

West Area Planning Committee

10th September 2019

Application number:	18/03370/FUL		
Decision due by	25th March 2019		
Extension of time	31st October 2019		
Proposal	Demolition of existing building and construction of 30 apartments (16 x 1 bed, 14 x 2 bed) and associated works		
Site address	Simon House, 1 - 5 Paradise Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Sarah De La Coze		
Agent:	JPPC - Chartered Town Planners	Applicant:	A2Dominion Homes Limited
Reason at Committee	The application is before the committee because it is a major application.		

1. RECOMMENDATION

1.1. **West Area Planning Committee** is recommended to:

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

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

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

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to

dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Acting Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the redevelopment of Simon House. The application seeks planning permission for the redevelopment of the site to include 16 x 1 bed and 14 x 2 bed flats. The existing building comprises a purpose-built hostel providing 52 bed-spaces for rough sleepers, single, homeless people and other vulnerable people in Oxfordshire. The site is located in a central location within the city.
- 2.2. The application has been subject to a number of amendments mostly in response to comments received by Historic England and officers regarding the design of the building and its impact on the historic environment.
- 2.3. The application was subject to pre-application discussions and was reviewed by the Oxford Design Review Panel.
- 2.4. Officers consider that the development would be acceptable with regard to principle, design, impact on the historic environment, highways and impact on neighbouring amenity.
- 2.5. The affordable housing requirement for this site (50% which equates to 15 dwellings) is to be provided off-site on a site in Gibbs Crescent (planning reference 18/03369/FUL). The associated Gibbs Crescent application is also on the agenda for this meeting. Taken together, the two applications would comply with the local plan policy requirement. This application would therefore only be acceptable from an affordable housing point of view if the Gibbs Crescent application is also approved. The affordable housing proposal has been considered by officers and the Council's housing team to be acceptable.
- 2.6. The harm to the historic environment has been carefully considered and great weight has been given to conserving the designated heritage assets referred to in the report. The benefits of the scheme are considered to outweigh the less than substantial harm that would arise from the proposed development. On this basis the development would comply with Paragraph 196 of the NPPF.
- 2.7. The proposal would provide good quality residential accommodation in a highly sustainable location. Officers consider that the development is acceptable in all other aspects and recommend that the committee resolve to approve the application subject to a legal agreement (which is considered in more detail in the following sections of this report).

3. LEGAL AGREEMENT

- 3.1. It is recommended that as part of any planning permission granted for the development a legal agreement is required to secure the provision of off-site affordable housing which is proposed to be located at Gibbs Crescent.

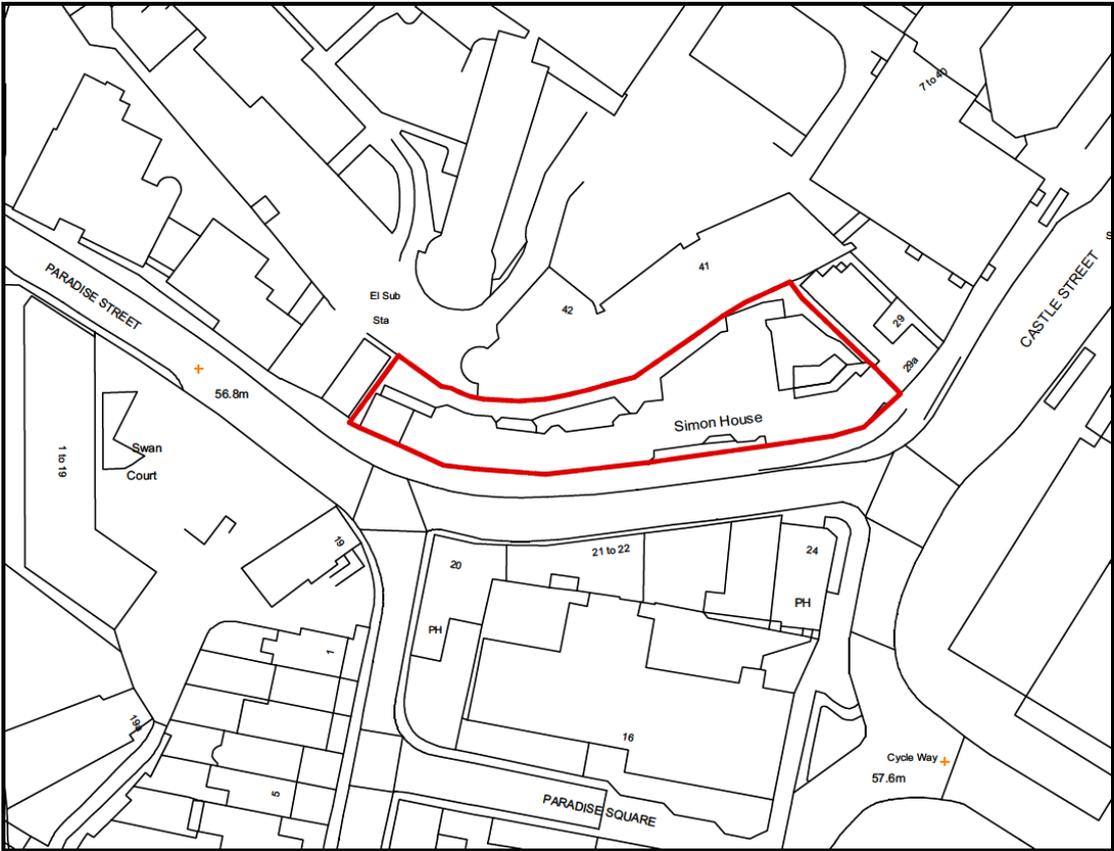
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL at an amount of £84,499.03.

5. SITE AND SURROUNDINGS

- 5.1. The site is located in a highly visible location in the street scene within the city centre. Simon House is located at the eastern end of Paradise Street and on the northern side of the road (close to the junction of Paradise Street and Castle Street). Simon House is a purpose-built hostel providing accommodation for rough sleepers, single, homeless people and other vulnerable people in Oxfordshire.
- 5.2. The layout of the existing building comprises 52 bedspaces, comprising 47 single rooms, some of which are en-suite and some with shared bathrooms, plus 5 single rooms in the top flat which have a shared bathroom, kitchen and lounge.
- 5.3. Simon House was granted permission in the 1970s and comprises between 3 and 4 storeys including a basement. The building is accessed from Paradise Street. The building was designed to echo the defensive architecture of the neighbouring Castle/Prison site. The property sits hard up against the pavement and benefits from a modest sized garden to the rear which backs on to the former prison wall. The building follows the form of the street, gently curving along Paradise Street up to the junction with Castle Street. At its highest point from the street the existing building measures approximately 11.9m in height.
- 5.4. Paradise Street comprises a mix of residential and commercial properties. Directly opposite the site is a row of terraced buildings known as Greyfriars comprising 21 Paradise Street which is grade II* listed and The Jolly Farmers Public House which is grade II listed.
- 5.5. To the north of the development site there is the Oxford Castle/Prison complex. The Castle complex underwent regeneration between 2003-2006 and now comprises the remains of the historic castle and prison as well as a number of restaurants, bars, residential properties and a hotel. A number of buildings and structures within the castle and prison complex are listed, namely The Boundary Wall (grade II), C Wing including Round Tower (grade II* listed), The Governor's Office and Former Laundry (grade II listed), Former Houses of Correction and attached carpenters' shop (grade II listed) and the front range with entrance including a wing and link to wing with former chapel (grade II listed). It is believed that the Castle was built in 1071. The construction of the prison buildings took place over 20 years from 1785 and remained a working prison until 1996.

