

## PLANNING REVIEW COMMITTEE

20 August 2018

**Application Number:** 18/00258/FUL

**Decision Due by:** 3 May 2018

**Extension of Time:** To be agreed

**Proposal:** Application for planning permission for the demolition of the existing building to ground level and the erection of a replacement building to provide replacement commercial units on the basement, ground and first floors, and new teaching facilities, ancillary accommodation and student fellows rooms on the upper floors for Jesus College. (Amended Plans)

**Site Address:** Northgate House, 13 - 20 Cornmarket Street,

**Ward:** Carfax Ward

**Case Officer** Andrew  
Murdoch

**Agent:** Mr Neil Warner    **Applicant:** Jesus College

**Reason at Committee:** The application has been called-in to the Planning Review Committee by Councillors Harris, Gant, Goff, Goddard, Simmons, Bely-Summers, Haines, Upton, Gotch, Pressel, Rowley, Kennedy, Taylor, Altaf-Khan and Henwood.

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## 1. RECOMMENDATION

1.1. The Planning Review Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 7 of this report and grant planning permission:**

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

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

## 2. EXECUTIVE SUMMARY

2.1. At the West Area Planning Committee on the 10 July 2018, Members resolved to approve planning permission for the demolition of the existing Northgate House building to ground level and the erection of a replacement building to

provide replacement commercial units on the basement, ground and first floors, and new teaching facilities, ancillary accommodation and student fellows rooms on the upper floors for Jesus College under reference 18/00258/FUL.

- 2.2. The decision of the West Area Planning Committee has been called-in to the Planning Review Committee by Councillors Harris, Gant, Goff, Goddard, Simmons, Bely-Summers, Haines, Upton, Gotch, Pressel, Rowley, Kennedy, Taylor, and Altaf-Khan for the following reasons:
- The height of the proposed tower in Market Street at over 21 metres substantially exceeds the normal height restrictions for new development in the city centre
  - The tower would be situated in the heart of the old city centre
  - The tower would be highly visible from many points
  - The tower appears incongruous and incompatible with the historic buildings near it and so adversely affects the character of the area
  - The tower does not appear to be an essential or integral part of the proposed development by Jesus College, the rest of which has been generally welcomed
  - The Oxford Preservation Trust attended the West Area Planning Committee to object to the application on the grounds of the above features of the tower but the Trust's objections were rejected by the Committee
  - The vote on the West Area Planning Committee was close and opposition was cross party. In view of the seriousness of the planning issue raised by the 3m disregard of the normal height restriction it is desirable that the matter should be reviewed by a differently constituted committee
  - There was a question as to whether the correct public consultation was followed.
- 2.3. With specific regard to these individual reasons for the call-in, the main planning concerns relate to the design of the gatehouse element within the proposal and its impact upon the adjoining designated heritage assets including upon specific views from within the city centre.
- 2.4. A copy of the officer's committee report to the West Area Planning Committee is included in **appendix 1** of this cover report. The report provided a full assessment of how the proposal would accord with policies of the development plan when considered as a whole, fully cognisant that it would represent a departure from the Oxford Local Plan's High Buildings Policy HE9, and that the range of material considerations supported the grant of planning permission. The report also includes a full assessment of how the scheme would also accord with the aims and objectives of the National Planning Policy Framework (NPPF), in particular the impact upon the significance on designated an heritage assets, thereby constituting sustainable development, which, given conformity with the development plan as a whole, means that in accordance with paragraph 11 of the new NPPF the proposal should be approved without delay. (See paragraph 4.1 for a fuller explanation of the new NPPF.) It also sets out that there are not any material considerations that would outweigh the compliance with these

national and local plan policies.

- 2.5. Whilst the officer's committee report provides a full assessment of the matters relating to the impact of the proposed gatehouse, officers have provided further commentary on these matters for the committee in section 4 below.
- 2.6. In terms of the non-planning matters listed within the call-in, officers would confirm that the fact that the decision of the West Area Planning Committee was a close vote is not a material planning consideration for the determination of the application. Likewise the fact that Oxford Preservation Trust made representations at the committee which were not supported by members, is also not a material planning consideration in the determination of the application. The Trust made representations during the application and these are referenced within the officer's report and were taken into consideration within the officers' recommendation.

