

West Area Planning Committee

9th June 2020

Application number:	19/03106/FUL		
Decision due by	4 th March 2020		
Extension of time	TBA		
Proposal	Full Planning Application for the erection of 36no. dwellings (C3 Use Class) including 50% affordable housing with associated access, parking and landscaping on the site of the former Lucy Faithfull House		
Site address	Lucy Faithfull House , 8 Speedwell Street, Oxford, OX1 1PX – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Michael Kemp		
Agent:	Mr Mark Cooke	Applicant:	Oxford City Housing Limited
Reason at Committee	The proposals are major development		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. Delegate authority of the Head of Planning Services to **approve the application** following the expiry of the notice period of 21 days and completion of the appropriate certificate relating to the requisite serving of certificate B, as required under the Town and County Planning (Development Management Procedure) (England) Order 2015; for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report.

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.
- Decide whether to refer the application back to the West Area Planning Committee following the expiry of the notice period, if considered reasonably necessary.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the redevelopment of the presently vacant site of the former Lucy Faithfull House Hostel on the corner of Faulkner Street and Speedwell Street to provide 36 residential flats within a building ranging from four to six storeys.
- 2.2. The proposals would see the redevelopment of a currently vacant brownfield site in a prominent location in the West End area of the City Centre. The proposals would provide a total of 36 new homes, 50% of which would be affordable, of which 83% of the affordable homes would be socially rented accommodation. The proposals would provide an important windfall contribution of 36 dwellings towards meeting the City Council's housing needs, particularly the need for affordable accommodation which would represent a significant public benefit of the scheme.
- 2.3. The site is in a highly sustainable location and as required under Policy HP16 of the Sites and Housing Plan, the development would be car free, with the exception of two disabled parking bays which would be provided. A minimum of 76 cycle parking spaces will be provided and shall be secured by condition.
- 2.4. The development would be sited in close proximity to a number of existing residential dwellings in Faulkner Street, Speedwell Street and Albion Place. The impact on these adjacent properties has been objectively assessed through a daylight/sunlight study and officers are satisfied that the development would not have a significant detrimental impact on the amenity of adjacent occupiers with respect to existing levels of natural light enjoyed by adjacent residents. The impact of overlooking has also been assessed and officers are satisfied that the siting of the proposed housing would not adversely affect the privacy of adjacent occupiers. Likewise the scale of development is considered commensurate with existing development in the immediate vicinity of the site and the general scale of development, which may be typically expected in a City Centre location. The scale and massing of the building ensures there is a transition between the larger scale development fronting Speedwell Street and the smaller scale, two storey properties in Faulkner Street. Officers consider that the overall scale of the building would not be overbearing in the context of the surrounding residential properties.
- 2.5. The overall height of the building at the highest point would be 19.4 metres, this would exceed the height limit of 18.2 metres specified within Policy HE9 of the Council's Existing Local Plan and Policy DH2 of the Emerging Local Plan which relate to the development of high buildings within 1200 metres of Carfax. In this regard the proposals would represent a departure from the Council's development framework. Overall officers are satisfied that the scale, design and massing of the building is acceptable in the context of the surrounding area which includes some sizeable existing development throughout. The application is accompanied by a Visual Impact Assessment, which includes an assessment of the height and massing of the building, as viewed from key verified internal and external viewpoints, as well as key public views from street level, including important views from within and into the Conservation Area.
- 2.6. The development would impact on the setting and significance of both the Central Conservation Area in terms of the prominence of the building and how

this is experienced principally in public views from Littlegate Street to the north of the site and views from Carfax Tower and the Westgate roof terrace. The development would result in less than substantial harm to the setting of the Central Conservation Area, principally as a result of the minor loss of views of the green backdrop from the roof terrace of the Westgate terrace and to a lesser extent from Carfax. The scale of the building would also mean that the building has some prominence in public views, though the building would not break the skyline to a significant extent given the extent of the existing development in the area, the exception being in select views from the Westgate terrace.

2.7. The development would also impact on the significance of the adjacent Grade II listed Deaf and Hard of Hearing Centre, namely in terms of the impact of the scale and massing of the building and how this is perceived, particularly in public views from Littlegate Street. Overall, accounting for each of the aforementioned factors, the level of harm caused to the setting and significance of the Central Conservation Area and the Grade II listed building is considered to be less than substantial. Great weight has been given to the conservation of these designated heritage assets as required by paragraph 193 of the NPPF and when assessed under the balancing exercise required under paragraph 196 of the NPPF, it is considered that the public benefits of the scheme, particularly in terms of the provision of 36 homes, 18 of which would be affordable would outweigh this less than substantial harm.

2.8. For the reasons outlined in the report, officers recommend approval of this planning application.

3. LEGAL AGREEMENT

3.1. This application would not be subject of a legal agreement as the site is owned by the City Council. The provision of the affordable housing would therefore be controlled through a planning condition.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposals would be liable for a CIL contribution.