- 5.6. To the west of the site is an access in to the castle complex with student accommodation being located beyond the access road.
- 5.7. Immediately to the east of the site is 29 and 29A Castle Street, 29A is grade II listed. The building is currently empty. Beyond 29 and 29a is another entrance to the castle complex along with a building comprising a pub at ground floor level (The Swan and Castle) and residential apartments on the upper four storeys.
- 5.8. The site also sits within the Central (City and University) Conservation Area and is in close proximity to a scheduled monument (the Castle Mound).
- 5.9. In the wider context there is the newly developed Westgate shopping centre which is located opposite the site on the other side of the road and the City Centre sits beyond.
- 5.10. See location plan below:



6. PROPOSAL

- 6.1. The application proposes the demolition of the existing hostel building and the erection of a 4-5 storey building to accommodate 30 dwellings (16 x 1 bed and 14 x 2 bed) with associated landscaping. The street pavement slopes upwards from east to west by approximately 3m, in a relatively even gradient across the frontage. At the tallest point the proposed building would have a height of approximately 16.9m from street level. The building would be accessed via entrances located on Paradise Street with some of the ground

floor flats benefiting from their own private entrances on to the street. The building would comprise a mixture of balconies, terraces and gardens which would provide the outside amenity space for the occupiers, with the roof terrace and rear garden being an additional communal space. A number of the cycle parking spaces would be located within the building on the ground floor, accessible from the street. The remaining cycle spaces would be located in the rear communal garden area. Refuse storage would also be located on the ground floor within the building. The development is proposed to be car free.

- 6.2. The materials for the building include a buff, multi texture brick for the facades and aluminium windows. The colour and type of brickwork has been chosen to give a visual reference to the aesthetic of the castle quarter as well as some of the newer buildings located in Paradise Street. The roof will be flat and will include a green roof and solar panels. Part of the roof will be used as a communal outside amenity space for the occupiers of the building.
- 6.3. The leasehold for the 30 dwellings is proposed to be retained by A2Dominion and the flats would be let individually on the open market. No affordable housing is proposed to be provided on site, instead off-site affordable housing in the form of 15 dwellings is proposed to be provided on Gibbs Crescent (application 18/03369/FUL) which is recommended for approval (subject to a legal agreement to secure the affordable housing) which is to be considered at this committee meeting. Both sites are in the control of the applicant. The affordable housing would be secured through a S106 agreement.

7. RELEVANT PLANNING HISTORY

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

75/00866/A_H - Outline application to erect a new hostel for alcoholics for Cyrenian community. Withdrawn. 24th September 1975.

76/00068/A_H - Erection of a hostel for Oxford Cyrenian Community, to accommodate 60 persons, and a wardens flat (Reserved Matters). Permitted. 26th July 1978.

76/00068/AA_H - Outline application for the erection of a hostel for the Oxford Cyrenian Community, to accommodate not more than 60 persons. Permitted. 26th March 1976.

80/00789/A - Internally illuminated lettering on front elevation. Permitted. 2nd October 1980.

83/00518/NF - Change of use of ground floor shop to office. Permitted. 12th December 1983.

89/00173/NFH - Extension at 1st floor (above canteen) to form office accommodation. Permitted. 12th April 1989.

94/01652/NFH - Single storey building to house freezer store. Permitted. 9th March 1995.

05/02059/FUL - Refurbishment of existing building including new main entrance doors, insertion of new window, air vent griller and rendering of part of the front elevation around and above the main entrance.. Permitted. 9th December 2005.

06/00630/FUL - Extension to undercroft. Permitted. 24th May 2006.

11/03073/FUL - Replacement of existing roof structure over kitchen and canteen with a new flat roof. Permitted. 26th March 2012.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	West End Area Plan	Emerging Plan
Design	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14		WE11 WE12	H14, H15, H16, RE2, RE7, DH1, DH2, DH7
Conservation/Heritage	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE3 HE7				WE10	DH3, DH4, DH5
Housing	Paragraphs 61, 62		CS2 CS23 CS24	HP3		WE15 WE16	H1, H2, H4
Natural environment	Paragraph 175,	NE21	CS12 CS11			WE14	RE3, RE4, G2
Transport	Paragraphs 102,103, 105,106, 109, 110	TR1 TR3 TR4 TR5 TR6 TR13	CS13	HP15 HP16	Parking Standards SPD		M1, M2, M3, M4, M5
Environmental	Paragraphs 148, 150, 153, 155, 163, 165	CP11 CP17 CP18 CP22	CS9	HP11	Energy Statement TAN	WE13	RE1, RE6
Miscellaneous	Paragraphs 11, 38, 39,	CP.13 CP14	CS10 CS19	MP1	Telecommunications		S1, S2, H10, RE5, RE8,

	40, 41, 47, 48, 54, 55, 56, 57, 178, 179, 180	CP19 CP20 CP21 CP.24 CP.25			SPD, External Wall Insulation TAN,		RE9
--	--	--	--	--	--	--	-----

The Oxford Local Plan 2036 is currently in draft. Limited weight is currently afforded to the policies within this plan. Where relevant the emerging policies are referred to and any conflict is identified.

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on the 8th January 2019 and an advertisement was published in The Oxford Times newspaper on the 10th January 2019.
- 9.2. Following amended plans and additional information being submitted, the application was re-advertised by site notice on 25th June 2019 and an advertisement was published in the Oxford Times newspaper on the 27th June 2019.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.3. No objection subject to conditions

Traffic Generation & Accessibility

- 9.4. As the proposal seeks to be car-free, the traffic generation of the site is likely to be minimal. The largest impact on the highway network will be during the construction phase which will be mitigated somewhat by the Construction Traffic Management Plan (conditioned) which will restrict construction vehicles from entering the city during peak times.
- 9.5. The site is deemed highly accessible by sustainable modes of transport. The site is within walking distance to the train station and many bus stops and therefore the car-free nature of the site is deemed suitable.

Car Parking

- 9.6. The development is proposed to be car-free. Due to the sustainable location of the site and the on-street restrictions on all nearby streets, this is deemed acceptable. Visitors can park in any of the public car-parks nearby and residents can use any of the sustainable modes of transport available to them.

Cycle Parking

- 9.7. The Transport Statement states that cycle parking has been provided in line with the Oxfordshire Cycle Design Standards, however, these are not the standards that are typically used. Nonetheless, in this case, the applicant proposes to provide 76 spaces which is above the level stated in Policy HP15 of Oxford City Council's Sites and Housing Plan and is therefore accepted.

- 9.8. Additionally, the Transport Statement states that Appendix A shows the location of the cycle parking but only shows 56 “double stack” cycle spaces. This is below the accepted level and should be shown on an amended plan. Furthermore, the transport statement mentions that ‘double stack’ cycle parking will be provided. This type of cycle parking, although space saving, can be problematic for those with mobility issues as it involves lifting bikes onto stands. Sheffield stands are therefore preferable and should be spaced 1 metre apart.

Travel Plan

- 9.9. A travel information pack is required prior to first occupation which should then be distributed to all residents at the point of occupation.

Refuse Collection

- 9.10. Refuse collection would occur from Paradise Street as existing and is acceptable.

Oxfordshire County Council (Lead Flood Authority)

- 9.11. No objection
- 9.12. Fully Detailed Surface Water Drainage Strategy including drawings of all surface water features/structures to be drawn up and supplied.
- 9.13. MicroDrainage Calculations: Greenfield run-off rate appears high. Default Cv values have been used which are not felt to be representative of the site. It is recommended that Cv values of 0.95 for roofed areas and 0.9 for hardstanding be used. Calculations should be re-run and revised file supplied.
- 9.14. Further consideration should be given to maximising the SuDS potential for the green space.
- 9.15. All hardstanding should be permeable.
- 9.16. FRA states that owners will become responsible for maintenance of surface water management features/structures, it is dubious that this will be deliverable long term and should be re-considered or robustly justified as to how it will be enforced.

Thames Water Utilities Limited

- 9.17. Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided
- 9.18. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Natural England

9.19. Natural England has no comments to make on this application.

Historic England

9.20. The applicant has taken on board comments made by both Historic England and the Council's design and conservation team. The massing has now been broken up a little and the Paradise Street façade appears a bit lighter and more ordered. There would be scope to further develop these elevations and make this building better, and we would be delighted if the Council had the patience to do this, but I think that the design has reached a point where the design is less overbearing on its neighbours and the adverse impact on the significance nearby listed buildings is minor. We will leave the judgement as to whether the building takes the opportunity available for improving the character of this area to others.

