants, however officers agreed to have the proposals reviewed by the Oxford Design Review Panel to offer the opportunity of amendments that might overcome the concerns. The ODRP were unable to support the scheme at this stage and strongly urged the design team to step back and address the scheme in a more holistic way, changing aspects of the building and landscape design if needed. In response the applicants submitted the amended proposal reducing the study rooms from 349 to 286.
32. The submitted amendments retained the basic concept of the development unchanged from the planning application as originally submitted. As part of the amendments the northern residential block, Building A, is now relocated further to the east, away than previously to a distance of 5.7m from the Holywell Cemetery wall. Building A is shortened in length by 4.4m overall. The L shaped Building C is moved, by 3.8m, away from of the existing Brasenose buildings and 1.5m to the south away from the cemetery wall. Building B was aligned with Building C and the distance between them reduced by 2m. The north-south wings of both Buildings B and C were reduced by one floor.
33. The amendments are small in response to the ODRP suggestion that the design should have a *“stronger landscape narrative that better embraces the conservation area”*. The fundamental architectural proposition of the original design has not altered. The long, brick facades of the buildings are unrelenting in their unrelieved solidity. The vertical alignment of openings creates a strong rhythm but the simplicity of their treatment does little to provide visual interest or delight on what are quite massive facades. The treatment of the fenestration in the gable ends present a marked contrast with a complexity that emphasizes the prominence of these parts of the buildings particularly where they impose in important views into the site, for example from the calm tranquility of the cemetery. The tall eastern gable of Building A results in a rather dominating effect over the unbuilt part of the site in this direction.
34. Another significant feature carried over from the original proposals is the trademark split gable. The roofs are necessarily quite steeply pitched so that rooms can be accommodated in them but not as steep as those found in the traditional architectural forms that characterise the immediate surroundings of the site. The combination of this feature and the rather complex pattern of windows means that the gabled façades of the proposed buildings would impose themselves on their surroundings, emphasising the very different size of these buildings in comparison to the more traditional building sizes and forms that surround the site.

35. As indicated in the previous text, planning policy at both a national and local level requires that new development in the setting of, and within, heritage assets should respond positively to its surroundings. The applicant's early intention was to create *"buildings in a landscape in response to the character of the site and the important contribution that its tranquility gave to the surrounding environment"*. However the reality of the present design fails to meet this ideal and instead appears to offer designs which are functionally driven. An important consequence of this is that the buildings impose themselves on their surroundings rather than respecting the numerous heritage assets, some of considerable significance, whose settings, character and appearance they will impact upon.
36. The design of the proposal fails to preserve or enhance the character or appearance of the Central Conservation Area and would therefore fail to meet the duty of the authority as set out in section 72 (2) of Town & Country Planning (Listed Building and Conservation Areas) Act 1990. The design of the development fails to add to the overall quality of the area surrounding the site and furthermore fails to respond to the local and historic character, where it would appear visually intrusive. It would therefore fail to meet the requirements set out in paragraph 58 to 61 and paragraph 126 of the NPPF and policy CS18 of the Oxford CS, and importantly site specific policy SP 27 of the Sites and Housing Plan which instructs:
"Careful design must ensure that development proposals contribute towards the character of the conservation area and preserve and enhance nearby listed buildings and their setting".
37. Looking at the site's surroundings purely in terms of urban grain and pattern of development and comparing the footprint and disposition of built forms in the proposed design it is immediately apparent that the proposed buildings are considerably larger than the traditional residential forms found in Manor Road and Manor Place by which it is intended to approach the site. The proposed building footprints are also distinctly disparate in terms of size and pattern to those of the development which lies at the south - west corner of the site, a relatively recent development for Brasenose College from which the design of the new development appears to have taken some architectural reference and which might be considered to have reasonable comparison in terms of building type. Other buildings that immediately bound the site are the historic mill buildings that bridge the Cherwell to the south - east and the Holywell buildings that sit at the north - west corner of the site all of which have relatively modest, domestic scale footprints. By designing buildings with a significantly larger plan form (footprint) to the typical, the architect has already created a scale anomaly which converted into mass given substantive height and strong architectural elements further compounds the harm.
38. It might be, indeed is, argued that the footprint of the buildings of St Catharine's College and indeed those of the University buildings that lie on the northern side of Manor Road are considerably larger than those identified above. However these buildings are distinctly different. St Catherine's because it was purposefully designed by Jacobsen as a building group in open meadows on the eastern bank of the Cherwell, a place of fundamentally