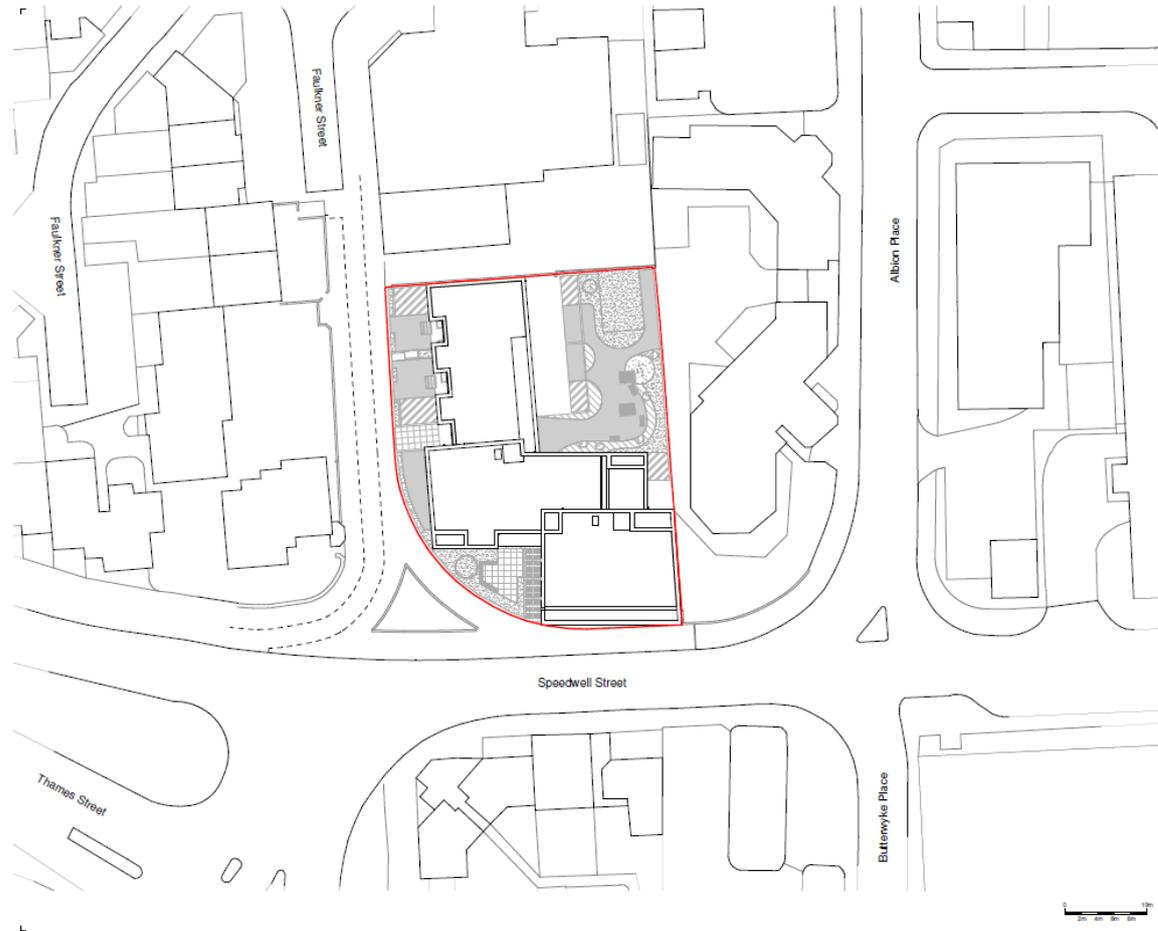
5. SITE AND SURROUNDINGS

5.1. The site is located in the south of Oxford City Centre on the corner of Faulkner Street and Speedwell Street. The site is vacant and surrounded by metal security fencing. Lucy Faithfull House, which was formerly on the site was a four storey buff brick building which operated as a hostel. The main part of the former Lucy Faithfull House extended along the eastern and northern edges of the site, with the blank façade of the south and east facing elevations extending up to the Speedwell Street and Faulkner Street respectively. A single storey element of the building extended up to the corner of Speedwell Street and Faulkner Street, enclosing a central landscaped courtyard. The hostel building was demolished in 2018 and the site cleared.

5.2. There is existing residential development to the east of the site consisting of a three storey block of flats, constructed from dark brick, which lies on the opposite

corner plot of Speedwell Street and Faulkner Street. The other residential properties opposite the site, on the eastern side of Faulkner Street are two storey 1980's dark brick houses. Two of these properties front Faulkner Street behind small front gardens.

- 5.3. To the north of the site is the Oxford Deaf and Hard of Hearing Centre. This building is used principally for a community based use, with ancillary office space. This is a Grade II listed building, which comprises a number of elements, of differing age, the oldest of which is a 16th Century Cottage, which forms the northernmost part of the building range. The closest elements to the application site are the 19th century Baptist Church Hall which is used by the Deaf and Hard of Hearing Centre and Trinity Church. The Baptist Church Hall is a two storey building which includes later extensions consisting of two projecting south facing gables. The Central Oxford Conservation Area extends up to the southern boundary of the site and includes the Oxford Deaf and Hard of Hearing Centre. Though the application site does not fall within the parameters of the Conservation Area, the site is within the immediate setting of the Conservation Area.
- 5.4. Brooks Taylor Court is located to the east of the site, this is a four storey residential building used as retirement accommodation and is constructed from light brown brick. The corner of the four storey element of the building extends close to the eastern boundary of the application site, this drops down to a single storey element which forms the southernmost range of this building, which houses amenity facilities associated with this building. The southernmost part of the site contains an area of outdoor amenity space which is surrounded by a perimeter wall. The area to the rear of the building, adjoining the application site is currently used as surface level car parking accessed via Albion Place to the East.
- 5.5. Speedwell Street adjoins the southern boundary to the site and is a principal city centre through route. Opposite the site is a two storey dark brick apartment building, which is located on the corner plot of Speedwell Street and Thames Street. There is also a substation building which lies on the corner with Butterwyke Place which is principally enclosed, but also includes external electrical services surrounded by metal security fencing. There is currently no vehicular access from Speedwell Street to Faulkner Street. The corner junction of these two roads currently contains a raised planted bed and tree.
- 5.6. See block plan below:



