

## **Appendix 1 – Report to West Area Planning Committee on 13 Dec 2016**

**Application Number:** 16/01789/FUL

**Decision Due by:** 1st September 2016

**Proposal:** Demolition of Aristotle House. Erection of four storey building to provide office space (Use Class B1) at basement, ground and first floor levels and formation of 2 x 2-bed flats (Use Class C3) above. Erection of 4 x 4-bed terraced dwellings (Use Class C3). Formation of access from Kingston Road. Provision of car parking and bin/cycle storage.

**Site Address:** Aristotle House Aristotle Lane – see site plan **Appendix 1**

**Ward:** St Margarets Ward

**Agent:** Mrs Lois Partridge

**Applicant:** Mr Ian Thompson

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### **Recommendation:**

The West Area Planning Committee is recommended to approve the application for the reasons below and subject to and including conditions and the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

For the following reasons:

- 1 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting, features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.
- 4 The Council considers that the proposal accords with the policies of the

development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material samples
- 4 Design - no additions to dwelling
- 5 Screening - terrace serving flat
- 6 Accessible homes
- 7 Boundary treatments
- 8 Parking permits
- 9 Construction Travel Plan
- 10 Visibility splays
- 11 Cycle storage
- 12 Bin storage
- 13 Tree Protection Plan
- 14 Landscape Plan Details
- 15 Landscape Management Plan
- 16 Arboricultural Method Statement
- 17 Biodiversity enhancement measures
- 18 Ecology enhancement measures - planting
- 19 Lighting plan - bats
- 20 Archaeology
- 21 Drainage infrastructure
- 22 Drainage details
- 23 SuDs maintenance plan
- 24 Renewable or low carbon details
- 25 Risk assessment - land quality
- 26 Validation report - land quality
- 27 Ecological management plan – canal protection

**Legal Agreements:**

S106 to secure affordable housing contribution

**Community Infrastructure Levy (CIL):**

The development is liable for CIL.

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- 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  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**NE6** – Oxford's watercourses  
**NE15** - Loss of Trees and Hedgerows  
**HE2** - Archaeology  
**HE7** - Conservation Areas  
**EC1** - Sustainable Employment

### **Core Strategy**

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing  
**CS27\_** - Sustainable economy  
**CS28\_** - Employment sites

### **Sites and Housing Plan**

**HP1\_** - Change of use from existing homes  
**HP2\_** - Accessible and Adaptable Homes  
**HP4\_** - Affordable Homes from Small Housing Sites  
**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework  
This application is in or affecting the North Oxford Victorian Suburb Conservation Area.  
Planning Practice Guidance  
Balance of Dwellings Supplementary Planning Document (SPD)  
Technical Advice Note – Space Standards for Residential Development  
Technical Advice Note – Waste and Bins Storage

### **Relevant Site History:**

57/06102/A\_H - Private petrol pump and tank (Formerly numbered 1 Hayfield Road). Approved 11th June 1957

64/15705/A\_H - Demolition of existing office block and storage building and erection of a new 2 storey office building. Approved 10th November 1964

72/00019/EUC\_H - Stores, builders' yard and car park (Formerly numbered 1 Hayfield Road). Permitted development 4th September 1972

72/26327/A\_H - Outline application for erection of new auction sales room - car parking and new access. Approved 12th September 1972

73/00531/A\_H - Alterations to existing building including erections of new external staircase and curtain walling (Formerly numbered 1 Hayfield Road). Approved 26th June 1973

73/00548/A\_H - Erection of new 3 storey building to form extensions to existing offices including alterations to existing building - Phase 2. Refused 26th June 1973

75/00745/A\_H - 2 storey extension to existing building to provide additional offices. Refused 17th September 1975

86/01260/LH - Listed building consent for demolition of enclosed staircase (part of unlisted building in a Conservation Area). Approved 10th February 1987

86/01261/NFH - Two storey extension to form reception area and two studios. Approved 10th February 1987