different character to and physically set apart from the development site. The University buildings too are distinctively different, because they are departmental, teaching and library buildings not residential buildings and they sit at the southern edge of an area of similar, large University departmental buildings which is very different in character and appearance to the area immediately around the site. Whilst the design of any development on the site must consider the setting of St Catherine's College and indeed importantly the setting of the deer park at Magdalen, if it is to sit comfortably in the conservation area it must relate in terms of its scale to those buildings and spaces that make the greatest contribution to and inform the character and appearance of the place. In particular the design of the development would have a harmful impact on the setting of an important local designated heritage asset, Holywell Cemetery. In failing to make a more positive contribution to the character and appearance of the area the proposed development would not comply with the policy HE6 of the Local Plan.

39. The ODRP encouraged the applicants to adopt a more holistic view towards the development, in order to address the underlying concerns relating to context and the architectural design of the proposed buildings, which Planning Officers believed were not at an appropriate scale for their surroundings. It was felt that the façades of the proposed large scale accommodation blocks were bland, monotonous and unbroken when seen in important views from and through the surrounding heritage assets. Indeed by positioning Building A across the line of the approach from Manor Place the development fails to open up the site to views through it from the north towards the deer park, failing to take up the opportunity to introduce visual permeability into and through the site. Instead by siting Building A in this way the architect has introduced a private, impermeable feel to the development as it is approached from Manor Place. The massing, size and scale of Building A is in dramatic contrast to the domestic scale and design of the Edwardian houses along Manor Place and the distinctive mid - 20th century detached villas set on each side of the street's southern end.
40. The ODRP has given its support to the amended proposals, but still suggest that aspects of the detailed building design and the landscape would benefit from further resolution. Even though the development has been amended, officers still consider that the proposal by virtue of its design, architecture, size and massing would not preserve the special sense of place that exists currently, and that the quality of the place created would not be comparable to the delightful spaces and places in both immediate and wider surroundings. The long, unrelentingly hard ranges of buildings with their strident gables would present harsh visual intrusions into a place whose landscape qualities, all be they serendipitously evolved, are so fundamental a part of its character. To totally alter this character with the introduction of large, long building ranges that leave little space for substantial and appropriate landscape would be harmful both to the place (the site itself) and to the surrounding places whose settings rely on the presence of a distinctive landscape. Indeed policy CP11 of the Oxford Local Plan seeks to ensure that landscape design relates to function and character of the spaces and surrounding buildings.

41. Similarly, although Officers have been in dialogue with the applicant throughout the application process and have on a number of occasions expressed concerns over the scale of the proposed buildings, in particular their size and massing, their proximity to neighbouring heritage assets and their impact on the character of the conservation area, it is considered that the development as proposed still does not demonstrate a proper understanding and analysis of the character of the application site and its surroundings. The original stated intention, to create *“pavilions in a landscape”* has been forgotten it seems or subsumed by other design drivers and the earliest concerns of the local planning authority have not been addressed.
42. In summary the context of the application site is such that it forms part of the setting of the Grade I listed St Catherine’s College, the Grade I listed St Cross Church, the Grade I Registered Park and Garden of Magdalen College, Grade II* listed 15th century precinct wall of Magdalen College, the Grade II listed Holywell Ford, the Grade II listed churchyard wall of St Cross Church, and the Grade II Registered Park and Garden of St Catherine’s College. Saved Policy HE3 of the Local Plan covers listed buildings and their setting. Its last part in particular is relevant and states:
“Planning permission will only be granted for development which is appropriate in terms of its scale and location and which uses materials and colours that respect the character of the surroundings, and have due regard to the setting of any listed building”.
43. The site is located in the Central (University and City) Conservation Area, which means that saved Local Plan Policy HE7 is also relevant. This states in part that:
“planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas or their setting”.
44. Appendix 5 of the Local Plan also lists fifteen important parks and gardens in the City, of which Magdalen College is one, to which saved Local Plan Policy HE8 applies. This states that planning permission will not be granted for development which:
“will adversely affect the visual, historical or horticultural character of an historic park or garden or its setting”.
45. Overall it is concluded that the proposed development in its amended form would have negligible adverse effects on the setting of the Grade 1 listed St Catherine’s College which is largely hidden from sight from the application site, although views of Jacobsen’s campanile that are currently seen from the cemetery across the site would be lost. Despite the proposed reduction in height of the north - south wings of Buildings B and C which would provide some mitigation to the harm the proposed development would have on views out of and consequently the setting of the deer park, the mitigation that this amendment would offer is considered to be insufficient to warrant permitting the proposal even if the development were considered acceptable in all other respects.