### **3. PUBLIC CONSULTATION**

- 3.1. The officers' report provides details of the public consultation that was undertaken with respect to the application, and summarises all the responses received in relation to the application within section 8 of the report.
- 3.2. Full copies of the consultation responses listed within this section are available to view on the public access website and have been taken into consideration within the officers' report.
- 3.3. In order to clarify to Members the public consultation that was undertaken with respect to the application, officers would advise the following.
- 3.4. The proposal was developed following extensive pre-application discussions with officers, Oxford Design Review Panel, key stakeholders (Historic England, Oxfordshire County Council, Oxford Preservation Trust, and Oxford Civic Society), and wider public consultation. The details of this are set out within the statement of community involvement in section 6.0 of the Planning Statement. The public consultation included a public exhibition on the 17 and 18 November 2017 in the Ship Street Centre on Ship Street. It was advertised in the Oxford Times and on the College Website. The proposed development evolved prior to submission of an application as a result of these discussions.
- 3.5. The planning application has been subject to two statutory consultation periods prior to it being reported to the West Area Planning Committee. Site notices were originally displayed around the application site on the 27 February 2018. As stated within the committee report, the application was subsequently amended post this consultation period in order to address a number of comments received during the consultation period, and as such a further consultation was undertaken with site notices posted on the 25 May 2018.
- 3.6. Officers would make Members aware that full and proper public consultation has been undertaken through the pre-application discussions and also the determination of the application.

#### 4. RELEVANT PLANNING POLICY

- 4.1. The government has revised the National Planning Policy Framework (NPPF) since the West Area Planning Committee meeting on the 10 July 2018. This replaces the version published in March 2012 which was quoted throughout the original committee report (**appendix 1**):
- 4.2. The following table has been updated to reflect this change in national policy and supersedes the one set out in paragraph 7.1 of the committee report.

Topic	National Planning Policy Framework (NPPF) (July 2018)	Local Plan	Core Strategy	Sites and Housing Plan
<b>Design</b>	12	CP8,CP9, CP10,	CS18_,	HP9_,
<b>Conservation/ Heritage</b>	16	HE2, HE3, HE7, HE9, HE10,		
<b>Housing</b>	5		CS24_ , CS25_ ,	HP5_ ,
<b>Commercial</b>	6, 7	CP5, RC3, RC5, RC12, RC13,	CS1_ , CS31_ ,	
<b>Social and community</b>			CS19_ ,	
<b>Transport</b>	9	TR1, TR4,		HP15_ , HP16_ ,
<b>Environmental</b>		CP19,CP20, CP21,	CS9_ , CS10_ , CS11_ , CS12_ ,	HP11_ ,
<b>Misc</b>		CP.13,CP.24, CP.25		MP1

- 4.3. In summary although the committee report in **appendix 1** makes reference to specific paragraphs within the previous NPPF (March 2012), the requirements set out in the report are all maintained within the revised NPPF (July 2018) albeit under different sections and paragraphs numbers. For ease of reference the changes should be as follows

Paragraphs in Committee report (appendix 1)	National Planning Policy Framework (NPPF) (March 2012) Relevant Paragraphs	Revised National Planning Policy Framework (NPPF) (July 2018) Revised Paragraphs
9.2	14 17	11 117 & 118
9.16	134	196
9.46	132 134	193 196
9.47	32	109 & 111
9.70	32	109
9.88	118	175
10.2	2	2
10.9	14	11
10.10	14	11

4.4. There are no additional implications when determining the application on the basis of the superseding paragraphs of the NPPF that would alter the recommendation set out within that report.

## 5. MATERIAL PLANNING CONSIDERATIONS

5.1. The call-in request listed the following matters of planning concern regarding the proposed application and its impact.

- The height of the proposed tower in Market Street at over 21 metres substantially exceeds the normal height restrictions for new development in the city centre
- The tower would be situated in the heart of the old city centre
- The tower would be highly visible from many points
- The tower appears incongruous and incompatible with the historic buildings near it and so adversely affects the character of the area
- The tower does not appear to be an essential or integral part of the proposed development by Jesus College, the rest of which has been generally welcomed

5.2. The committee report for the West Area Planning Committee considers all of these matters and sets out why planning permission should be granted for the proposal. A copy of the report is included within **appendix 1** of this addendum.