### **Representations Received:**

80, 82, 83, 84, 85, 86, 93, 90, 94, 95, 96, 97 Kingston Road, 11 Cranham Terrace, 12 and 42 Plater Drive, Flat 1, 11, 12 and 25 Polstead Road, 55 Southmoor Road, 4 Staverton Grange, 1 Brindley Close, 3, 9, 12, 17, 20, 22, 23, 26, 32, 33, 38, 39, 40, 44, 46, 52, 58, 63, 65, 68, 69, and 71 Hayfield Road, The Hayfield Deli 4-6 Hayfield Road, No Address Provided (Kingston Road North Google Group), SS Philip & James' Church of England VA Primary School Navigation Way, Councillor Wade, Councillor Howson, 55 Chalfont Road, 11 and 51 Leckford Road, St Margaret's Area Society, 37 Burgess Mead, Hayfield Road Residents Association, objections:

- Access
- Highway Safety
  - danger for school children, elderly, pedestrians, and cyclists, Hayfield Road is too narrow
  - Concerns construction traffic would cause damage to homes on Hayfield Road due to their close proximity with the road
- Effect on traffic
  - Full traffic survey should be conducted during term time
- Better signage at Postead Road – no-entry
- In adequate delivery and refuse collection space/arrangements

- Icen report/traffic report is not an accurate representation of reality
- Inadequate traffic barrier
  - widening of pavement might provide room for cars to drive around the barrier
- Amount of development on site
- Effect on adjoining properties
- Effect on character and appearance of conservation area (views of canal)
- Effect on existing community facilities (jeopardises business trade)
- Height of proposal (cramped appearance and too high)
- Noise and disturbance
- On-street parking will be increased
- Insufficient cycle and car parking on development site
- Information missing from plans
  - Not enough info given on application
- Local plan policies (breach of Policy HP 4)
- Effect on privacy (fenestration)
- Public use of the site (benches may attract anti-social drinkers)
- Light - daylight/sunlight concerns
- Effect on pollution/light pollution
- Contaminated land issues
  - Contamination (potential presence of asbestos)
- Archaeology has not been adequately investigated
- Local ecology, biodiversity
- Inadequate landscaping/concerns about trees (replacement of cherry blossom trees)
- Not enough vegetation around the site
- No justification for reduced employment space
- Dislike the design of the proposal
  - Proposals do not respect the line of street frontage of Hayfield Road
  - Proposed materials (brickwork should be red to match houses)
- Public transport provision/accessibility
- Dislike the removal of the existing wall around the southern and eastern edge of site.

No objection/support –

90 Hayfield Road

- Dividing access between Hayfield Road and Kingston Road seems a fair and equitable solution.

### **Statutory Consultees:**

Environment Agency Thames Region: We have reviewed the Flood Risk Assessment (FRA) produced by Wallingford HydroSolutions Limited, Dated August 2015. This has demonstrated that the site is located outside of Flood Zone 2 and 3. We therefore have no objections to this development.

Canal and River Trust: Conditions recommended and a legal agreement (financial

contribution towards upkeep of towpath) is requested to address the following issues:

- Impact on the structural integrity of the canal
- Impact on the structural integrity of the canal due to the drainage proposals
- Impact on the character and appearance of the waterway corridor
- Impact on the biodiversity of the waterway corridor

Highways Authority: No objection subject to conditions:

- The dimensions of the parking spaces for the office building are inadequate according to the plans submitted. An amended layout plan which sets out that all parking spaces within this area are of appropriate dimensions and are all easily accessible is required.
- The County Council welcomes the proposed improvements to the public realm. However, a plan which demonstrates how vehicles are to be prevented from bypassing the buildout and bollards on Hayfield Road is required.
- For maintenance purposes, it would be Oxfordshire County Council's preference for the new access leading into the office parking area to be of a carriageway construction leading to the driveway, rather than a vehicle crossover over York stone paving.
- A plan must be submitted which demonstrates that pedestrian visibility splays measuring 2m x 2m from the back of the footway at each access will be provided.
- The proposed new access will result in the loss of one on-street parking bay. An amendment to the Traffic Regulation Order governing the Controlled Parking Zone (CPZ) will be required for this action.
- The level of parking to be provided for the residential units is below the maximum standards set out in the Sites and Housing Plan. In order to ensure that the development does not lead to an increase in on-street parking demand within the city, to protect existing residents' access to on-street parking, and taking into account the opportunities for sustainable travel available in the local area and aspirations to promote the use of sustainable transport set out in the Travel Plan, the County Council requests that the new addresses associated with the development be excluded from eligibility for parking permits within the CPZ.
- A Construction Traffic Management Plan is required.