6. PROPOSAL

- 6.1. The application proposes the erection of a Class C3 residential apartment building ranging between four and six storeys, comprising 36 flats, along with associated landscaped amenity space, access and disabled parking provision. The building would extend to a maximum height of 19.4 metres to the roof ridge.
- 6.2. A boundary wall would enclose the perimeter of the site along Speedwell Street and Faulkner Street. This would enclose a central entrance courtyard to the flats as well as external terrace areas serving as external amenity spaces for three of the ground floor flats. Two internal bike stores would be located adjacent to Speedwell Street and would be accessed from Speedwell Street. A rear landscaped area of shared amenity space is proposed.
- 6.3. The City Council has an existing right of access across the parking area of the adjacent Brooks Taylor Court, access from this point would be used to serve the two disabled parking spaces which are proposed. With the exception of the disabled parking spaces the development would be car free.

7. RELEVANT PLANNING HISTORY

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

00/01933/NF - New entrance to ground floor elevation. Permitted 20th December 2000.

72/26599/A_H - Hostel for Church Army 8 Speedwell Street - Erection of a new hostel for Church Army, accommodating 80 people. Permitted 6th November 1972.

73/00882/A_H - Erection of new welfare hostel (reserved matters). Permitted 10th July 1973.

17/03395/DEM - Application to determine whether prior approval is required for the method of demolition – Prior approval granted for demolition

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	West Area Action Plan	Emerging Local Plan
Design	12	CP1 Development Proposals CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP9 Creating Successful New Places CP10 Siting Development to Meet Functional Needs CP11 Landscape Design CP13 Accessibility	CS18 Urban design, townscape, character, historic environment,		WE11 WE12	DH1
Conservation/Heritage	16	HE2 HE3 HE7			WE10	DH2 DH3 DH4

Housing	5		CS22 Level of housing growth CS23 Mix of housing CS24 Affordable housing CS2 Previously developed and greenfield land	HP2 Accessible and Adaptable Homes HP3 Affordable Homes from Large Housing Sites HP9 Design, Character and Context HP11 Low Carbon Homes HP12 Indoor Space HP13 Outdoor Space HP14 Privacy and Daylight HP15 Residential cycle parking	WE15 WE16	H1 H2 H4 H10 H14 H15 H16
Natural environment	15	NE15 Loss of Trees and Hedgerows	CS12 Biodiversity			G8
Transport	9		CS13 Supporting access to new development			M1 M2 M3 M4 M5
Environmental	15	CP19 Nuisance CP21 Noise CP22 Contaminated Land CP23 Air Quality Management Areas	CS9 Energy and natural resources CS10 Waste & Recycling CS11 Flooding		WE13 WE14	RE1 RE2 RE3 RE6 RE8 RE9
Miscellaneous		CP.13 CP.24 CP.25		MP1		SP1

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11th December 2019 and an advertisement was published in the Oxford Times newspaper on 12th December 2019.

9.2. Following receipt of amended plans, the application was re-advertised by site notice on the 18th March 2020 and in the Oxford Times Newspaper on the 19th March 2020.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

Site Location and Accessibility

9.3. The site is in a highly sustainable location with good access to public transport hubs and the amenities within the city centre. Residents are within walking/cycling distance to the train station employment areas. The site has good pedestrian permeability which is beneficial for multi-directional travel.

9.4. Emergency refuse and delivery vehicles can access the site from Faulkner Street, the refuse store is within acceptable distance and therefore no objection has been raised. Due to the sensitivity of the area at peak times, a Construction Traffic Management Plan is required and has been conditioned.

Car and Cycle Parking

9.5. The site is to be car-free other than 2 disabled bays accessed from the north of the site. Although the site is not within a Controlled Parking Zone (CPZ) there are on-street parking restrictions on all local streets that are enforced. Therefore, the car-free nature is deemed acceptable.

9.6. The applicant has quoted Policy HP15 of the Sites and Housing Plan but has not provided this level of cycle parking. 1 & 2-bed properties are required to provide a minimum of 2 spaces whilst 3-bed properties should provide a minimum of 3. Therefore, a minimum of 73 covered, secure and accessible cycle spaces should be provided.

Oxfordshire County Council (Drainage)

9.7. No objection following the provision of further details, this is subject to the submission of a drainage scheme requested by condition.

Thames Water Utilities Limited

9.8. No objection with regard to Foul Water Sewerage Capacity. A condition requiring further details relating to surface water drainage is recommended.