9.21. Historic England has no objection to the application on heritage grounds.

9.22. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Oxfordshire Architectural And Historical Society

9.23. The key issue for the current planning application is the lack of evidence for what the developer of the site intends to do about the exposed wall of no. 29A when the present Simon House, which abuts it, is demolished. Therefore conditions are suggested to protect 29/29A

Thames Valley Police

9.24. No objection subject to conditions but raised a number of concerns with regard to the detailed design and safety of the building.

Public representations

1 Letter of representation was received from a resident in Wharton Road which states: Oxford City has a significant lack of housing, in particular affordable and social combined with a severe shortage of land that could potentially be developed. This development would provide additional and much needed accommodation reducing the strain on the private rented sector and social housing without the need for developing any green sites.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

i. Principle of development

- ii. Affordable housing and mix of dwellings
- iii. Design and impact on the historic environment
- iv. Amenity and impact on neighbouring amenity
- v. Highways
- vi. Biodiversity
- vii. Sustainability
- viii. Drainage and flooding
- ix. Environmental health

i. Principle of development

- 10.2. The application site currently comprises a purpose built hostel providing 52 bed spaces for rough sleepers, single homeless people and other vulnerable people in Oxfordshire. The accommodation is managed by A2Dominion, which is a large affordable housing organisation and registered provider. Simon House is in the process of being decommissioned with the occupants being rehoused to a new purpose built property located on Rymers Lane in Cowley as well other properties across the city depending on their need. This change has come about due to a change in the way this type of accommodation is funded by Oxfordshire County Council. The Rymers Lane development was considered and approved in February 2018 with the knowledge that Simon House was to be decommissioned in the future and the residents relocated. The loss of this specific housing need has therefore already been considered in association with the Council's homelessness strategy and its succession planning. The loss of this accommodation is therefore already in the process of being re-provided on the Rymers Lane site. The redevelopment of Simon House would therefore not result in a loss to this type of accommodation being provided in the city. The application would comply with Policy CS23 of the Core Strategy which requires for a mix of housing to be provided across the city to accommodate a range of accommodation needs.
- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Paragraph 117 states that planning policies and decisions should promote an effective use of land.
- 10.4. Policy CS2 of the Core strategy states that development will be focused on previously developed land. The supporting text then goes on to say "Providing new housing on previously developed land within the existing built-up area enables people to live closer to shops, services, and places of work. It can help to reduce the need to travel, as well as helping to sustain existing local businesses and facilities."
- 10.5. Policy CP6 of the adopted Local Plan states that Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area.

- 10.6. Policy RE2 of the Emerging Local Plan supports the efficient use of land. It requires the density to be appropriate for the site. The scale of development, including building heights and massing should conform to other policies in the plan, opportunities for developing at the maximum appropriate density must be fully explored and built form and site layout must be appropriate for the capacity of the site.
- 10.7. The site will be vacant as of September 2019 and is located in a highly sustainable location. The specialist housing provided on site will be relocated to other sites within the city and the proposal will see the efficient use of previously developed land. The principle of redeveloping the site for housing is therefore acceptable subject to compliance with the other policies in the development plan which will be explored in further detail.

ii. Affordable housing and mix of housing

- 10.8. Policy CS24 of the Core Strategy relates to affordable housing and states that on sites of 10 or more houses, planning permission will only be granted for residential developments that provide generally a minimum of 50% of the proposed dwellings as affordable housing on all qualifying sites.
- 10.9. Policy HP3 of the Sites and Housing Plan further supports this requirement and details that of the 50% of affordable housing, 80% of that should be provided as social rented with the remaining 20% being formed of affordable rented or as other types of intermediate housing.
- 10.10. The application has been submitted along with an application at Gibbs Crescent (application 18/03369/FUL). Simon House does not seek to provide any on-site affordable housing. Instead it seeks to provide its 50% (15 dwellings) of affordable housing on the Gibbs Crescent development.
- 10.11. Policy CS24 allows for off-site affordable housing to be provided where the City Council and the developer both consider it preferable. The City Council's housing team has been in consultation with A2Dominion to ensure that the affordable housing target is met and complies with the Council's housing strategy. The housing team have been consulted on the application and are in support of the provision of all of the affordable housing on the Gibbs Crescent site. The principle of providing off-site affordable housing would therefore comply with the requirements of Policy CS24.
- 10.12. Taking this into account, in total 140 dwellings are proposed to be provided on Gibbs Crescent. Assessing the combined tenure mix of Simon House and Gibbs Crescent, the proposals would provide 85 affordable dwellings in total. 70 for the Gibbs Crescent scheme and an additional 15 dwellings as an off-site contribution for Simon House. Of the 85 affordable housing dwellings proposed, 68 would be social rented and 17 would be shared ownership which would comply with the required 80%-20% mix set. The remaining 55 dwellings would be open market housing. This combination would comply with Policy HP3 of the Sites and Housing Plan.

- 10.13. In addition to the requirement for affordable housing, Policy CS23 of the Core Strategy refers to the mix of housing. The mix of housing required on larger sites is set out in the balance of dwellings SPD. Simon House is located within the city centre as defined in the SPD which promotes a higher density of smaller dwellings, but which also seeks to retain some 3 bed family dwellings within the mix for new developments. The proposal does not comply with the recommended mix of dwellings in the SPD with only one bed and two bed dwellings being provided on the Simon House site. The proposed mix would therefore be contrary to the policy requirements of Policy CS23.
- 10.14. Policy H4 of the Emerging Local Plan is less prescriptive on the proposed mix of dwellings within the city centre and only requires a specific mix for the affordable housing element. The policy states that “sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.”
- 10.15. Officers are therefore considering the application with regard to both policies (existing and emerging) with limited weight being given to the emerging plan policy.
- 10.16. The Council’s Housing Strategy (2018-21) identifies the greatest need for social housing as being small units for single people, couples and small families. There are currently over approximately 2000 households on the Council’s housing register and the greatest need is for 1 and 2 bed flats with 910 and 630 households respectively; there are 500 households with a 3 bed need. The proportions of 1 and 2 bed flats which are proposed across the sites are therefore higher than the policy requirement because of this strategic assessment of housing needs.
- 10.17. In addition, pressure to keep up the number of 1 bed flats also arises for two other reasons when the two applications are considered together. Firstly, Gibbs Crescent currently makes a significant contribution to the existing one bed stock across the City and its redevelopment would see the loss of a high number of single dwellings. The redevelopment of the site would require a number of occupiers who live in a smaller dwelling to be relocated in to further smaller dwellings across the city of which there is already a high demand. The reduction in the number of smaller dwellings as a result of redevelopment would therefore impact on the numbers rehoused annually from the housing register. Secondly, relocating existing households from Gibbs Crescent for the redevelopment would, in the short term, take up much of the capacity from existing stock, again reducing the overall numbers. The increased number of smaller dwellings proposed would be in line with the local housing need as well as responding specifically to the impact on housing numbers due to the redevelopment of the site.
- 10.18. In addition to the above, the inclusion of a greater number of two bed flats would still allow accommodation for up to four people and would allow for some household growth. This growth would allow for a mix of people occupying the site, and would allow for the overall principle of mixed and flexible accommodation to be achieved.