The developer is required to enter into a Section 278 Agreement with the County Council in order to carry out the proposed alterations to the highway.

### **Site description**

1. The site is located on the corner of Aristotle Lane and Hayfield Road with its western edge bounded by the Oxford Canal. The Grade II listed Aristotle Bridge forms part of Aristotle Lane and lies just outside the application site, to the south-west. Immediately to the north are residential flats on Hayfield Road.
2. The site is currently occupied by a 1960s two-storey office building, Aristotle House, and surface car parking. The vehicle entrance to the site off Hayfield Road also serves as a turning head for Hayfield Road which is blocked by bollards at

the southern end at the junction with Kingston Road and Aristotle Lane.

## **Proposal**

3. The existing office building is proposed to be demolished and replaced with a four-storey building which would have offices on the basement, ground and first floors (Use Class B1), and two flats in the roof space on the second floor. Eight car parking spaces are proposed in association with the office space with access through an under-croft entrance. To the north of this, four houses over four storeys, each with one car parking space, are proposed to be erected.
4. The proposed scheme splits the site into two parts, with the commercial development to the south of the site accessed from Kingston Road via a new access, and the residential element to the north of the site, accessed from Hayfield Road.
5. Officers consider the principal determining issues to be:
  - Principle of development
  - Design
  - Residential amenity
  - Highways/car parking
  - Cycle parking
  - Trees
  - Flooding and drainage
  - Ecology
  - Sustainability
  - Other matters

## **Officer assessment:**

### **Principle of development**

#### Employment use

6. The National Planning Policy Framework (NPPF) states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is reiterated in policy CS2 of the Core Strategy which states development will be focused on previously developed land. For the purposes of NPPF the site would be considered previously developed land.
7. This site is a key protected employment site under Policy CS28 of the Core Strategy. This policy allows the redevelopment of the site if it secures or creates employment important to Oxford's economy, allows for higher-density development that makes the best and most efficient use of land and does not cause unacceptable environmental intrusion or nuisance.
8. The site will retain a B1 employment use through the provision of 480 square metres of serviced office space. The amount of floorspace in the present building

is 535 square metres, and so the development would result in a small loss of office space. However, overall there are some benefits in providing new office accommodation to a much higher standard comprising space in the basement, ground and first floors. Given the open plan nature of the new office space created it could in practice accommodate a higher employment density; in the region of about 48 people in total, whereas the internal arrangement of the existing building would have been likely to accommodate fewer people in practice.

9. Further, the proposal for the site to be developed as a mix of residential and B1 office use would make a more efficient use of the land. The proposals would therefore be supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.
10. On the basis of the above, Officers recommend that the development proposed would be acceptable in principle.

#### Mix of dwellings

11. Policy CS23 of the Core Strategy seeks to ensure that residential development delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households. The Balance of Dwellings SPD sets out the appropriate housing mix for each Neighbourhood Area within the City.
12. The proposal includes a residential element – two two-bedroom flats and four four-bedroom houses. The site is within a ‘red area’ as defined by the Balance of Dwellings SPD and the proposed housing mix does not strictly accord with the required mix for small sites (4-9 units), as demonstrated in the table below:

	BoDs % mix ‘red’	Units proposed	Proposed % mix
<b>1-bed</b>	0-30%	0	0%
<b>2-bed</b>	0-50%	2	33%
<b>3-bed</b>	45-100%	0	0%
<b>4-bed</b>	0-50%	4	67%

13. The objective for red areas, including St Margaret’s Neighbourhood Area, is to achieve a high proportion of new family dwellings for new developments. The lack of 3-bed units and over-provision of 4-bed units is, however, not inconsistent with this objective and therefore Officers consider that the deviation from the mix set out in the Balance of Dwellings SPD is not a reasonable reason for refusal. On this basis it is considered that the proposal complies with the objectives of CS23 of the Core Strategy.