Natural England

9.9. No comments

Environment Agency

9.10. Do not wish to comment

Historic England

9.11. Do not wish to comment.

Oxford Preservation Trust

9.12. Comments were received on the 8th January 2020 in relation to the originally submitted proposals.

9.13. Support was expressed in respect of the principle of development and the desire to maximise development on the site, however concerns were expressed regarding the mass and height of the proposed building. It was stated that the development site is within the area that is capable of 'playing a trick' on the eye, so that it is scarcely believable that a building here when viewed from the ground, can have such a profound impact in the distant view.

9.14. It was queried whether the building would simply sit behind the British Telecom building as described rather than stretching out to the west. Some concerns were expressed regarding the adequacy of the applicant's views assessment and quality of the imagery used.

9.15. Following the re-advertisement of the amended plans its further comments were received on the 14th May 2020. Concerns were expressed about the impact of the height and massing of the building on views into and out of Oxford. Concern was expressed regarding the visual impact of the building as viewed from the Westgate.

9.16. Concern was expressed that the development when viewed from this position would appear highly visible and alien. Concern was expressed that the development will cut through the skyline hiding the green backdrop. It is also considered that Lucy Faithfull House will appear to be visible in distant views from the western hills, as the BT Building and Luther Court are, sitting in the foreground of the dreaming spires, harming their setting and enjoyment of them.

Thames Valley Police

9.17. Welcome the applicant's proactive approach to crime prevention design and consider that the development is likely to meet the requirements of Paragraph 127 of the NPPF. No objections are raised and recommend attaching a condition requiring an application for Secured by Design (SBD) accreditation.

Public representations

9.18. No public comments have been received in relation to the originally submitted plans or in relation to the amended plans.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- Housing mix

- Design and Impact on heritage assets
- Archaeology
- Amenity
- Transport
- Flooding
- Ecology
- Air Quality
- Contamination
- Noise

Principle of development

- 10.2. In relation to the national planning policy requirements, Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.
- 10.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.4. The application is for residential development on a previously developed brownfield site. Paragraphs 117 and 118 of the NPPF give substantial weight to the redevelopment of brownfield sites for the purposes of providing new homes and this should be viewed as one of the significant public benefits of the proposed scheme.
- 10.5. The Councils Emerging Local Plan outlines that provision will need to be made over the Local Plan period 2016-2036 for the delivery of 10,884 new homes. Over the period of 2016 to 2021 this equates to a stepped trajectory of 475 dwellings per annum. The application proposes a total of 36 dwellings, which would provide an important windfall contribution towards meeting local housing need. Notably 50% (18) of these units would be made available as affordable housing and this should be viewed as a significant public benefit of the proposed scheme.

- 10.6. The site is located within the West End Area of the City Centre. Policy CS5 of the Core Strategy outlines that the West End is a strategic focus within the City Centre for regeneration. The provision of new housing within the West End forms an important strand of Policy CS5 and the proposals would therefore be consistent with the Council's aims for regeneration in the West End area.
- 10.7. The former Lucy Faithfull House Hostel has since been demolished and was vacant for a period of time prior to its removal. The need for emergency accommodation for the homeless in Oxford is recognised and following the closure of Lucy Faithfull House provision has been made elsewhere in the city, which includes Matilda House in Rymers Lane in Cowley and Floyds Row in the City Centre. Accounting for these recent developments, there would not be a requirement to re-provide a similar facility on the site of the former Lucy Faithfull House.
- 10.8. Overall the principle of development is justified and would be beneficial in bringing forward the redevelopment of a vacant and prominent brownfield site consistent with the provisions of Paragraph 117 and 118 of the NPPF. The proposals would provide an important windfall contribution of 36 new homes, 18 of which would be provided as affordable homes. This would assist in meeting the Council's housing needs as outlined in Policy H1 of the Emerging Local Plan. Furthermore the proposals are consistent with the aims for the regeneration of the West End Area of the City Centre as outlined under Policy CS5 of the Core Strategy.

Affordable Housing

- 10.9. Policy HP3 of the Sites and Housing Plan and Policy CS24 of the Core Strategy specifies that Planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings, or which have an area of 0.25 hectares or greater, if a minimum 50% of dwellings on the site are provided as affordable homes. In terms of the tenure split of affordable housing, it would be expected that 80% of these affordable units should be socially rented.
- 10.10. Policy H2 of the Emerging Local Plan requires that 50% of units on all sites of 10 or more dwellings should be provided as affordable housing, with 40% of the total number of dwellings being made available as socially rented accommodation. Socially rented accommodation is defined within the Council's Emerging Local Plan as Homes that are let at a level of rent set much lower than those charged on the open market. The rent will be calculated using the formula as defined in the Rent Standard Guidance of April 2015 (updated in May 2016) or its equivalent or replacement guidance (relevant at the time of the application). It serves as accommodation for those in the greatest housing need for persons who would typically be unable to afford to rent alternative accommodation. Intermediate housing or shared ownership accommodation is partly sold and partly rented to the occupiers, with a Registered Provider (normally a housing association) being the landlord. Shared ownership housing should normally offer a maximum initial share of 25% of the open market value of the dwelling.