5.3. As stated within the report, the application for the redevelopment of Northgate House was submitted following extensive pre-application discussions with officers, Oxford Design Review Panel, Historic England, and other parties. It is considered that the proposal has been designed in a manner that has responded intelligently to the surrounding context. In doing so it has had full regard to the fact that the gatehouse would be situated within the heart of the city centre, and would be visible from points within and outside the city centre. In order to fully

understand its impact the design development of the scheme was informed by a Heritage Assessment and Landscape and Visual Impact Analysis that assessed its impact upon the recognised view points of the historic skyline from both within and outside the city.

- 5.4. The 'tower' subject to the points of concern listed in paragraph 5.1, has actually been designed as a College Gatehouse of similar height, character, and proportion to the other gatehouses that exist at Jesus College's entrances onto Turl Street and Ship Street. It has always been an integral part of the new building, announcing the new entrance to the college grounds from Market Street and including lodge facilities, social, meeting, and event space within its various floors. The provision of usable floorspace within the gatehouse has allowed the main building to be sited further away from the adjoining listed Fellows Library, while also allowing the re-opening of the Cloeburne's Lane (the Saxon lane that ran to the western edge of Jesus College). As such officers would make clear that the suggestion within the call-in that the tower is not an essential or integral part of the proposed development by Jesus College does not fully appreciate all that is involved in the proposed development before the committee.
- 5.5. It is fully accepted within the officers' report that the height of the Gatehouse would at 21.3m exceed the 18.2m height limit by approximately 3.1m within Oxford Local Plan Policy HE9 and so any approval would represent a departure from this policy.
- 5.6. However Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations state otherwise. The policies of the development plan need to be considered as a whole in the determination of any application, and this includes an assessment of any material considerations that may outweigh conflict with these development plan policies. The National Planning Policy Framework (July 2018) (NPPF) acknowledges this point in Paragraph 12 by stating that '*Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed*'. As such Members should be clear that the fact that the gatehouse exceeds the height limit set out in Policy HE9 does not mean that planning permission should automatically be refused.
- 5.7. In this case the Oxford Local Plan recognises the importance of views of Oxford from surrounding high places from outside its boundaries but also in shorter views from prominent places within Oxford. Local Plan Policy HE9 (High Building Area) states that planning permission will not be granted for developments which exceed 18.2 metres (or ordnance datum height of 79.3 metres) within a 1,200 metre radius of Carfax Tower. The exception to this policy is where there are minor elements of "no great bulk". In addition to this the View Cones Policy (HE10) protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church.

- 5.8. In understanding the weight that should be attached to Policy HE9, it is necessary to understand that the current Local Plan was adopted in November 2005 prior to the adoption of the NPPF and therefore its consistency needs to be tested against this document. It should be noted that the wording of these policies does not allow for any assessment of the level of harm and a balancing exercise to be made which could be viewed as being inconsistent with the requirements of the NPPF.
- 5.9. The current Local Plan is to be superseded by the new Oxford Local Plan 2036 which is currently at the preferred options stage of the adoption process. The plan recognises that the pressure on land within the city means that taller buildings could contribute positively to increasing density and making a more efficient use of land. The historic skyline of the city means that particular care needs to be taken over the design and placement of taller buildings, to ensure that they do not negatively impact on the views of the skyline. With specific regard to High Buildings, View Cones, and High Building Area, the preferred options document recognises that placing a strong emphasis on a height restriction can lead to all buildings being built to the maximum height, without enough regard to what height works best in a particular location, and also with the potential consequence of creating a very flat, monotonous and uninteresting roofline. Importantly it also states that it risks preventing potentially positive interventions on the Oxford skyline from coming forward. As a result the preferred option for local plan policy moving forward is to not set a rigid height limit as in the case of HE9, but to have a criteria-based approach to allow full consideration as to how new development will impact on the skyline and allow taller buildings that will make a positive contribution to the skyline.
- 5.10. Whilst this is only an emerging policy and therefore should be afforded little weight in the determination of this application, it is a clear indication of the direction of travel for future development plan policy with respect to high buildings and acknowledges the shortfalls of strict adherence to the current development plan policy. The approach outlined within the preferred options document would also be more consistent with the aims of the NPPF which encourages development proposals that will impact on designated heritage assets to be based on an understanding of the significance of the assets and to ensure that proposals do not harm these assets, but also allowing a balancing exercise to be made where there would be substantial or less than substantial harm. As such it could be viewed that refusing this application on the basis that the development would exceed the current height limit for buildings within the city centre would not be consistent with national planning policy and or emerging local plan policies.
- 5.11. In terms of the context of the immediate area, the architects have pointed to the fact that the gatehouse is aligned or lower than the height of many existing historic and non-historic buildings within the vicinity including Debenhams, Clarendon Centre, and a number of other properties along Cornmarket. They have designed the gatehouse to be slender and carefully articulated in order to provide a vertical emphasis to the Northgate House site while also adding to the buildings within the skyline. With respect to views, the Landscape and Visual Impact Analysis (LVIA) has demonstrated that the gatehouse would only be