- 10.19. There is also the physical layout of Simon House and Gibbs Crescent which lends itself to the mix that is proposed in both schemes.
- 10.20. Simon House is a constrained site with only sufficient space for individual balconies and a small communal garden and roof garden within the development. Given this, the communal areas are more limited in terms of size and can only be used in a more limited way. The site has no access to larger areas of space which would be preferable for sites that are likely to have higher densities of children present (given a potentially greater need for outdoor space for families). Gibbs Crescent allows for a larger provision of outside space. This larger outside space afforded to Gibbs Crescent is considered to be more flexible and allows for a wider range of outdoor activities to occur such as outdoor play etc. The inclusion of the larger 3 bed dwellings on Gibbs Crescent means that those units which are more likely to accommodate children or larger families are afforded better levels of outside amenity and space to socialise.
- 10.21. The proposal is therefore not compliant with Policy CS23 of the Core Strategy but would be in line with the needs of the Council's Housing Strategy as well as the general approach and evidence of the Emerging Plan. Given this, the proposed mix of housing is considered acceptable when considering the site specifics of the applications and sites.

iii. Design and Impact on the Historic Environment

- 10.22. The site is located in a highly sensitive area within the city centre. The site sits within the Central Conservation Area, is bounded by a number of listed buildings and sits close to a scheduled monument.
- 10.23. Policy CS18 of the Core Strategy, HP9 of the Sites and Housing Plan and policies CP1 and CP8 of the adopted Oxford Local Plan and Policy DH1 of the emerging Local Plan require that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.24. In addition the site sits within the high building area. This is covered in policy HE9 of the Oxford Local Plan and states that planning permission will not be granted for any development within a 1,200 metre radius of Carfax which exceeds 18.2 m (60 ft) in height or ordnance datum (height above sea level) 79.3 m (260 ft) (whichever is the lower) except for minor elements of no great bulk. The Oxford High Buildings technical advice note further explores and seeks to inform decisions that relate to high buildings within the city.

Design and Impact on the Conservation Area

- 10.25. The proposal has been subject to a design review carried out by the Oxford Design Review Panel as well as consideration by officers, Historic England and other statutory consultees. As a result of these discussions amended plans have been provided for the scheme and these plans form the application that is considered in this report.

- 10.26. The site is located within the Central Conservation Area and therefore great weight is given to its conservation in line with Paragraph 193 of the NPPF. Policy HE7 of the Oxford Local Plan and Policy DH3 of the Emerging Local Plan refers to Conservation Areas and states that planning permission will only be granted for development that preserves or enhances the special character and appearance of Conservation Areas or their setting.
- 10.27. Within a Conservation Area, Officers are required to take account of the duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and section 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 196 of the NPPF then goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.28. The size and shape of the site leaves few options to the possible form of development and therefore the proposal seeks to follow a similar form to that of the existing building and to follow the existing contours of the street and site.
- 10.29. Paradise Street is characterised by a range of buildings, with the southern side comprising a number of listed buildings which are important survivors of the mediaeval town. This group of listed buildings, each with architectural and historic interest in their own right, together form an important and valuable piece of streetscape of a scale and articulation with distinctive elements of architectural language and detail that are important to preserve. The scale of these properties is more modest and the buildings are of a more domestic scale than the proposed development
- 10.30. To the immediate east of the street are 29 and 29A Castle Street with large C20 commercial buildings being located beyond. The applicant has re-visited the design of the most north-eastern element/bay of the proposed new building which has resulted in a building element that responds more closely to the overall size of the historic buildings and to the scale and pattern of openings in the street facades of both 29 and 29a, ensuring a legible transition between the small, domestic scale of the listed buildings through to the much larger scale of the proposed development.
- 10.31. On the northern side, the road benefits from more dense development with Simon House and the student accommodation block to the west dominating this side of the street.
- 10.32. The site is located in what is seen as a transition point between the historic quarter that comprises the castle complex and the more commercial part of the city which comprises the Westgate development and the city centre. Due to this there are a range of different scaled buildings located in close proximity to each other as well as the development site.

- 10.33. The site is located in a highly visible location due to its position in the street. Views of the site are available from the immediate street surrounding the site as well as views from the Castle through gaps between the buildings. In addition the site can be viewed from inside the Westgate due to the position of one of the entrances/exits to/from the shopping centre.
- 10.34. In medium to long distance views the site is also visible with views possible from St Georges Tower and Carfax. Given the central location and the views available, the proposal creates the potential for visual impact within Oxford's key strategic views, an aspect which is covered by Policy HE9 of the Oxford Local Plan which deals with high buildings in the city. As part of the application a view cone assessment was carried out which includes verified views of the development. The study identifies Boars Hill, Raleigh Park, Carfax Tower, St Georges Tower and The Mound to be the most relevant places for assessment of the impact of the development. The development would sit below the Carfax Tower datum.
- 10.35. The study looks at the various longer views from Boars Hill and Raleigh Park. The important long distance viewpoints identified in the Oxford View Cones Study from where the proposed development may be seen are primarily those in the western hills and specifically to the south-west of the city in Raleigh Park. The building roofline is visible from Raleigh Park although it is not viewed as an incongruous addition as it can be seen against the existing built forms.
- 10.36. The amended design offers a greater articulation of the building's street façade, breaking up the south/southwest facing façade into a series of vertical elements with darker, more recessive elements separating the apparent solidity of the façade into smaller, narrower elements that are more representative in scale to traditional, domestic buildings rather than the single, institutional building which currently occupies the site. The roofline profile is also broken up with a central, roof garden portion which will also break up the solidity of the built form in longer views.
- 10.37. The supporting documents suggest that the proposed development would sit within the existing building mass of the cityscape and would not present a new or additional intrusion that would distract from the significant historic skyline. It concludes that the development would not therefore impact on this particular element of the significance of the various heritage assets that combine to make up the important city skyline.
- 10.38. The building has a much greater impact on the closer/short range views.
- 10.39. The building is not highly visible from Carfax but is much more prominent in views from St Georges Tower and The Mound. From this important view point the proposed development would sit beyond the existing prison buildings, framing the edge of the historic Castle bailey. The amended design and the further consideration of the design of the roofscape, in particular the inclusion of a rooftop garden and solar panels would need to be detailed in such a manner as to minimise the impact of glare and prominence. A condition is recommended to be included requiring further details of the garden, pergola

and position of the roof panels to ensure they do not result in a harmful, visual distraction.

- 10.40. The upper parts of the proposed building would be seen against the taller building mass of Westgate and the residential flats and County Council offices which lie to the north and would appear embedded in the existing buildings that sit within the Castle bailey, immediately to the north-west of the site.
- 10.41. When viewing the site from Paradise Street the amended design and the apparent reduction in the building mass through the design process, together with the intended increased articulation of the building mass has helped to mitigate some of the harm that would result to the setting of adjacent listed buildings from the proposal. However it is considered that there would still be some level of harm to both the setting of the listed buildings on the south side of the street and to the character and appearance of this part of the Central Conservation Area as a result of the overall size of the proposed building.
- 10.42. The amended design when viewed looking west from the western edge of the Westgate has significantly reduced the previously harmful impact that the development would have on its immediate surroundings. The breaking down of the overall building mass, the introduction of soft landscape on part of the roof of the building and the increased sense that the development would appear as a terrace of individual buildings receding down Paradise Street would help to preserve the setting of surviving elements of small-scale domestic residential building that define the historic Paradise quarter of the town.
- 10.43. The view down Castle Street from the north has been improved through the amendments to the scheme to separate the larger elements of the proposed building from the surviving medieval buildings at 29 and 29a Castle Street. There now appears to be a more comfortable transition from the distinctly small scale, overtly domestic in appearance listed buildings and the unashamedly large building mass of the proposed building. From other viewpoints the more considered transition is evident, however the foreshortening of the view looking down the hill will mean that the flank wall of the larger part of the proposed building would appear as a close backdrop to the distinctive roof forms of the listed buildings. Whilst in one way this might be said to provide a neutral backdrop, the sheer scale of this proposed element will inevitably dominate the view thus harming the setting of the listed buildings.
- 10.44. The varied material treatment of the building facades at the western end of the proposed development would have the effect of reducing the apparent scale and mass of the new building from the view from St Ebbes.
- 10.45. The articulation of the building façade, breaking it down into narrower elements by the use of different material treatments that allow the emphasis of some elements over others would allow the façade to be more animated, less flat and uniform. This would help to give a stronger association to an earlier, 19th Century occupation of the site and to reinforce the sense of “outside the

bailey". The identification of the individual buildings at street level would be improved through the introduction of more identifiable doors.