10.11. Of the 36 units proposed 18 of these (50%) would be affordable, whilst the remaining 18 units (50%) would be available for private sale. Of the 18 affordable units 15 of these would be socially rented (83%), whilst 3 of the units would be available as affordable rented units (17%). The tenure split of affordable/private units and social/affordable rent complies with the requirements of Policy HP3 of the Sites and Housing Plan. As the site is owned by Oxford City Council, the provision of affordable housing would be controlled by planning condition, rather than being secured through a legal agreement.

Mix of Units

10.12. Policy CS23 of the Core Strategy states that new residential development should comply with the Balance of Dwellings Supplementary Planning Document (SPD) housing mix. The site is located within the City Centre, Table 4 of the Balance of Dwellings SPD, listed below outlines the target housing mix for the City Centre for developments of more than 10 units.

Table 4: Mix for City centre

Dwelling types	Dwelling mix for sites of 10 and above (percentage range)	Dwellings of 1-9 units
1 bed	15-25 %	No specific mix
2 bed	40-50 %	
3 bed	20-25 %	
4+bed	10-18 %	

10.13. The applicants proposed housing mix is listed in the table below which is included in the submitted design and access statement. It is noted that the proposed mix of units comprises almost entirely of one and two bedroom units, with the exception of a single three bedroom apartment. Consequently the housing mix would not comply with the requirements of Policy CS23 of the Core Strategy or the Councils Balance of Dwellings SPD.

Accommodation Schedule

Tenure	1B2P	1B2PW	2B3P	2B4P	3B6P	Total
Target GIA	50m ²	58m ²	64m ²	70m ²	108m ²	
Private Sale	8	0	4	5	1	18
Affordable Rent	0	0	0	3	0	3
Social Rent	8	2	0	5	0	15
Overall Totals	16	2	4	13	1	36
	44%	6%	11%	36%	3%	100%

10.14. The Oxford Local Plan 2036 hearings took place in December 2019. Following the public hearings the Council submitted a series of modifications in March 2020. Following consideration of the modifications the Council received the local plan inspectors' report on the 18th May 2020. The Inspectors concluded that with

the recommended main modifications set out in the Appendix to their report, the Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. Accounting for these matters it would therefore be correct to give the policy provisions of the 2036 Local Plan significant weight.

- 10.15. The Emerging Local Plan reflects a shifting direction in terms of the target housing mix on larger housing sites of 25+ dwellings reflecting the need to make best use of sites to deliver an optimum number of dwellings. Policy H4 of the Emerging Plan requires a target housing mix on new developments of 25 or more units, this is limited to only the affordable homes and does not apply to sites in the City Centre. 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.
- 10.16. The site is within the City Centre, so there would be no specific requirement to provide three or four bedroom homes on this site, though as clarified under Policy H4 regard should be given to local housing demand, as demonstrated by the housing register. In this respect, the City's Housing Register identifies that the principle requirement for affordable housing is for 1 and 2 bedroom dwellings. The provision of smaller units also has the joint benefit of making available larger properties which are currently under occupied for persons in need of these larger properties.
- 10.17. Emerging Local Plan Policy RE2 places specific emphasis that development should make efficient use of sites. This includes high density developments of 100dph in the City Centre. NPPF Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimum use of the potential of each site. The delivery of a scheme which provides a substantial number of larger (3+ bedroom) units on this site, whilst also making efficient use of the site is unlikely to be feasible given the size of the site and the additional amenity requirements in terms of outdoor space which would typically be expected for 3+ bedroom units. The proposed housing mix is therefore considered to be appropriate accounting for the site specific constraints and the City Centre location of the site.
- 10.18. The Council's Core Strategy and Balance of Dwellings SPD predates the NPPF and as such the policy provisions of the existing framework must be read in conjunction with the NPPF in terms of compatibility. Policy H4 of the Emerging Local Plan, unlike the Balance of Dwellings SPD does not predate the NPPF and as such takes into account all other material planning considerations outlined within the framework. In officers' view there a clear requirement to balance the provision of a mix of housing in order to achieve balanced communities with other fundamental material planning considerations, including the need to make effective use of land which forms a fundamental element of the NPPF (Chapter 11).

10.19. In summary, whilst the proposals conflict with Policy CS23 of the Core Strategy and the target housing mix identified within the Balance of Dwellings Supplementary Planning Document, officers consider that the proposed mix would be consistent with the provisions of Policy H4 of the Emerging Local Plan, which is now afforded significant weight and is not restrictive of housing mix within City Centre locations.

Design, building height and Heritage Impacts

10.20. In terms of design, the NPPF requires high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It suggests that opportunities should be taken through the design of new development to improve the character and quality of an area and the way it functions. Policies CP1, CP6 and CP8 of the Oxford Local Plan, together with Policy CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan in combination require that development proposals incorporate high standards of design and respect local character. This is also reflected within Policy DH1 of the Emerging Local Plan, which specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.21. The Oxford Local Plan recognises the importance of views of Oxford from surrounding high places, both from outside Oxford's boundaries but also in shorter views from prominent places within Oxford. As a result there is a high buildings policy (HE9), which states that development should not exceed 18.2m in height or ordnance datum 79.3m, whichever is the lower, within a 1,200m radius of Carfax except for minor elements of no great bulk and a View Cones Policy (HE10) which protects views from 10 recognised viewpoints on higher hills surrounding the City to the east and west and also within the City. There are also a number of public view points within the city centre that provide views across and out of it, for example Carfax Tower, St Georges Tower and St Marys Church. This requirement is similarly reflected in Policy DH2 of the Emerging Local Plan, which states that regard should be given to the design guidance outlined within the High Buildings Study TAN.