46. The most serious adverse effects would however remain in respect of impacts on the Holywell Cemetery. Although the amended design moves Buildings A and B away from the edge of the cemetery wall, it does so by distances insufficient to mitigate those adverse effects to any discernible extent. The effects are made more severe by the fact that the perimeter path of the cemetery is along the boundary of the application site on its southern and eastern sides, and the fact that ground levels in the cemetery are significantly higher than on the application site by at least 2m and more than 3m in places which gives a prominence to the new buildings in views from the cemetery. Furthermore, the unforgiving architecture of the new buildings makes little concession to the context of their surroundings presenting strident elements such as the split gables to the deliberately tranquil, contemplative environment of the cemetery.

47. Whilst there is no issue of principle in terms of use of the land for student accommodation, in view of the above it is considered that:-

- i) the development would not create a place of sufficient high quality, failing to sit comfortably on the site, resulting in its overdevelopment. In this respect the development would be contrary to policy CS18 of the Council's Core Strategy, Local Plan Policies CP6, CP9 and CP11. It would also fail to meet many of the objectives and policies set out in the NPPF, in particular the core planning principles set out in paragraph 17 and policies set out in sections 7 and 12 of the document.
- ii) the development would result in an unacceptable development, out of place with the character and appearance of its surroundings, resulting in harm to the character of the conservation area. In this respect the development would be contrary to policy CS18 of the Oxford City Council's Core Strategy, Policies CP.8, HE.3 and HE.7 of the adopted Oxford Local Plan and Policy SP27 of the Sites and Housing Plan. It would also contravene objectives and policies of the NPPF, including those set out in paragraphs 9 and 17 and sections 7 and 12.

Archaeology

48. Saved Policy HE2 of the Local Plan deals with archaeology. It sets requirements for information to be submitted with planning applications, especially in the City Centre Archaeological Area in which the site is located. It makes provision for conservation in situ where appropriate and for suitably detailed recording of findings. The information submitted with the application meets the requirements of this policy. The findings are that the archaeological potential of the site largely consists of the likely line of the Civil War outer defences, believed to have been constructed in 1644 - 45. The site lies outside the walls of the medieval City, and these works would therefore have provided additional protection. The proposed amendments to the development have allayed earlier concerns, leading to the conclusion that the amendments should substantively preserve in situ the Civil War remains. No objection is therefore raised to the proposed development in archaeological terms subject

to the imposition of appropriate conditions in the event that planning permission were to be granted.

Trees and planting.

49. The application was accompanied by a report carried out to the relevant standards of BS5837:2012, a Landscape Framework Plan and a Planting Plan. To take the Landscape Framework Plan first, this indicates a substantial amount of new planting in the following areas, clockwise from north-east:

- Additional planting on the northern boundary of the site, either side of the proposed main entrance and on the southern boundary of the gardens of numbers 13 and 22 Manor Place
- To the north east and east of Building A, near or next to the bank of the River Cherwell.
- More formal rows of trees parallel to each other to the south of Building A and to the north of Building C
- Substantial new planting, where little exists at present, to the east, south east and south of Building C
- Two more formal rows of trees between parts of Buildings B and C, similar in pattern to the rows between Buildings A and C
- Substantial new planting, to reinforce existing trees, to the south, south west and west of Building B

50. There is little scope for planting between the proposed buildings and to the southern and eastern boundaries of the cemetery none is proposed.