- 10.46. The rear, northern, courtyard façade has been developed with the introduction of more green landscaping elements in order to soften the hard built form which dominates the very limited open space.
- 10.47. Officers are therefore satisfied that the general form, massing and layout has been appropriately considered and that the scale of the development is acceptable for this location and would not have an unacceptable impact on the Oxford view cones. Furthermore this scale of development would be read against buildings of a similar scale specifically the residential flats to the north and east, and would be in keeping with the general pattern of development in this part of the city.
- 10.48. The detailed design of the building has evolved over the timeframe of the application. Given the constraints of the site it was considered important that the massing of the building was carefully considered in order to minimise the impact of the development in shorter views and on the streetscene. In order to address concerns raised by officers and Historic England the scheme was amended to ensure that the detailed design allowed for a visually successful scheme.
- 10.49. Nevertheless the proposed development would change the character of this part of Paradise Street and the Conservation Area, importantly giving the street the sense that it would be narrowed and tightened over the existing arrangement and probably that which existed in the 19th Century and first half of the 20th Century.
- 10.50. Officers are therefore of the opinion that in close up views and when viewed against the more domestic scale of the southern side of the road, the development would result in less than substantial harm to the Conservation Area. Great weight is given to the conservation of the Conservation Area. The harm identified is considered to be on the lower end of less than substantial, the mitigation to the harm has been achieved by amending the design so that the building relates more successfully to its setting. In line with paragraph 196 of the NPPF where a proposal would result in less than substantial harm, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are explored further in the report.

Impact on the setting of the neighbouring Listed Buildings

- 10.51. The development would be located in close proximity to a number of Listed Buildings in the near vicinity.
- 10.52. Policy HE3 of the Oxford Local Plan refers to Listed Buildings and their setting and states that 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. Policy HE1 of the Oxford

Local Plan refers to nationally important monuments and states that Planning permission will not be granted for any development that would have an unacceptable effect on a nationally important monument (whether or not it is scheduled) or its setting.

- 10.53. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.54. 29 and 29A are located to the east of the building. It has been established through a survey that the existing Simon House has no physical dependence on 29a or indeed vice-versa. It is proposed to take precautionary measures prior, during and post demolition of the existing Simon House to ensure (as far as is possible to do so) the structural stability of 29a and by association 29 Castle Street. With regard to their visual relationship the proposal now seeks to form a better relationship with 29 and 29A Castle Street by way of considering key reference points such as the eaves, ridge and window heads on the listed buildings and to include these in the design of the façade of the adjacent portion of the proposed development. This would allow for a more comfortable transition from the small, domestic scale of the listed buildings through to the much larger scale of the proposed development.
- 10.55. The design of the proposed development has also been considered with regard to the important survivors of the medieval town that sit on the opposite side of Paradise Street.
- 10.56. Paradise Street, here, tightens and narrows and the proposed development will have a distinct impact on the setting of the significant buildings on the southern side. The design has developed so that there is an apparent reduction in the perceived scale of the building elements at the western end of the site such that they intend to better relate to the small scale of the Jolly Farmers public house as well as to student housing development immediately to the west of the site. The central portion of the proposed development is unashamedly tall in comparison to its opposing neighbours, however no.21 opposite presents a plain, apparently subservient façade to Paradise Street with its principal façade facing in to the courtyard space that sits between it and the associated building to the east. In addition no.21 is distinctly taller than the public house next door. The open courtyard between the two buildings sits behind a relatively tall boundary wall, separating it from Paradise Street. A highly decorative early 18th Century doorcase is set into this enclosing wall and this provides reference to the architectural origins of the listed building and offers a portent of the delights that are to be found within the interior of the building itself. Given the aspect of the listed building and the nature of its Paradise Street façade it may be considered reasonable to accept the increase in height of this central portion of the proposed development as being appropriate and to view it in the context of the Castle bailey rather than the later medieval and post medieval buildings of the historic town that sit clearly outside this earlier fortification.

- 10.57. Despite its proximity the redevelopment of Simon House would have a limited impact on the Castle itself, mound and the listed buildings within the complex as the two are separated by modern hotel accommodation and residential apartments.
- 10.58. The prison wall to the north is also listed. Whilst the building has previously taken the walls' dominance as the predominant design reference, through the development of the design, this has changed and has now resulted in a better relationship between the proposed building and the historic wall. The wall would continue to have the same relationship with the proposed building as it does with the existing and therefore the development would not result in harm to the setting of the Prison wall.
- 10.59. Officers are therefore of the opinion that in close up views and when viewed against the more domestic scale of the southern side of the road as well as the neighbouring listed building, the development would result in less than substantial harm to the setting of the listed buildings. Great weight is given to the conservation of the setting of these listed buildings. The harm identified is considered to be on the lower end of less than substantial. The harm has been mitigated through the redesign of the façade. The design now relates more successfully to reference points in the adjacent listed building resulting in a better visual relationship. In addition changes to the façade allows for the building to sit more comfortably within the street and therefore the setting of the buildings opposite. The public benefits of the scheme are explored further in the report.
- 10.60. In line with paragraph 197 of the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Officers have checked the mapping system and there are no properties on the Oxford Heritage Asset Register list in the near vicinity which are affected by the development.

Archaeology

- 10.61. Policy HE2 of the Oxford Local Plan states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford but in particular the City Centre Archaeological Area, planning applications should incorporate sufficient information to define the character and extent of such deposits as far as reasonably practicable.
- 10.62. The application is of archaeological interest because it involves the redevelopment on a site previously developed in the 1970s with basement and pile foundations, located on the bailey ditch of Oxford Castle. The castle was established in 1071 and made use of a branch of the river Thames to create a water filled defence. The water-filled castle ditch ran around the majority of the castle and is shown on Loggan's map of 1675. The ditch is known from investigations elsewhere to be 15m wide and 6m deep in places and is potentially rich in dumped refuse that has been preserved by waterlogging (i.e. leather, wood, pollen, plants and insects). There have been several previous investigations of the castle and ditch including those of Marshall (1951),

Hassall (1972) and Poore et al (2009). Previously numerous shoes and shoe parts have been recovered from the ditch indicating that one or more cobblers worked along Paradise Street from the late 15th century until the 1540s.

- 10.63. The site is also located 5m north east of the first site of the Church of St Budoc which the foundation of which may predate the Domesday Survey of 1086. The church was documented as a ruin in 1229 and was later relocated when a barbican was added to the castle defences later in the 13th century. A re-engraving of a 1610 manuscript map of Christ Church shows that the castle ditch had been partially infilled and developed by this time. The upper levels of the infilled bailey ditch (so far as they are undisturbed by the construction of Simon House) have the potential to preserve the remains of post-medieval tenement activity.
- 10.64. The current Simon House basement which covers only part of the site is approximately 3.10m deep; therefore there is significant potential for waterlogged ditch deposits to survive below and around the current basement. The borehole data showed that the castle ditch survives beneath the current site, in places to a depth between 6.80-6.00m (OABH 2-4). The ditch deepens slightly to the north, but its sides were not identified in the survey due to the site constraints. This suggests that perhaps half of the ditch's width may survive beneath Simon House to the south of the site.
- 10.65. In this instance further archaeological evaluation is not possible because of the physical site constraints. The archaeological work in association with the development would result in less than substantial harm to the archaeological of the site. Great weight is given to its conservation. The harm identified is considered to be on the lower end of less than substantial. Whilst the development would bring with it some level of harm to the archaeological remains on site, an acceptable level of mitigation would be the excavation of a deep section to the bottom of the bailey ditch. This has never previously been undertaken and would enable the full characterisation of the surviving ditch deposits to inform future management. Water monitoring would also help assess the impact of piled foundations on the moisture content of the ditch to inform future management. These mitigation measures can be secured through via conditions. The public benefits of the scheme are explored further in the report.

Landscaping

- 10.66. The site is highly constrained and therefore traditional landscaping is limited. The application therefore seeks to provide landscaping as part of the building design where possible.
- 10.67. To the rear of the site a network of planting boxes and cable supported climbers would be installed onto the walls and within the reveals. This would allow for the rear elevation and outside amenity space to be enhanced for future occupiers. In addition the climbers would also be incorporated on to the side elevations allowing for the planting to be visible in glimpses from the street scene and public realm, which is an enhancement to this part of the Conservation Area.