10.22. The proposed building is located within a 1200 metre radius of Carfax and exceeds the 18.2 metre height limit, therefore the development is technically contrary to Policy HE9 of the Oxford Local Plan and Policy DH2 of the Emerging Local Plan and the application has been advertised as a departure from the development plan for this reason. As the development involves the erection of a building of a significant height, within 1200 metres of Carfax, which also lies within a number of the view cones identified within the existing and emerging local plan policies maps, an assessment must be made as to the impact of the new building on the setting of the Central Conservation Area in the context of the identified internal and external key views and the impact on historic built environment of Oxford.

10.23. The site itself does not fall within the Central Oxford Conservation Area, however the boundary of the Central Conservation Area lies 10 metres to the north of the application site. Furthermore given the proposed height of the building and its potential prominence of the building in key public views, the

building's potential impact on immediate and longer distance views into and out of the Conservation Area must be afforded careful consideration, particularly in relation to considering the potential impact of the development on the city's historic skyline and setting.

10.24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

10.25. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires 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 its significance.

10.26. Policy DH3 of the Emerging Local Plan similarly requires that development respects and draws inspiration from Oxford's unique historic environment, responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance. Policy HE7 of the Oxford Local Plan also requires that development should preserve or enhance the setting of the Conservation Area.

10.27. In order to properly assess the impact associated with the height, scale and massing of the building the applicants have prepared a 'Tall Buildings Assessment', which provides a visual analysis of the scale and massing of the building in relation to key internal and external public views from within and outside of the city. Officers are satisfied that the selection of public viewpoints at street level and elevated viewpoints is satisfactory, however for the purposes of robustness it was requested that a further view study was commissioned in order to assess the impact of the development from Boars Hill during the winter, at a time when tree cover was less dense, as the submitted view taken in the summer was potentially misleading. The additional view study has since been provided. In terms of the external views, including the additional views from Boars Hill, officers are satisfied that the development would not be visible or would only be visible to such a minimal extent that the development would have a negligible impact and would not break the skyline or obstruct views of important heritage assets.

10.28. The comments from Oxford Preservation Trust dated May 2020 in respect of the applicant's views assessment are noted, however officers are satisfied that the views assessment prepared by the applicants in terms of distant views correctly follows the guidance outlined in the Councils High Buildings Technical

Advice Note. The views assessment suggests that the building would not be seen within the view cones of Boars Hill, Raleigh Park or Hinksey Hill or at least to an extent where there would be any significant impact, this is partly due to the siting of existing buildings and significant tree cover. No evidence has been provided to the contrary to suggest that the building would be seen and would have a significant impact on these important external views of the historic skyline of the city.

- 10.29. In terms of the majority of internal elevated views from within the city, the proposed building would either not be visible as this would sit behind existing development or visible to such a minor extent that the visual impact would be negligible. In the case of views from St Mary's Tower and St George's Tower, whilst the building would be partially visible, the visual impact from these vantage points would be negligible. From these vantage points, views are limited to high level sections of the roof of the upper sections of the sixth storey, which merge with the ridge line and upper sections of the surrounding buildings and the building would not appear incongruous and would not break the skyline.
- 10.30. In terms of internal elevated views, the greatest magnitude of impact would be in views from the Westgate Centre Roof Terrace, as the majority of the building would be visible, given the relative distance to the site and accounting for the low height of the two storey houses in the foreground on Faulkner Street. The highest sixth storey element of the building would exceed the height of the surrounding buildings in the vicinity of the site, including Brooks Taylor Court and the BT telephone exchange building. The lower four storey sections do not break the skyline and in the case of the fifth storey element this does not appear to exceed the ridge height of the telephone exchange building or at least to any significant degree.
- 10.31. The originally submitted proposals, whilst not directly obstructing views of important and highly significant heritage assets including Tom Tower and Christchurch Tower, did break the verdant backdrop of the tree canopies of Christchurch Meadows and distant views of the wider landscape. This interruption has now been reduced through breaking the massing at the upper levels and the consequent increased variation in the profile of the southern section of the building. The more detailed articulation, through breaking up the apparent extent of the building facades and different material tones will mitigate the intrusion of the building in the views from the Westgate.
- 10.32. It is noted that the building, principally the fourth and fifth floors would also be visible in views from Carfax Tower as there are largely unobstructed views towards the site. The proposed buildings will disrupt the green tree canopies of St Ebbes that sit in the mid-ground of this view but will not intrude into the significant view of the distant green edge and wooded hills that lie to the south-west of the city which will remain as the skyline in this view from Carfax Tower.
- 10.33. The case for the need for and use of Photovoltaic Panels has been clearly and convincingly made as this is required to satisfy the energy needs of the building. There has been considerable study and investigation of the visibility and consequently impact of the proposed PV installation on rooftops. The angle of panels has been reduced to the minimum possible for optimum energy

generation. The design of the panels is proposed to use low reflective glass to reduce any impact of glare from solar impact which might be intermittently visually intrusive and distract from the significant Oxford skyline in views from the high ground to the south and south-west of the city.