visible in a few views from within the city, notably from the towers of Carfax, St Michael at the Northgate, and St Mary's. The officers' report has considered the impact on these views in detail and has identified that the gatehouse would not have a harmful on these views not interrupting key landmarks or listed buildings.

- 5.12. The call-in has also suggested that the gatehouse would be incompatible with the historic buildings near it and so adversely affecting the character of the area. As the call-in has not provided details of the specific historic buildings that it considers are impacted, it is difficult to provide a fuller response to this matter. However, for the reasons set out within the committee report, officers have provided a full assessment of the impacts upon the relevant designated heritage assets. It concludes that the new building has been designed to introduce an interesting, well-articulated building that makes architectural references to existing, significant building forms and features in its immediate context and the wider context of the city and that will be positive in terms of its contribution to the building frontages (streetscapes) of both Cornmarket and Market Street and in immediate views at street level, both east and west along Market Street and north and south along Cornmarket. Moreover the call-in reason has not given proper regard or weight to the benefits that the development will have in relation to the adjoining listed buildings in Jesus College through opening up a new entrance from Market Street which will bring more activity to the Fellows Garden and also provide a more active setting around the existing Fellows Library than is currently the case with Northgate House and its service / loading bay on Market Street which it sits alongside.
- 5.13. Importantly the officers report concludes that the building will not create harm to any of the surrounding heritage assets despite the fact that the gatehouse would represent a departure from the high buildings policy, and as such the NPPF Paragraph 196 test of public benefits would not apply. Nevertheless should any harm be considered to arise from the presence of a more assertive, although entirely appropriate building element in the existing townscape of the city, officers consider that this would be substantially offset by the public benefits of a building which demonstrates outstanding architecture and makes positive contributions to the public realm of the city, in particular Market Street but also to Cornmarket. This view is also supported by Historic England who are the statutory consultee in relation to developments relating to listed buildings.
- 5.14. The West Area Planning Committee resolved to add two further conditions to the officer recommendation; to seek a phasing and materials plan for the surfacing works to Market Street and to seek active retail frontages onto Market Street. The former condition is included in the officer recommendation in this report (condition 27). Officers recognise the importance of ensuring an active retail frontage and will update the Planning Review Committee verbally as to whether an appropriately worded condition could secure this.
- 5.15. Therefore subject to conditions, the proposal as a whole is considered to comply with sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 193, 194 and 196 of the NPPF, policies CP1, CP8, HE3, HE7, and HE10 of the Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy, and HP9 of the Sites and Housing Plan. As such officers consider that there would be no material reason in

planning terms to object to the proposal.