51. As it currently exists the site consists of a large central area of unmanaged grassland and ruderal vegetation with individual trees, tree and shrub groupings, and trees around the edge. A dense thicket exists on the north eastern corner of the site adjacent to Holywell Mill Stream. This is developing into secondary woodland through the process of ecological succession. The trees surveyed are of a broad age structure and variable quality. Most of the trees are native, but there are a number of ornamental trees. The applicant's survey records 104 individual trees, 7 groups, and 1 woodland area on the site. The removal of 34 individual trees and 4 groups of trees is proposed. Most trees to be removed are of low quality and value, falling into category C of BS5837. However, there are 10 individual trees and 1 group of trees which are classified as of moderate quality and value, falling into category B. These are T8 oak, T9 oak, T10 ash, T15 crack willow, T26 crack willow, T45 field maple, T50 purple-leaved plum, T61 western red cedar, T76 sycamore, T97 ash and G5, a group of hybrid poplars.

52. Although most of the trees to be removed, whether individual or in groups, are of low quality and value, collectively they contribute positively to the appearance and character of the site and will have some habitat value. The impact of their loss on public amenity in the area can however be mitigated by planting new trees, whilst a Tree Protection Plan and a specification for tree protection fencing are included in the Arboricultural Method Statement. Also included are recommendations for construction of new hard surfaces within the root protection area of retained trees.

53. Since the site is allocated for development in Policy SP27 of the Sites and Housing Plan, these trees of low quality and value should not in general act as a constraint on the layout of development. However, they should be retained where the layout of the development allows. The proposals achieve this. Nevertheless, some of these trees are prominent in public views and are of higher quality:

- T8, T9 and T10 - two oak and an ash in the eastern part of site, adjacent to Holywell Ford Lane and visible from Holywell Cemetery
- T27 and T28 – two crack willow trees standing centrally within the site and visible from Holywell Cemetery
- T29 – two oak trees standing centrally in the site and visible from Holywell Cemetery
- G5 – a group of hybrid poplar trees, prominent in public views from Holywell Cemetery.
- In addition a western red cedar, T56, can be seen from Manor Place.

54. The loss of the oak and ash trees (T8, T9, T10 and T29) would constitute an adverse impact. During pre-application negotiations, however, it became clear that the removal of these trees would provide increased flexibility in the layout and thus facilitate a significantly improved design. On balance, taking the allocation of the site for development and the proposed new planting into account, it is considered that the removal of these trees would be justified. Furthermore the characteristics of crack willow and hybrid poplar (T27, T29 and G5) include unpredictable breaking of large branches and stems. It is not appropriate to retain trees of these species in a central location within a new development which has people and buildings in close proximity, whilst the western red cedar, T56, would need to be removed to allow vehicular access to the site from Manor Place.

55. The proposals retain most of the existing trees along the bank of Holywell Mill Stream, a group of several trees in the eastern part of the site adjacent to Holywell Mill Lane, some of the trees along the site entrance from Manor Place, including the coppiced willow along the bank of the Cherwell. The retained trees will ensure that some of the existing landscape features within the site will be preserved. The appearance and character of the site will nevertheless change from its existing natural one, the result of the site being left unmanaged for a long period, to a more intensively managed landscape if developed. The proposed soft landscaping includes a dense belt of trees (predominantly silver birch and Scots pine, but also including common alder and oak) planted along the southern boundary of the site adjacent to Holywell Lane, in an attempt to screen the proposed buildings in views from the deer park and from St Catherine's.

56. The western boundary of Holywell Mill Stream is proposed to be planted with a belt of European lime and field maple at its southern end. At the northern end and on the west side of the access road from Manor Place, which will have a row of bird cherry planted along its west side, the retained trees will be supplemented with a dense planting of trees and shrubs such as common

aspen, alder, osier, dogwood and goat willow. These will be managed as coppice, that is, cut down to ground level and allowed to grow on a rotation. The amenity lawn area between these groups and adjacent to the river is bounded with rows of white willow which will be managed as pollards.