- 10.68. At ground floor level there would be a small level of landscaping and the inclusion of three trees in the communal garden area. The roof area would also include planting on the pergolas to improve the quality of outside amenity.
- 10.69. The existing site benefits from minimal landscaping and therefore the incorporation of a scheme which is designed around the building would be a benefit to the scheme both in terms of improving the quality of the space for future occupiers as well as improving the visual appearance of the scheme through the addition of green landscaping in this part of the Conservation Area. Conditions are recommended to ensure that the landscaping is installed and completed in accordance with Policy CP11 of the Oxford Local Plan 2001-2016.

Harm to the historic environment and public benefits

- 10.70. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance of the asset..
- 10.71. It is considered that the proposal would not lead to substantial harm to (or total loss of significance of) a designated heritage asset as set out in the NPPF and Planning Policy Guidance. The scheme is therefore considered to result in an impact of less than substantial harm on the significance of a number of heritage assets. In line with paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.72. The National Planning Policy Guidance sets out what is meant by the term public benefits:
- 10.73. "Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit."
- 10.74. There are aspects of the development that would have a harmful impact on the character and appearance of the Central Conservation Area as well as on the setting of adjacent listed buildings and the archaeology of the site. The applicant and architect have worked on the design to mitigate some of the harmful elements of this impact, and it is recognised that there has been significant improvement from the originally submitted scheme. Historic England has been consulted on the application and following the amendments to the scheme raise no objection.

- 10.75. As identified earlier in the report, the development will result in harm to the setting of the listed buildings in the near vicinity due to the proximity and visual relationship between the buildings due to the scale of the proposed building. There will be harm to the significance of the Central Conservation Area through the impact of the development on short views and the way that the passer-by will experience the street, both the character and appearance of the spaces between buildings. The development will also have a harmful impact on the significance of the archaeological remains on the site.
- 10.76. Through the design amendments submitted, a number of improvements have been incorporated in to the design that will mitigate the harm that the development will have on the setting of the adjacent and neighbouring listed buildings. This mitigation would be achieved by breaking up the apparent massing of development thus reducing the apparent scale of the building so that it is able to relate more comfortably with the listed buildings. Historic England have confirmed in their most recent comments that “the adverse impact on the significance nearby listed buildings is minor”. It is therefore considered that the residual harm to the setting and thereby significance of the listed buildings (heritage assets) would be less than substantial and would be measured at a low level of less than substantial harm.
- 10.77. The existing building is not considered to contribute positively to the Conservation Area and therefore its loss in itself could not be considered harmful to the significance of this heritage asset. The harm is associated with the scale of the proposed building in comparison to its important neighbours and its impact on views in and out the Conservation Area. The amended design has mitigated the harm by ensuring that it responds sensitively to the buildings in the immediate setting. Given the scale of development within both the immediate setting (the Castle complex and Greyfriars) and the wider setting (the Westgate and City Centre) the scale of the development would not be of such a scale that the building would be generally out of keeping, with a wide range of buildings being present, serving different purposes all within a small area. Whilst the design has improved substantially through the process, there are still elements which could be improved but which may start to impact on other issues such as the provision of amenity space etc. The design of the scheme has therefore mitigated some harm and is at a place where it may be considered acceptable and would not be so harmful that it would warrant a refusal. Therefore the harm relating to its impact on the Central Conservation Area is on the lower end of less than substantial.
- 10.78. The harm identified with regard to archaeology relates to the construction phase. The parts of the scheme that involve the introduction of piles for the first time can be assessed as a low level of harm. The parts of the scheme involving the introduction of a second array of piles can be assessed as a higher level of harm (because of the cumulative impact) though again less than substantial in terms of the whole asset. In order to lessen the harm, mitigation can be incorporated in to the scheme and secured through planning conditions. The mitigation would be the excavation of a deep section to the bottom the bailey ditch. This has never previously been undertaken and would enable the full characterisation of the surviving ditch deposits to inform future management which would be a benefit.

- 10.79. The principal benefit of the development and one which officers give great weight is the creation of 30 dwellings on a previously developed site in a sustainable location, which would provide good quality accommodation for future occupiers. The scheme would also allow for 15 affordable dwellings to be provided on Gibbs Crescent.
- 10.80. The site is centrally located which would allow for a car free development within the City Centre. Moderate weight is given to this environmental benefit. The reduction in car usage within the City Centre is supported by both adopted and emerging policy and more generally is supported in the government's aims to minimise pollution and adapting to climate change. The redevelopment of the site would therefore allow for market rented accommodation to be provided in a position close to a number of transport options as well as local services. In addition energy efficiency measures would be incorporated in to the build which would also be an environmental benefit to the scheme.
- 10.81. The introduction of market rented accommodation along with the provision of affordable dwellings at Gibbs Crescent would provide a social benefit by allowing for the developments collectively to address Oxford's specific housing need. This is achieved by providing a larger number of smaller dwellings across the two sites which would be an improvement in terms of providing upgraded amenity spaces and dwellings that comply with modern space standards and are more energy efficient for future occupiers.
- 10.82. In addition, the design of the building has been explored and challenged throughout the lifespan of the application. The applicant has taken on board comments made by officers and Historic England to improve the overall design of the development and mitigate the harm to the historic environment and Historic England now raise no objection to the scheme.
- 10.83. The economic benefits are given less weight, with the creation of jobs for the lifetime of the construction of the development which could be achieved with any type of development.
- 10.84. Given this and having given great weight to the conservation of the designated heritage assets, it is considered that the benefits of the scheme collectively would outweigh the identified less than substantial harm and would comply with the requirements of paragraph 196 of the NPPF.

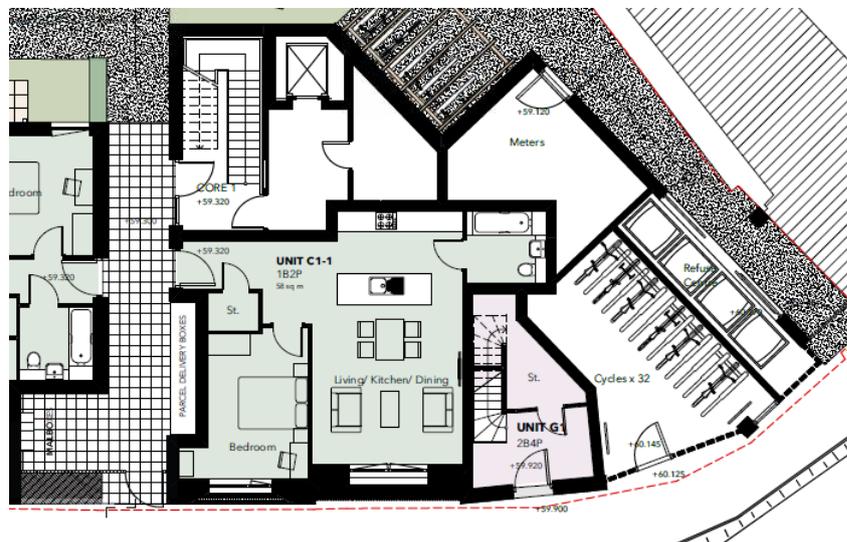
Public Art

- 10.85. Policy CP14 of the Oxford Local Plan requires major development to provide public art. The inclusion of public art in developments allows for the development to contribute positively to the public realm as well as the development itself. The proposal does not include any public art and therefore a condition will be included requiring for it to be provided on the site, with the details to be agreed prior to its installation.

iv. Residential amenity and impact on neighbouring amenity

Residential amenity

- 10.86. Policy HP12 of the Sites and Housing Plan and H15 of the emerging Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation. Oxford City Council's Technical Advice Note 1A: Space Standards for Residential Development details the requirements.
- 10.87. The flats are proposed to be arranged over one or two floors and are split to accommodate two people within the one bed units and 3 or 4 people within the 2 bed units. The one bed units benefit from a floor of area between 50m² and 66m². The two bed units benefit from a floor area between 64m² and 89m². The flats would comply with the internal space standards. In addition the proposal recognises the impact of the former prison wall and seeks to provide dual aspect flats in a number of cases, where this is not possible those that have a single aspect are located where possible so they benefit from a southerly aspect allowing for good levels of light to enter the properties.
- 10.88. Policy HP13 of the Sites and Housing Plan specifies that planning permission will only be granted where new dwellings have direct and convenient access to an area of private outdoor space. 1 and 2 bedroom flats are expected to have access to a private balcony or direct access to a private or shared garden. All the dwellings are proposed to be provided with private amenity space apart from unit C1-1 which is a 1 bed flat and is located on the ground floor of Core 1. This unit is not surrounded by direct access to the rear due to cycle parking and the stairwell as shown in the floor plan below.