## **6. CONCLUSION**

- 6.1. Having regards to the matters set out within the call-in to Planning Review Committee, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the

Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

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

#### *Compliance with Development Plan Policies*

- 6.3. In conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 6.4. In summary, the proposed development would seek to make an efficient use of previously developed land by delivering a high-density development which protects the character of the historic core and will create high quality public realm in accordance with Oxford Core Strategy Policy CS1 and CS2. The redevelopment of the site to provide additional accommodation for Jesus College for their own campus is also supported by Sites and Housing Plan Policy HP5. The site layout and built form has been developed in a comprehensive and thoughtful manner following an extensive pre-application process which has considered the impact upon designated heritage assets, and results in a high quality development which would not harm these assets while also delivering a number of public benefits that would outweigh any harm that was derived from the scheme. As such it would accord with Local Plan Policies CP1, CP6, CP8, HE3, HE7, HE8 and HE10 along with Core Strategy Policy CS18. In transport terms, it is considered that the proposal would be acceptable in terms of access, parking, highway safety, traffic generation, and pedestrian and cycle movements in accordance with Local Plan Policy CP1, and HP15. Members need to be aware that there are other improvements to Market Street that are to be covered by a Section 278 legal agreement. This is a matter between the County Council and the Applicant and cannot be considered direct mitigation for the development or material to the determination of the application. It is, however, an important part of the delivery of the overall development. The development would not have an adverse impact upon biodiversity and would secure appropriate mitigation measures in order to ensure that there is no net loss of biodiversity in accordance with Core Strategy Policy CS12. The development would also be acceptable in terms of archaeology (Local Plan Policy HE2), Air Quality (Local Plan Policy CP23), Land Quality (Local Plan Policy CP22), and sustainability (Core Strategy Policy CS9). Where there are any adverse impacts in relation to these matters officers consider that these could be mitigated through appropriately worded conditions.

6.5. The main policy where there could be considered to be a departure from development plan policy would be with regard to Oxford Local Plan Policy HE9 which states that permission will not be granted for developments which exceed 18.2m (or ordnance datum height of 79.3m within a 1,200m radius of Carfax Tower). While it is accepted that the proposed Gatehouse would exceed the 18.2m height limit as prescribed by the policy and cannot reasonably be considered a 'minor element', and thus exempt from the policy, in terms of the impact on significant views and the settings of those key buildings that make up the valued "skyline" of the city, the proposed building could not be said to be harmful and in street views it would only be St Michael's Tower that would be directly impacted and the design of the proposed building would certainly not detract from the significance of this building. The LVIA submitted with the application has demonstrated that the gatehouse would not be an intrusive element within the skyline or detract from the significant views of the surrounding taller city spires that Policy HE9 seeks to protect and which would remain the prominent features within the views, thereby according with policies HE10 and CS18, and chapter 12, and 16 of the NPPF. Therefore the high quality contextual design approach for the gatehouse which has been informed by a Landscape Visual Impact Assessment considerably reduces the weight to be attached to the conflict with this policy.

6.6. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material Considerations*

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

6.8. National Planning Policy: The NPPF has a presumption in favour of sustainable development.

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

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

6.11. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 6.12. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in Section 7 of this report.

## 7. CONDITIONS

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

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

- 2 Subject to condition 9, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

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

Reason: In the interests of the visual appearance of the Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 4 Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, the commercial floorspace in the basement, ground floor, and first floor shall be used for retail (Class A1) use only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class revoking or enacting that Order).

Reasons: In the interests of preserving the primary and secondary shopping frontages within the city centre in accordance with Oxford Core Strategy Policy CS1, CS31, and Oxford Local Plan Policy RC5

- 5 The building(s) shall not be demolished before a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the special character and appearance of the Conservation Area, in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 6 (i) The student accommodation hereby permitted shall only be occupied during term time by students in full time education on courses of an academic year or more.

(ii) Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates.

The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: In order to maintain the availability of appropriate student accommodation in accordance with policy CS25 of the Adopted Oxford Core Strategy 2026 and HP5 of the Sites and Housing Plan

- 7 The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1 of the Adopted Oxford Local Plan 2001-2016 and Policy HP5 of the Sites and Housing Plan 2011-2026

- 8 The development shall not be occupied until a Student Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include the control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of term are appropriately staggered to prevent any adverse impacts on the operation of the highway. The approved management plan shall be implemented upon first occupation of the development and remain in place at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policy CS25 of the Oxford Core Strategy 2026.