57. Although the proposed planting includes some non-native ornamental species and cultivars besides native trees and shrubs, it is broadly appropriate for a development of this kind in a riverside setting. However, it would be preferable for landscape and biodiversity reasons for the European limes (*Tilia europea* 'Pallida') proposed at the southern end of the western boundary to be replaced with native small-leaved lime (*Tilia cordata*). Further biodiversity benefits could be provided by managing the amenity lawn areas as wildflower meadow with careful management needed to ensure that design and biodiversity objectives are delivered.
58. It is concluded that in the event of the development being approved in its current form, then the removal of the trees proposed and their replacement in a comprehensive planting scheme would be generally satisfactory in compliance with policies CP1 and NE15 of the Local Plan, subject to some adjustment and confirmation of lower level planting.
59. Notwithstanding, the applicants have sought to mitigate the harmful impacts of the proposed built forms, referred to earlier, both within the site and to its wider context, with a landscape design solution. However, this has not achieved the intended objective and would therefore remain contrary to Oxford Local Plan policy CP11.

Impact on Adjoining Properties

60. The application site is proposed to be accessed via Manor Place, a short residential street aligned north - south and accessed off Manor Road. The rear façades of numbers 1 to 6 and 7 to 10 Manor Road are at a distance of more than 100 metres from the north facing elevation of Building A. Despite the height of Building A, it is considered that the distance between them is sufficient to result in no adverse effect on the amenities of the occupiers of these properties. Most of the dwellings on Manor Place, (numbers 2 to 20 to the east side and 1 to 9 to the west), are terraced, and their windows, both front and rear, do not face the site directly. Number 11 is a detached dwelling, but the main fenestration is again to the front and rear. This leaves numbers 22 and 13 Manor Place as the only potentially affected houses in terms of their residential amenities. Both are detached properties and are the closest to the site. Number 22 to the east side of the street is located slightly further away from Building A than number 13. There are a number of mature trees in the southern part of its garden, and proposed planting on the boundary will reinforce the screening effect. The orientation of number 22 and its location in relation to Building A, in combination with these other factors, leads to the conclusion that there will be no significant adverse effect on the amenities of the occupiers of this property.

61. Number 13 Manor Place and its garden lie a little closer to the site. Some of

the trees on the site which will need to be removed to accommodate Building A provide shade to the garden. Building A is about 34m away from the rear of the property at its nearest point. Thus number 13 will be doubly affected, by the removal of trees which make a significant contribution to the amenity of its garden, and their replacement by Building A. The distances between no. 13 and Building A could usually be said to be sufficiently reasonable in an urban context. However in this case the 45m long Building A on four floors rising to 12m height would, as perceived from the garden of no. 13, introduce an overbearing and oppressive feature to the detriment of the amenities of the occupiers contrary to policy HP14 of the Sites and Housing Plan. Further, this awkward relationship is indicative of the overdevelopment of the site as set out earlier in the report.

Affordable Housing.

62. Policy HP6 of the Sites and Housing Plan sets out a requirement for schemes of student accommodation of over 20 units to contribute towards affordable housing in the interests of mixed and balanced communities. The contribution is to be made in the form of a financial payment to off - site provision with Appendix 4 to the Plan setting out the formula by which the financial contribution is to be calculated. In this case the sum amounts to £1,130,920 plus £56,546 administrative costs, to be secured by legal agreement. Separately the development is also eligible for a contribution of £858,691 under the provisions of the Community Infrastructure Levy (CIL). The applicant has confirmed agreement to both these payments in the event of planning permission being granted.

Highways, Access and Parking.

63. The application has been accompanied by both a Transport Statement (TS) and a draft Travel Plan (TP). The scope of the TS was agreed with Oxfordshire County Council Highways and addresses the impacts of the original proposal for 349 units of student accommodation. It states at the outset that the development would be essentially car free other than disabled spaces and operational parking. This is in accordance with Policy HP5 of the Sites and Housing Plan and saved Policy TR12 of the Oxford Local Plan. The TS concludes that the proposed development is acceptable in transport terms and in accordance with the policy objectives. Notwithstanding the conclusions of the TS about the minimal impact of the development, the Travel Plan seeks to reinforce the use of sustainable transport by such measures as a welcome pack for new residents, the provision of information to encourage walking, cycling and public transport, and the appointment of Travel Plan Co-ordinator to implement the Plan. It also identifies that arrivals can be phased at the beginning of term to reduce traffic congestion at any one specific time, an arrangement which the Highway Authority has increasingly been keen to adopt at collegiate institutions across the city. However further detail may be required on how in practice this could be accomplished.