- 10.89. During the pre-application process it was discussed that a balcony could be provided to the front of the building. Officers had concerns with locating a private balcony at street level, given that the flat is located in a highly visible position facing on to a main road. The development benefits from outside communal space at ground floor level as well as a roof terrace which this flat along with the other flats will have access to. The lack of outside space for the one unit is therefore acceptable in this instance and would be an improvement over the existing provision. With regard to the other flats the

outside space is made up of a combination of balconies and outside gardens. The ground floor flats have gardens to the rear of the balcony with the upper floors benefiting from street facing balconies. The garden areas will be somewhat restricted with regard to outlook and light due to the high prison wall, but as they also have access to the communal areas the space is considered acceptable. Given this, the private spaces are in line with the recommended guidance set out in Policy HP13.

Impact on neighbouring amenity

- 10.90. The development is located in close proximity to a number of residential properties. Policy CP1 and CP10 of the Oxford Local Plan, Policy HP14 of the Sites and Housing Plan and Policy H14 of the Emerging Plan refer to safeguarding neighbouring amenity. Policy HP14 states that planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes.
- 10.91. Immediately to the north of the site is the castle complex and a block of residential flats which abuts the former prison wall. The former prison wall mostly acts as a screen between the two developments. Simon House is set back from the wall with the rear of the development mostly accommodating the external stairwell and access routes. The first four floors would be screened by the boundary wall. The roof of the fourth floor would be used as an external communal terrace. There are a number of windows located on the castle flats that would face on to the development site, although the flats main aspect is to the front (looking towards the castle). The fifth floor of Simon House would sit alongside the castle development site. The openings located in the fifth floor would mostly serve a corridor and therefore there would not be direct overlooking. Whilst the roof terrace would bring with it more activity in this high level location, it would be set back from the boundary wall and would be set down from the neighbouring windows and would benefit from the boundary wall to restrict views. The development is therefore not considered to give rise to unacceptable levels of overlooking or loss of privacy between the flats to the north and the development site mainly due to the existing arrangement with the former prison wall.
- 10.92. In addition due to the layout and the position of the former prison wall the development is not considered to be overbearing or unacceptably impact on the outlook or light available to the neighbouring flats in line with Policy HP14.
- 10.93. With regard to increased noise and nuisance, the site is located in close proximity to the Castle complex which benefits from a number of pubs and restaurants which have the associated noise impact of those uses. Given this, the increased level of residential accommodation is not considered to unacceptably increase the level of noise and nuisance in this City Centre location.
- 10.94. To the east of the site is 29 and 29A Castle Street, there is a further block of residential flats located above the Wetherspoon Pub. 29 and 29A is a commercial property that is in close proximity to the existing Simon House

property. Given the existing arrangement the proposed development would not have a materially different relationship to the building and the amenity of any commercial occupiers. Beyond 29 and 29A is a further residential block of flats located above the existing Wetherspoon's Pub. A number of the existing flats above the pub face on to the development site and benefit from balconies. The development proposes a number of terrace areas on this elevation facing on to the residential development. The separation distances between these spaces would be approximately 10m at the nearest point. Whilst there would be an element of mutual overlooking, given that the properties are located within a city centre location where there is already a relatively high level of overlooking between properties, the development is not considered to give rise to unacceptable levels of overlooking or loss of privacy. The building is considered to be sufficiently separated so not to be overbearing or to adversely impact outlook.

10.95. To the south of the property are a number of residential properties on Paradise Street. With regard to 21 Paradise Street, there is already a close relationship between the buildings with a number of existing windows facing on to each other and in to the courtyard of no.21. Whilst the development would result in a much higher building with more windows and openings the general relationship between the buildings would stay the same. There would be an increase in overlooking due to the increased number of windows proposed but given that the properties on Paradise Street face on to the main road and on to a number of windows in Simon House already, the development is not considered to give rise to unacceptable levels of overlooking. Furthermore in 2018 planning permission was granted for the change of use of the building (no.21) from B1/D1 use to short term lets. The building is split in to two parts, the cloisters and the lodgings. With regard to light available to the windows, the property in either the existing use as a B1/D1 use or the permitted short term lets do not benefit from the same level of amenity protection as residential dwellings due to the nature of the occupiers and the way in which the building is used. Notwithstanding this, weight is still given in order to preserve the amenity of occupiers of the building. Given the commercial nature of the building the 45/25 guidance is not engaged with regard to light available to the openings. Notwithstanding this, an assessment of the floor plan has been carried out. A number of the road facing windows benefit from a dual aspect room or benefit from more than one window allowing from increased daylight in to the building. The combination of this together with the use of the site as a commercial property is therefore considered, and the development of Simon House is not considered to result in unacceptable levels of amenity for the property.

10.96. Paradise Street also benefits from two public houses, The Castle and The Jolly Farmers which will be in close proximity to the development site. Another property that will be located opposite the development site is 19 Paradise Street which is in a B1 use. All these properties are commercial properties and therefore are afforded less protection with regard to amenity standards. The relationship between the properties are therefore considered acceptable.

- 10.97. Whilst the development of Simon House due to the increased height would bring with it a greater impact on the amenity of those in Paradise Street, given the site specifics, it is not considered that the impact would be so harmful as to justify refusal on this ground. Furthermore the site is located within a city centre location where this type of relationships between building and properties are common. The development is therefore not considered to have an unacceptable impact on the amenity of the properties in Paradise Street.
- 10.98. To the west of the site is a substation and then a block of student accommodation flats. The flats face on to Paradise Street and only benefits from a small window on the side elevation. Given the layout of the student accommodation flats and the separation distance between the developments, the proposal is not considered to have an unacceptable impact on the occupiers of the student accommodation flats.

v. Highways

- 10.99. The development proposes to be car free. Policy HP16 of the Sites and Housing plan sets out the criteria for car free developments. The policy states that planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone, and are within 800 metres of a local supermarket or equivalent facilities.
- 10.100. The site is located in a highly sustainable location within the city centre and is walking distance to number of bus stops as well as the train station. In addition the site is located in close proximity to a number of shops most notably the Westgate shopping centre which includes a supermarket. The surrounding roads benefit from controlled parking zones and therefore the development is not considered to give rise to parking pressures on the surrounding highway. Oxfordshire County Council Highways have been consulted on the application and raise no objection to a car free development in this location.
- 10.101. Given the central location of the development and constrained nature of the site a number of conditions will be included specifically a construction management plan to ensure that the construction of the development does not have an adverse impact on the highway network. Given this a car free development is considered acceptable in this location and would comply with Policy HP16 of the Sites and Housing plan.
- 10.102. Policy HP15 of the Sites and Housing Plan relates to cycle parking. 60 cycle parking spaces are provided as part of the development. These spaces are proposed to be located within the building or in a covered location in the rear communal garden. Oxfordshire County Council initially had concerns with the way the cycle parking was to be provided as they have a preference for Sheffield stands. Due to the constraints of the site, the applicant is providing double stacked cycle parking within the building and Sheffield stands in the garden as there would not be the space to solely provide Sheffield stands within the development. This arrangement would offer the residents a choice between the two types of cycle stands. Highways raise no objection to this

approach and further details of the cycle parking will be requested as a planning condition.

vi. Biodiversity

10.103. Policy CS12 of the Oxford Core Strategy requires that Development will not be permitted where this results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford's biodiversity.

10.104. The application was submitted with an Ecological Impact Assessment and officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys have confirmed the likely absence of roosting bats within the site therefore a condition will be included to ensure the proposal provides ecological enhancements which will be secured through a condition. Officers are therefore satisfied that the development would not impact adversely on site biodiversity and the development would comply with the provisions of policy CS12 of the Core Strategy.

vii. Sustainability

10.105. Policy CS9 of the Core Strategy requires that all developments should seek to minimise their carbon emissions. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated.