- 9 Notwithstanding the details submitted with the application, further large scale design details of the following shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works above ground.

- Large scale details for all new windows, doors and glazing panels
- Large scale sections of roof junctions (eaves, fascias, soffits etc)
- Large scale details of roof railings and external stair
- details of the means of enclosure for the new entrance onto Market Street including railings, new wall etc

The development shall be carried out in accordance with these approved details

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in the interests of preserving the character and appearance of the conservation area, and in accordance with Policies CP1, CP8, and HE7 of the adopted Oxford Local Plan 2001-2016

- 10 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of

existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 11 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 12 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. The works shall only be carried out in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016

- 13 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried out in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

- 14 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016

- 15 A detailed Arboricultural Method Statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved Arboricultural Method Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with policies CP1,CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 16 No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology for archaeological recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Saxon, medieval and post-medieval remains (Local Plan Policy HE2).

- 17 No work shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP should identify the following;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents, including the adjacent care home.

The development shall be carried out in accordance with the approved CTMP

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

- 18 The development shall not be brought into use until details of the refuse and cycle storage for the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include the method of storage to ensure that they are safe, secure, and sheltered. The refuse and cycle storage shall be provided in accordance with these approved details prior to the development being first occupied, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, and in accordance with Policies CP1, and CP10 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan 2011-2026

- 19 A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The approved Travel Plan shall be implemented on occupation and complied with thereafter.

Reason: To encourage the use of sustainable modes as a means of transport.

- 20 No development shall take place until a Construction Environmental Management Plan (CEMP), containing the specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on chapter 7 of the Air Quality Assessment submitted with the application (document's project number:JAP9732, from February 2018). The development shall be carried out in accordance with the approved CEMP

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, and with Core Policy 23 of the Oxford Local Plan 2001- 2016.

- 21 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 4x bird nesting, 3x bat roosting devices and nectar rich planting shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed and planted prior to occupation of the approved development and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 22 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details should be based on the surface water drainage strategy as outlined in Smith and Wallwork Engineers Foul and Surface Water Planning Report - December 2017.

The plans, calculations and drainage details submitted shall demonstrate that;

- (i) The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- (ii) The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

- (iii) Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- (iv) Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved in writing by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 23 No work shall commence until a SuDS maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDs maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The drainage scheme shall be carried out in accordance with the approved details.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 24 The Groundwater flooding mitigation measures outlined within Smith and Wallwork Engineers Foul and Surface Water Planning Report - December 2017 shall be implemented and brought into use before the development hereby approved is occupied and shall be retained thereafter.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 25 A Servicing and Delivery Management Plan for the retail units shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the respective units. The approved Servicing and Delivery Management Plans shall be implemented when the units are brought into use and retained in place thereafter.

Reason: In the interests of highway safety and network management.

- 26 No external lighting shall be installed on site unless details of such lighting, including the make/type of fittings, intensity of illumination, light source, the design calculations showing the lanterns geometry aiming angles and predicted lighting contours etc, have been first submitted to, and approved in writing by the Local Planning Authority, prior to first occupation of the site. Any external lighting that is to be installed shall be in accordance with British Standard 5489 for details to be approved. The approved lighting shall be provided before any part of the development is brought into use.

Reason: To maintain street lighting to adequate levels in accordance with Oxford Local Plan CP1.

- 27 The development shall not be commenced until a phasing, details and materials plan for the proposed works to Market Street has been submitted to and been approved

in writing by the Local Planning Authority. The phasing, details and materials plan shall provide details of the timing of the proposed works and the materials to be used on the surfacing of Market Street. The approved phasing shall be followed and the approved materials shall be used in carrying out the said works.

Reason: To mitigate the development's impact on Market Street and to ensure a consistent quality of finish to the highway in accordance with Policy CS18 of the Core Strategy 2016

## **8. APPENDICES**

**Appendix 1** – Officer's report to West Area Planning Committee

**Appendix 2** – Extract from the minutes of the West Area Planning Committee meeting held on 10 July 2018

## **9. HUMAN RIGHTS ACT 1998**

- 9.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant planning permission for 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.

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

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