64. In terms of car parking, policy HP16 of the Sites and Housing Plan sets out the requirements for student accommodation and refers to the maximum car

parking standards in Appendix 8, which in the case of student accommodation consist of operational and disabled parking only. With the number of spaces set at 2, the proposed development complies with this policy though for such a large development there may be a need for a small number of additional spaces, including disabled ones. For cycle parking Local Plan policy TR4 and supporting Appendix requires provision of 3 cycle parking spaces per 4 bedrooms or 1 space per 2 rooms in the case of accommodation located close to the institution where most of its residents will be studying. Whilst it is not known at this stage who would occupy the development, the site is centrally located and with the provision now of 225 spaces to serve 286 student study rooms this is considered to be adequate. Provision of the cycle store under cover is supported.

65. Notwithstanding the degree of compliance of the proposed development with most relevant policies, Oxfordshire County Council Highways had originally raised practical considerations which if not addressed would warrant opposition to the application. These related to the provision of cycle parking spaces, visibility at the junction of Manor Road and Manor Place, the accessibility of the site to refuse collection vehicles, shortage of information on details of deliveries and services, and on the parking arrangements for student arrivals and departures at the beginning and end of term. However on the provision of further information the Highway Authority has withdrawn its comments and is able to support the application subject to a range of conditions in the event of planning permission being granted.

Flood Risk and Drainage

66. The Holywell Mill Stream, a tributary of the River Cherwell, runs along the eastern side of the site with land adjoining it identified in the Local Plan Policies Map as an area of flood risk. Such areas are also defined as “More Vulnerable” in the NPPF. In the main the proposed buildings are located away from this more vulnerable area.

67. A Flood Risk Assessment (FRA) was submitted with the planning application which seeks to address the requirements of Core Strategy policy CS11 and Local Plan policies NE12, NE13 and NE14 to ensure that all new development in potentially vulnerable areas are protected from flooding whilst not increasing the risk of flooding elsewhere. The submitted FRA identifies two specific sources of flooding which might affect the site: fluvial flooding and groundwater flooding, categorising the risks from them as “high” and “moderate” respectively. However, it also identifies mitigation measures which will reduce the level of risk from both sources to “low” in both cases. For fluvial flooding, this consists of setting the finished floor levels of buildings 300mm higher than the 1 in 100 year plus climate change modeled level and providing safe “dry access” routes for pedestrians and vehicles during a 1 in 100 plus climate change event. For groundwater, the surface water drainage scheme for the site is designed to maintain greenfield rates of runoff during a 1 in 100 plus climate change event.

68. The FRA also observes that flooding occurred in parts of the City Centre in

nine years from 1947 to 2007, but that in none of these events was the site affected. It is also suggested in the separate Environmental Statement (reported in more detail later in this report), that compensation for any loss of flood plain storage could be provided by reducing ground levels on the site. The FRA concludes that the proposed development is safe and will not increase the risk of flooding elsewhere. The Environment Agency has been fully consulted on the proposals and has advised that it has no adverse comments to make on the revised application.

Biodiversity

69. In view of its waterside location and the presence of unmaintained grassland and tree coverage, the site has an interest in biodiversity terms. A habitat survey was therefore undertaken to accompany the planning application. The survey found that various locations within the site had low to medium potential for bat roosts, with some areas including the cemetery wall having high potential. Similarly for nesting birds. There was also evidence of badger activity along the margins of the Holywell Mill Stream with a potentially active badger sett to the east beyond the site boundary, with the likelihood of tunnels extending into the site. For other wildlife species such as great crested newts, otters, water voles and reptiles, potential exists for suitable habitats on the site, but no evidence of their current presence was found, other than grass snakes.

70. In the event of planning permission being granted it would be recommended that further wildlife surveys be undertaken before construction, together with details of planting to be agreed such as to ensure future habitats are created, including a wildlife corridor linking the cemetery to the Holywell Mill Stream. Other biodiversity features such as bird boxes etc could also be incorporated. These measures would maintain and enhance biodiversity interests and be consistent with policy CS12 of the Core Strategy and related Local Plan policies on planting and landscaping. They would be secured by condition.