10.106. Policy HP11 of the Sites and Housing Plan requires that developments of 10 or more dwellings are accompanied by an Energy Statement in order to demonstrate that 20% of all energy needs are obtained from renewable or low carbon resources. An Energy statement is provided alongside this application as required, which incorporates a series of recommendations in order to meet the required target of 20%.

10.107. The application seeks to meet this target through a combination of measures which include the using energy efficient lighting, low emissions gas boilers and the inclusion of solar panels on the roof of the development. The measures proposed would allow the development to meet the 20% target and would therefore be acceptable and comply with CS9 and HP11. The energy statement will therefore form part of the approved documents.

viii. Drainage and Flooding

10.108. The site is within Flood Zone 1 and is deemed to be at a low risk of surface water flooding. A condition will be including requiring a surface water drainage scheme to be provided. Subject to the provision of a satisfactory scheme as required by condition it is considered that the development would comply with the requirements of Policies CS12 and CS13 of the Oxford Core Strategy.

ix. Environmental Health

Air Quality

10.109. An air quality assessment was submitted as part of the application. The air quality has been considered for the construction and operation phase. The submitted details include mitigation measures to be incorporated as part of the demolition and construction period which can be conditioned as part of the application. The proposed development shows that the air quality levels in the air are predicted to be within relevant health-based air quality objectives. The proposal will therefore be acceptable with regard to policy CP23 of the Local Plan

Noise

10.110. CP21 of the Local Plan refers to noise. The site is located within a central city centre location and is already used for residential accommodation. The site is not considered to be close to a noise sensitive development. The proposal is therefore not considered to subject future occupiers to unacceptable levels of noise above and beyond what would be expected in a city centre location.

11. CONCLUSION

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

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

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

11.4. The proposal is considered to comply with the development plan, where there is conflict in policy specifically with regard to the mix of housing this has been

identified and addressed. Where issues have been raised with regard to harm to the historic environment, in line with the NPPF paragraph 196 has been engaged. Whilst some harm has been identified to the historic environment, and whilst great weight has been given to the conservation of the designated heritage assets, taking in to account all the material considerations. It is considered that the benefits of the scheme would outweigh the less than substantial harm that has been identified.

Material considerations

- 11.5. The principal material considerations which arise are addressed below, and follow the analysis set out in earlier sections of this report.
- 11.6. National Planning Policy: The NPPF has a presumption in favour of sustainable development. 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.
- 11.7. 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.
- 11.8. The proposal seeks to provide improved residential accommodation in a highly sustainable location, the proposal will not have an unacceptable impact on neighbouring amenity or the historic environment and conditions have been included to ensure this remains in the future. The proposal will allow for sufficient car and cycle parking and will provide biodiversity enhancements.
- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Acting Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. 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 conditions 5,8 and 22. 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 made available to view on site to planning officers, and shall have been submitted to and approved in writing by, the Local Planning Authority prior to the above ground construction phase starting and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1, HE7 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Sample panels of the stonework/brickwork demonstrating the colour, texture, face bond and pointing shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

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

- 5 Notwithstanding the plans submitted, a plan detailing the brick bonding plan/pattern for the development shall be submitted to and approved by the Local Planning Authority prior to above ground construction work commences. The development shall be completed in accordance with the approved details.

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

- 6 Below ground construction works shall not begin (except archaeological works) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- Flood Route

Reason: To ensure acceptable drainage of the site and to mitigate the risk of flooding in accordance with Policy CS11 of the Oxford Core Strategy.

- 7 A Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any demolition or any works. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
 - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
 - Contact details for the Site Supervisor responsible for on-site works,
 - Travel initiatives for site related worker vehicles,
 - Parking provision for site related worker vehicles,
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
 - Engagement with local residents

The development shall be carried out in accordance with the approved plan.

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 in accordance with CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 8 Notwithstanding the details provided, details of the balconies, windows and doors shall be agreed in writing by the local planning authority prior to above ground construction work commencing. The details shall include material, colour and design. The development shall be completed in accordance with the approved details.

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

- 9 Prior to first occupation a Travel Information Pack for all residents shall be submitted to and approved in writing by the Local Planning Authority. The approved pack shall be distributed to all residents at the point of their occupation.

Reason: To promote the use of sustainable transport in accordance with policy TR2 of the Oxford Local Plan.

- 10 Before commencing any above ground construction works, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the

approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in line with policy HP15 of the sites and Housing Plan.

- 11 Prior to the commencement of the approved above ground development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced). Each phase shall be submitted to and approved in writing by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken. THE PHASE 1 REPORT HAS BEEN COMPLETED AND IS HEREBY APPROVED.

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 12 The development shall not be occupied until any approved remedial contamination works have been carried out and a full contamination validation report has been submitted to and approved in writing by the local planning authority.

Reason- To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy CP22 of the Oxford Local Plan 2001-2016.

- 13 No development (including demolition) shall take place until a Construction Environmental Management Plan (CEMP), containing the site 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 in page 11 of the Air Quality Assessment that was submitted with this application (document ref. number: 422.08737.00004). The

development shall then be completed in accordance with the approved plan throughout the development of the site.

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.

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

Reason: In order to protect the amenity of future occupiers in line with policy CS19 of the Core Strategy 2026.

- 15 Prior to the commencement of any above ground development, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall measurable net gain in biodiversity will be achieved. The scheme shall include details and locations of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of three dedicated swift boxes. The development shall then be completed in accordance with the approved enhancements.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 16 No below ground works shall take place until a written scheme of investigation (WSI) for archaeological recording of surface archaeology and a full section of the castle bailey ditch and related programme of public outreach has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include:
- the statement of significance and research objectives, and
 - The programme and methodology of site investigation and 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 medieval and post-medieval remains in accordance with Local Plan Policy HE2.

- 17 No demolition shall take place until a detailed method statement for staged demolition works, encompassing a methodology for:
- a. the protection of the adjacent listed building at 29a Castle Street,
 - b. provision for demolition to slab level to facilitate archaeological excavation and
 - c. subsequently the sensitive removal of existing basement slab and walls in a manner designed to protect adjacent in-situ archaeology, has been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority."

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains and facilitate an appropriate programme of archaeological recording in accordance with Local Plan Policy HE2.

- 18 No below ground works (excepting archaeological works) shall take place until a detailed design for foundations; other ground-works; intrusive landscaping; and a method statement for their construction in areas of archaeological potential; have been submitted to and approved in writing by the Local Planning Authority.
All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority."

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains in accordance with Local Plan Policy HE2

- 19 No site construction works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of ground water monitoring and reporting over a five year period in accordance with a method statement which has been submitted to and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To establish the impact of new piled foundations on the hydrology of the site in order to inform future management of the wider asset and in mitigation of the development impact in accordance with Local Plan Policy HE2

- 20 Prior to the commencement of construction works above ground level a detailed landscape plan showing the details of all soft and hard landscaping including that of the roof garden (including pergola) shall be submitted to and approved in writing by the Local Planning Authority . The approved landscaping scheme shall be completed in accordance with the approved roof garden details and the ground level specification on drawing no.0734.1.3 Rev

as hereby approved no later than the first planting season following first occupation of the development.

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

- 21 Details of any exterior lighting including details of light spill/pattern shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such lighting. Any lighting installed shall be completed, retained and maintained in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

- 22 Notwithstanding the plans provided, detailed plans and specification of the solar panels and their positioning on the building shall be provided to and approved in writing by, the Local Planning Authority prior to their installation and only the approved details shall be incorporated.

Reason: In the interests of visual amenity in accordance with policies CP1, HE7 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 23 Prior to above ground work construction commencing on site or such other time as previously agreed in writing by the local planning authority, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority and a timetable agreed for its implementation. The public art as approved and implemented shall be retained and maintained at all times following its erection unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy CP14 of the Adopted Oxford Local Plan 2001 - 2016

INFORMATIVES :-

1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL

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

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

This page is intentionally left blank