10.34. When viewed from street level, the surrounding area consists of a mix of buildings of varying scale and architectural design. The Eastern end of Speedwell Street consists of large buildings including the four storey Speedwell House and five storey Telephone exchange as well as the three storey Magistrates Court. Adjacent to the application site is the four storey Brooks Taylor Court, a large block of retirement housing. There is a three storey block of flats on the opposite corner of Speedwell Street and Faulkner Street. The scale of some of these much larger buildings contrasts with the modest scale of the 1980's two storey houses immediately to the west of the site on the opposite side of Faulkner Street. It should also be noted that the former Lucy Faithfull House was a sizeable four storey building.

10.35. The public realm and urban environment in the vicinity of the site is considered to be very poor at present as a result of the poor architectural quality of a number of buildings which do not positively address the street and public realm creating blank frontages along much of the length of the street. Furthermore the general appearance of the street scene in the area is somewhat poor and neglected. The application site is a prominent corner plot which is very visible in public views. A positive redevelopment of the site therefore offers the opportunity to provide a landmark building which sets a positive precedent in enhancing design standards in what is a neglected part of the City Centre.

10.36. The amendments to the design of the scheme alter the massing, breaking it up to reduce the extent of facades and thereby giving a reduced sense of size and scale. This is particularly important in the views from Speedwell Street both from east and west. Whilst the scale of the building is substantial, officers consider that this is not inappropriate within the context of a prominent corner plot on a wide city centre road and when considered in the context of other sizeable surrounding buildings in the area. The larger elements of the building are sited along the Speedwell Street frontage, whilst the massing of the west facing elements is responsive to the notably lesser scale of the adjacent two storey dwellings in Faulkner Street. The building is considered to be of a good design standard and the proposals to bring forward the redevelopment of a vacant brownfield plot within a focus area for regeneration in the City Centre would be an enhancement to the overall character of the area.

10.37. The amended design offers some animation of the street whilst maintaining a defensible space with an enclosed front garden to the ground floor street facing apartments. The addition of blocks of varying texture in the fabric of the boundary wall that encloses the development breaks up the solidity of this boundary and combined with the designed gaps that offer glimpsed views to the landscaped spaces and courtyards within the development helps to significantly animate the surrounding public realm. The amended design also ensures some activation of the enclosed courtyard garden at the rear through making access to ground floor apartments directly off this space, again through enclosed gardens that offer some defensible space.

- 10.38. The greater articulation of the building facades, breaking them down into differently treated/finished elements that would have the impact of reducing the overall sense of size would result in a building that will sit more comfortably with the domestic residential scale which provides the most significant contribution to the character and appearance of the conservation area. The breaking up of the building mass would enable the building to sit more comfortably alongside the existing residential buildings in views into and out of the conservation area.
- 10.39. The site is adjacent to 10 Littlegate Street (Oxford Deaf and Hard of Hearing Centre) which is a Grade II listed building and lies immediately to the north of the application site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.40. 10 Littlegate Street consists of a 16th Century Cottage, which incorporates a 13th Century Archway, as well as a number of later extensions of varying age, including the 19th Century Baptist Church Hall and a further late 19th Century two storey extension which are the closest in terms of their proximity to the site and the new building. The cottage and archway form the most historic and significant elements of the listed building.
- 10.41. The massing of the proposed building is responsive to the setting of the listed building in terms of the reduced scale of development along the Faulkner Street frontage, which achieves a relatively comfortable relationship with the scale of the two storey church hall and attached 19th Century extension. Consequently it is considered that these elements of the proposed building would not be overbearing in terms of their visual relationship with the listed building, thereby preserving the significance of these elements of the listed building.
- 10.42. The building, particularly the fifth and sixth storey elements would be visible in public views from the north in Littlegate Street, where the development would also impact on the setting of the Grade II listed 10 Littlegate Street as the backdrop of the larger elements of building would sit to the rear of the listed building, albeit that these larger elements of the proposal would be set back. The setting of the listed building makes some contribution to the building's significance, however this is considered to be very small. The amendments to the design of the proposed development and in particular to the design of the spaces around the building and the boundaries of the site would have a positive impact on the setting of the listed building and consequently any harm to the significance of the building is considered to be at the lower end of less than substantial harm.
- 10.43. The overall level of harm to the Central Conservation Area is considered be less than substantial. This is principally as a result of the overall height of the building and its visual presence and prominence in public views, including the elevated public views from Carfax Tower and the Westgate Terrace. The design amendments to the massing of the upper floors of the building would however lessen the visual intrusiveness of the upper sections of the building as viewed

from the Westgate terrace. This would impact on how the historic skyline, including views of Tom Tower and the historic spires are experienced from this important, relatively new public vantage point. In selected views from the Westgate Terrace, the development would disrupt some views of the green backdrop to the east, given the height and the massing of the building.