Sustainability

71. In line with the requirements of policy CP18 of the Local Plan a full Natural Resource Impact Analysis (NRIA) and Energy Statement was submitted with the planning application and subsequently amended during the course of its processing. The production of the NRIA is also consistent with related policies CP17 of the Local Plan, CS9 and CS10 of the Core Strategy, and policy advice in the NPPF. It records a score of 10 out of a possible 11 with a maximum score in each of the categories of energy efficiency, renewable energy and water resources.

72. This results in a 54% reduction in regulated carbon dioxide (CO₂) emissions compared to the requirements of Part L2A of the Building Regulations and is achieved by a combination of features to be incorporated into the development, including:

- improved levels of thermal transmittance and air tightness;
- natural ventilation;

- high efficiency, low energy LED lighting with PIR controls;
- mechanical heating / cooling plant;
- a combined heat and power (CHP) system incorporating gas boilers and generating 42% of regulated on – site energy requirements;
- south and west facing Photovoltaic (PV) arrays, providing approximately 20% of regulated on - site electrical energy and 2% of total energy requirements;
- water efficient taps, WCs etc.

73. Overall the development is therefore considered to be broadly sustainable, as in addition to the physical measures incorporated into the buildings, the development makes good use of a previously developed site and is located close to many of the teaching areas of the University, to the City’s cycle network and to bus services, and to the wide range of services and facilities that the City centre provides.

Public Benefits to the Development.

74. As a development site allocated for student accommodation, it is fully acknowledged that the development if it were to proceed would deliver economic and other benefits to the wider community which are a material consideration in the determination of the planning application. Paragraph 134 of the NPPF emphasizes the point:

“Where the 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 securing its optimum use.”

75. A supporting document to the planning application produced by Bidwells seeks to identify the economic, social and environmental benefits of the development. In summary these are identified in the report as being:

- a financial contribution of £1,130,920 towards affordable housing, releasing the equivalent of 57 dwellings onto the housing market;
- meeting an identified need for student accommodation, assisting the University of Oxford and Oxford Brookes University to achieve no more than 3,000 students each accommodated in the open housing market;
- contributing to spending in the national, regional and local economies;
- supporting the running costs of Merton College as landowner;
- contributing £858,691 in Community Infrastructure Levy (CIL) payments;
- exercising greater control over student behaviour;
- delivering a high quality design;
- replacing unmanaged land with new structured landscape planting and public art;
- increasing biodiversity; and
- improving drainage and alleviating flood risk.

76. A copy of the Bidwells report is attached in full as **Appendix 6** to this report.

Environmental Assessment

77. Notwithstanding the identification of the key determining issues indicated at the head of this report, the planning application is also accompanied by a comprehensive Environmental Statement (ES). The planning application fell within the terms of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 with the Council as local planning authority determining that an Environmental Assessment (EA) should be undertaken accordingly. It advised on the broad content of the ES in a “Scoping Opinion” dated 19th March 2013. The purpose of EA is to inform the decision making process, with the ES containing a comprehensive description of the proposed development, and schedules of measures to be adopted as part of the project during construction, and during operation, ie once the development is completed.
78. Chapter 3 of the submitted ES consists of a consideration of need and alternatives. Need is established by reference to adopted development plan policy whilst the alternatives relate to the iterations of the design process, including the layout. Chapter 4 consists of a detailed account of the methods used whilst Chapters 5 to 12 relate in more detail to the following substantive issues:
- historic environment
 - townscape and visual impact
 - ecology and nature conservation
 - transport
 - noise and vibration
 - air quality
 - land contamination and ground conditions
 - hydrology and flood risk
79. For each of these topics, the method of assessment is set out, and relevant planning guidance and policy identified. The importance or value of receptors, and scales of impact are defined, and combined in a matrix of significance of effects. The baseline (existing) environment is described in detail. Assessment of effects in both the construction and operational stages then follows. The conclusions of these chapters are summarised below.
80. Historic Environment: The assessment concludes that the proposed development would have a moderate adverse effect on the buried archaeological remains in the northern part of the site. This would however be compensated for by a programme of detailed investigation of these remains followed by reporting of the results. The scope and method of the investigation would be agreed with the Council and fieldwork undertaken before construction starts. The assessment also concludes that there would be a moderate adverse effect on Holywell Cemetery as a result of visual impacts, including an increased sense of enclosure and loss of tranquillity. However, key views from the cemetery across the project site have been maintained and these views would include the high quality buildings and landscape planting. It was also concluded that the proposed development would have minor adverse effects on other designated heritage assets: the wall and historic grounds of Magdalen College, the buildings and grounds of St. Catherine’s College; the church of St. Cross; Holywell Ford and the