#### Affordable housing

14. The proposal is for 6 new residential units and therefore Policy HP4 of the Sites and Housing Plan applies. This states that planning permission will only be granted for residential development on sites with capacity for 4 to 9 dwellings, if a



financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution required will be 15% of the total sale value of the development, and will be calculated using the formula set out in Appendix 2 of the Sites and Housing Plan. Such a financial contribution will be secured via a Section 106 agreement.

## Design

15. A Heritage Statement and Design and Access Statement have been submitted with this application outlining the development of the scheme now under consideration.
16. An earlier iteration of the design was presented to the Oxford Design Review Panel (ODRP) at pre-application stage, and their comments can be found in **Appendix 2**. The ODRP supported the principle of a mixed use development on the site, the proposed layout of the residential and commercial buildings on site, and felt that the height of the buildings, at three storeys plus basement, was successful. However, it considered that the overall scale and quantum of development should be reduced. As a result, the scheme submitted with this application has been pulled away from the willow tree in the south-west of the site and the basement part of the building has been pulled back further from the canal, enabling more tree planting along the canal.
17. The ODRP also recommended a calmer elevation treatment to respond to the peaceful setting of the area; this has been addressed through the simplification of the fenestration and removal of details from the elevations. The large windows are considered appropriate in a contemporary development and are not considered to cause undue light pollution given their position on the other side of the road from other residential properties.
18. The design includes a widening of the pavement and the creation a new area of public space with proposed tree planting on the corner of Aristotle Lane and Hayfield Road which Officers consider would make a positive contribution to the immediate area and street scene. The ODRP sought a better integration of the car parking into the serene canal setting. By pulling the basement away from the canal in this revised design, tree planting and soft landscaping has been incorporated, providing screening of the car parking. Further landscaping details are recommended to be secured by condition.
19. Given the constraints of the site, including the existing turning head, officers consider that the proposed staggered building line of the development is acceptable in that it minimises the dominance of the new buildings while tying in with the existing building line.
20. The ODRP raised concerns about the quality of internal accommodation of the basement office space. The applicant has stated that the area can be successfully ventilated naturally and would meet Part L of Building Regulations and as such is considered acceptable by Officers.
21. A palette of traditional materials, with some copper detailing on the houses, is

proposed which is considered appropriate for the architecture and setting. It is recommended that a condition be placed on any permission for samples to be provided and approved prior to commencement of works.

22. Officers consider that, overall, the scheme would result in significant improvements to the public realm and that the buildings proposed appropriately reflect the industrial heritage of the site, being a former coal wharf, and would integrate successfully in the street scene in terms of scale, mass and elevational treatment. As such, the proposal would preserve the character and appearance of the Conservation Area, and would be respectful in the setting of the listed Aristotle Bridge.

### **Residential amenity**

23. The two flats and four houses provide adequate internal living space in accordance with the Council's Technical Advice Note on Space Standards for Residential Development, and therefore comply with Policy HP12 of the Sites and Housing Plan.
24. A March 2015 Ministerial Statement required local authorities to interpret policies relating to access by reference to the nearest equivalent new national technical standard. Therefore, to comply with Policy HP2 (Accessible and adaptable homes), new developments must now comply with Part M4(2) and Part M4(3) of Building Regulations. A condition is recommended to secure this standard.
25. The gardens for the four houses are of an acceptable size and would be screened from overlooking from the proposed car park by fencing. The larger flat would have a large roof terrace and the smaller flat would have a balcony that complies with minimum dimensions. Adequate bin storage is provided for both the residential and the commercial uses in line with policy HP13 and with CS10 of the Core Strategy. As such the residential units provide sufficient outdoor amenity space for future occupiers, in line with policies HP12 and HP13 of the Sites and Housing Plan.
26. Local plan policies seek to safeguard residential amenity for existing properties. The most northerly house in the proposed terrace is set forward in order to prevent loss of light to the south-facing windows in the flats to the north of the site. There is therefore no loss of amenity for these properties.
27. The properties to the south of Aristotle Lane are proposed to be shielded from overlooking from the roof terrace for the larger flat by planting that would act as a screen. Officers consider this to be satisfactory and recommend it be secured by condition.
28. Overall, the scheme is considered to provide a good level of indoor and outdoor amenity space in relation to the new dwellings and would not compromise the amenity of existing or future residents.

## Highways/car parking

29. The Council's maximum parking standards for the development are 2 spaces per dwelling for the houses and flats, and 14 spaces for the office accommodation. However, policy HP16 of the Sites and Housing Plan supports car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone (CPZ), and are within 800 metres of a local supermarket or equivalent facilities. The site, within 800 metres of shops in the Walton Street retail area, close to bus stops on Kingston Road and Woodstock Road, and within a CPZ, is considered such a location. The Oxford Local Plan states that high levels of non-essential car-parking provision are unacceptable, and that in mixed-use developments standards may be combined where peak levels of use do not coincide.
30. The application proposed one off-street parking space for each of the four houses, and eight parking spaces, accessed via an under-croft entrance, for the offices. There is no designated car parking for the two flats, but it is suggested that it would be practical for the office spaces to be used by the flats at weekends and in the evenings. The proposed levels of parking, below maximum standards, in view of the sustainable location, are considered appropriate and consistent with local plan policies.
31. To avoid on-street parking pressure, Officers support the Highway Authority's request that the development be excluded from eligibility for parking permits within the CPZ and a condition is recommended.
32. A transport assessment was carried out and submitted with this application. A traffic survey was not carried out due to the scale of the development being below the threshold required by the Highways Authority for such a survey. The Highways Authority is satisfied with the information submitted.
33. Due to the location of the site within the city, the proximity of the site to local schools and constraints of the local highway, a condition is recommended requiring a Construction Traffic Management Plan (CTMP) to be submitted and implemented.
34. A revised site layout plan was received during the course of the application proposing two bollards either side of the proposed tree be installed to prevent vehicles from bypassing the buildout and bollards on Hayfield Road. This plan also addressed the Highways Authority's concerns regarding the size of parking spaces.
35. An additional vehicular access is proposed to the south of the buildout / bollard on Hayfield Road which would enable access to the parking area for the office space from the southern end of Hayfield Road. While this is likely to lead to an increase in vehicle movements at this end of Hayfield Road, the fact that this access will lead only to the 8 office parking spaces means that the increase in vehicle movements in this area is likely to be very small.
36. Concerns have been raised that vehicles, including HGVs, seeking to travel

northwards along Hayfield Road are often apparently unaware of the traffic restrictions in place along that road and on Aristotle Lane and consequently are required to reverse back towards the mini-roundabout at St Margret's Road. It is not considered that the proposed development will have a significant impact upon this existing problem and, as outlined above, the additional turning space at the southern end of Hayfield Road will be of benefit. A separate request for improved traffic signage has been made to the Traffic and Road Safety Team at the County Council in respect of this issue.

37. The provision of an additional vehicle access in this area will result in the loss of one two-hour on-street parking space. A parking survey has been submitted with the application which indicates that there would be capacity within the existing parking bays in the locality to accommodate loss of one on-street parking space in this area.
38. A travel plan has been submitted with this application although the development is below the threshold for which local plan policy requires such a plan. No objection to the development has been raised by the Highways Authority and therefore Officers consider the application, subject to conditions including those discussed in this section, to be acceptable in terms of highway impacts and car parking.

### **Cycle parking**

39. A cycle store for 12 cycles is provided for the four houses within the office building on the Hayfield Road frontage, where it adjoins the terrace. Officers agree with comments from the Highways Authority that, while ideally the cycle parking provision for the dwellings would be situated within the curtilage of each dwelling, it is accepted that the location of the cycle parking spaces would be easily accessible for residents.
40. Eighteen covered cycles spaces are provided for the offices and flats to the rear of the office building at the southern end of the site. Four are to be allocated to the two flats, with 14 for the offices. This level of provision meets or exceeds the Council's minimum standards.