Central (University and City) Conservation Area generally. These effects would not be significant. The impact on all these assets would fall over time as the proposed planting matures, ensuring that views of the proposed development are filtered or excluded.

81. Townscape and Visual Impact: The assessment concludes that the buildings and landscape proposals have been designed and located to ensure that there would be no unacceptable adverse effects on the character of the townscape in the study area, or in public views.
82. Ecology and Nature Conservation: The construction phase would result in some loss of invertebrate habitat - trees, scrub and semi-improved grassland. The loss of these habitats would be mitigated by the proposed planting, which would involve the creation of tree, shrub, wildflower grassland, marginal and aquatic habitats. The effects would be minor adverse, in the worst case that protected or notable invertebrate species are present. These effects would diminish as planting becomes established. Some adverse effects would result from the loss of habitat during the construction phase but such effects would be largely offset in the longer term as the proposed planting becomes established.
83. Transport: The assessment shows that the proposed development would not have a detrimental impact on the highway network during the construction phase. No significant effects are predicted during the operational phase.
84. Noise and Vibration: As the proposed development will be car free, the assessment of operational noise effects is focused on any mechanical plant. Any such plant was assessed as unlikely to give rise to adverse effects at any sensitive locations. The effects are assessed as of negligible significance taking account of mitigation incorporated in the design of the development.
85. Air Quality: It was concluded that concentrations of pollutants are expected to fall below the relevant objectives at the façades of the identified receptors.
86. Land Contamination and Ground Conditions: The ES considered it unlikely that ground contamination would be present at the site which could pose a significant risk to sensitive receptors. No significant effects were therefore identified.
87. Hydrology and Flood Risk: The site lies mostly in Flood Risk Zone 1 (low probability of flooding), but it was also found that 60% of the site lies below the modelled 1 in 100 year plus climate change flood level. During the construction phase, pollution would be prevented by means of the Code of Construction Practice. In the operational phase, compensation for any loss of flood plain storage would be provided by reducing ground levels on the site. A sustainable drainage strategy is proposed which would prevent direct discharge into Holywell Stream. Building slab levels would be raised by at least 300mm above the 1 in 100 year plus climate change flood level.
88. Overall the ES is considered to be satisfactory in terms of the methods followed.

Conclusion

89. The application site is allocated for student accommodation in the Sites and Housing Plan, which establishes the principle of its future development. However, intractable difficulties remain as a result of the design of the proposed development, the architecture, size and massing, the footprint and siting of the buildings and the lack of an appropriate landscape-led design. Whilst it is acknowledged that the development has been amended during its course through the planning process, the amendments have failed to satisfactorily mitigate the harm caused by the size and siting of the proposed buildings.
90. In addition, the architectural treatment of all three buildings, particularly the gabled façades, but also the unyielding long façades and the overall massing of the individual buildings is still considered to be unsatisfactory in both the quality of the place that would be created on the site and the impact that the development would have in important views from surrounding, significant sites. The split gable design is a distinctly strident feature inconsistent with the calm tranquility and elegant gentility of the immediate surroundings. The bulk, mass and alignment of Building A would close the view southwards from Manor Place resulting in an unsatisfactory end to the current street, and would have adverse impacts on the amenity of the occupants of number 13 Manor Place.
91. Officers consider that on balance, the positive benefits of the site's development, set out in the report, do not outweigh the identified harm to the acknowledged interests. Members are therefore recommended to refuse the planning application for the stated reasons.

Human Rights Act 1998

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.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: Application 15/01747/FUL

Contact Officers: Murray Hancock / Gill Butter
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Date: 1st April 2016

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