### **Trees**

41. A large mature weeping willow tree stands near the south west corner of the site; the tree is a very prominent and positive landscape feature in public views from the canal and towpath, Aristotle Lane (and Aristotle Bridge) and the intersection at Kingston Road and Aristotle Lane. The top of the tree's canopy is visible over the roof-line of the existing office block from Hayfield Road.
42. A linear group of alternating cherries and purple leaf plums line the eastern boundary of the site onto the road frontage; these provide an attractive landscape feature, principally in their functional benefit in providing screening to the existing building and its car parking; the trees are in advanced maturity and probably have a fairly limited future contribution to make in terms of years (perhaps 10-20 maximum). A cultivar, semi-mature, maple stands near the canal; this tree makes

a modest landscape contribution.

43. The scheme involves removal of all the site's trees apart from the large mature weeping willow tree standing near the south west corner of the site (Tree reference T12) adjacent to Aristotle Bridge.
44. The impact to public visual amenity and the character and appearance of the conservation area of the proposed tree removals is considered acceptable in the context of the mitigation proposed in the form of appropriate new landscaping; this includes replacement tree planting along the site's eastern frontage and western gardens facing the canal. The proposed design achieves an appropriate spatial relationship to the weeping willow and the proposed building.
45. A request for a landscape plan condition was received from the Canal and River Trust which is largely covered by the landscape condition suggested by Officers. However, it seeks to limit tree planting within 5 metres of the canal which for such a constrained site is likely to be impractical in achieving the overall aims of the landscape scheme. Officers have noted the comment and will be mindful of the impact of trees planted immediately adjacent to the canal on the structural integrity of the waterway when assessing the landscape plan.

### **Flooding and drainage**

46. A Flood Risk Assessment has been carried out and the report submitted with this application. An updated version was supplied in response to Officers' concerns. The information within the report provided contains a sufficient amount of information to inform a feasible drainage strategy. Officers recommend that conditions relating to sustainable drainage methods are placed on any permission to avoid increasing surface water run-off and thereby attenuating flood risk, and to ensure compliance with policy CS11. These details have also been requested by the Canal & River Trust by condition.

### **Ecology**

47. Officers have reviewed the Preliminary Ecological Appraisal (PEA) dated 2015 and suggest conditions in relation to external lighting, detail of bat or swift boxes and landscaping to provide night scented species and/or nectar sources.

### **Sustainability**

48. An energy statement has been submitted with the planning application for the domestic and commercial elements of the scheme. This complies with the requirement of Policy HP11 of the Sites and Housing Plan to show how energy efficiencies have been incorporated into the development. This suggests that there is the opportunity for solar thermal tubes to the westerly roofs of the houses to provide hot water and it is proposed that an array of solar thermal tubes be installed, hidden within the main valley roof zone to provide solar hot water for the office building. As these are only suggestions within the energy statement, a condition is recommended to ensure compliance with policy HP11 for details of on-site renewable or low carbon technologies to be provided and approved.

## **Other matters**

49. Archaeology: The site is of interest because it was formerly canal wharf and contained related street frontage buildings in the Victorian period. The archaeological desk based assessment for this site produced for this site by Thames Valley Archaeological Services (2015) also notes the general potential for prehistoric and Roman activity in this vicinity. In this case, bearing in mind the results of the archaeological desk based assessment, Officers would request that, in line with the advice in the National Planning Policy Framework, any consent granted should be subject to an archaeological condition.
50. Land quality: This site is prioritised as needing further review should the site be redeveloped, in accordance with Oxford City Council's Land Quality Strategy. Former land use on this site includes a builder's yard, works, and a wharf, all of which may have associated contamination. Therefore, Officers recommend conditions are placed on any planning permission.
51. Canal and River Trust: Officers note that a financial contribution was requested towards the upkeep of the towpath by the Canal and River Trust but due to the Council's adoption of CIL, such an agreement would not be reasonable.

## **Conclusion:**

The development would make best use of previously developed land through a mix of residential and office accommodation. The key employment site would be protected and the design, form and massing of the proposal is considered appropriate in the sensitive context of the North Oxford Victorian Suburb Conservation Area and the setting of the Grade II listed Aristotle Bridge. Significant improvements to the public realm are proposed with replacement tree planting and landscaping contributing to the street scene and screening the development from sensitive canal views.

The West Area Planning Committee is therefore recommended to approve the application subject to the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms

of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

### **Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:** 16/01789/FUL

**Contact Officer:** Robert Fowler

**Date:** 2<sup>nd</sup> December 2016

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