- 10.44. The building given its height would be visible in the foreground from the Westgate roof terrace, though it should be noted that any building larger than two storeys would be relatively prominent given the uncharacteristically low rise development to the west of the site and despite having some visual presence officers consider that the scale and massing would not be incongruous as it relates to the varied scale of buildings in the immediate vicinity of the site. It should be noted that the principal impact would be from the southern end of the roof terrace in terms of the scale of development and how this is perceived in relation to key views. The submitted visual impact assessment would indicate that the impact on the setting of the Conservation Area, as experienced in views from the mid terrace and northern end of the terrace is likely to be limited given the massing of the building. The presence of the building in the foreground, particularly when viewed from the southern end of the roof terrace would have a minor impact on the significance of the Conservation, namely in terms of the impact on public views of the historic skyline and the harm is assessed to be at the lower end of less than substantial harm.
- 10.45. Assessed against Policy DH2 of the Emerging Local Plan and the High Buildings TAN, the development would cause a minor element of visual obstruction to the green backdrop of Christchurch Meadows when viewed mainly from the southern end of the Westgate terrace. When viewed from Carfax the extent of any obstruction of the green backdrop would be minimal. From any assessed aspect the development would not directly obstruct views of the historic skyline and spires. The height of the building would break the skyline to a minor extent when viewed from the Westgate roof terrace mainly at the southern end, however the building is seen against the backdrop of other sizeable buildings. When viewed from Carfax the development would not be perceived as breaking the skyline when set against the scale and massing of the existing development to the south of Speedwell Street.
- 10.46. In terms of the impact on the Grade II listed Deaf and Hard of Hearing Centre, there would be a low level of less than substantial harm to the significance of this heritage asset as a result of the scale and siting of the higher sections of the proposed building and the visual impact on the setting of the listed building and how this is experienced. This is most prevalent when also considering key public views of the building from the north and Littlegate Street, where the upper sections of the fifth and sixth floor of the building would be clearly visible to the rear of the building. This would impact on how the most significant elements of the listed building, namely the 16th Century cottage are experienced and there would also be a low level of less than substantial harm to the setting and significance of the Conservation Area.
- 10.47. Taking all of the above factors into consideration, officers would conclude that the development would by reason of its scale, height and massing result in less than substantial harm to the setting and significance of the Central Conservation

Area and the Grade II listed Deaf and Hard of Hearing Centre (10 Littlegate Street). The application has been reviewed in depth by the Councils Conservation Officers who have similarly assessed the level of harm to be less than significant in respect of the impact on both the Conservation Area and the adjacent listed building.

- 10.48. In accordance with the requirements of Paragraph 193 of the NPPF, great weight is given to the Conservation of the Heritage assets which would be affected, namely in this instance the adjacent Grade II listed 10 Littlegate Street and the Central Conservation Area. The National Planning Policy Framework (Paragraph 196) states 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.
- 10.49. Officers consider that the localised and low level of less than substantial harm to the significance of the Grade II listed building and the Central Conservation Area would be justified in planning terms as this would be outweighed by the public benefits of the proposed development. The principal public benefit being the provision of an additional 36 dwellings to the city housing stock, 18 of which would be affordable accommodation, which would make a significant contribution windfall contribution towards meeting the city's urgent housing needs. Furthermore there would be substantial public benefits arising from the positive redevelopment of a prominent, derelict City Centre brownfield site which would provide localised visual benefits when viewed in Speedwell Street and other surrounding streets, where the site is substantially prominent. For these reasons officers consider the development is justified in accordance with the provisions of Paragraph 196 of the NPPF and when weighed against the relevant requirements of Policies HE3, HE7 and HE9 of the Oxford Local Plan and Policies DH2 and DH3 of the Emerging Local Plan.
- 10.50. The design of the proposed development is considered to relate appropriately to the context of the surrounding development within the vicinity of the site and there would be significant benefits to the overall character and appearance of the area which would arise from the redevelopment of a prominently sited, presently vacant City Centre brownfield site within a focus area for regeneration. For these reasons the development is considered to comply with Policies CP1, CP8, CP9 and CP10 of the Oxford Local Plan; Policy HP9 of the Sites and Housing Plan; Policy CS18 of the Core Strategy; and Policy DH1 of the Emerging Local Plan and the statutory tests outlined in Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Archaeology

- 10.51. Policy H2 of the Existing 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.

- 10.52. Policy DH4 of the Emerging Local Plan states that applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. The Policy states that proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm.
- 10.53. The site is located within the former walled precinct of the Oxford Blackfriars, which was of particular importance as a Studium Generale (place of higher education) for the order. The asset is not a scheduled monument but can be assessed as of equivalent significance. Aside from part of the precinct gateway (located within an adjacent listed building) nothing survives of the friary buildings above ground and the wider precinct has seen extensive development over the years resulting in localised and cumulative disturbance.
- 10.54. A field evaluation has been undertaken at this site by Museum of London Archaeology which has established that the footprint of the former Lucy Faithfull House was heavily disturbed when the building was constructed but that well-preserved walls and burials related to the friary church and adjoining buildings survive in the northern part of the site. The evaluation also recorded a pit full of cattle horn providing evidence for the use of the site for industrial processes, possibly tanning, following the dissolution of the friary in the 16th century.
- 10.55. The applicant has proposed a pile supported raft to bridge across the northern part of the site to avoid damaging below ground remains however a row of piles and caps will be required which will require careful archaeological excavation. The impact of the development is likely to result in harm to the significance of the asset which can be assessed as equivalent in status to a scheduled monument as a well-studied Dominican friary and Studium General for the order. The harm will be localised and less than substantial and should be weighed against the public benefits and merits of the application.
- 10.56. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Considering the results of the archaeological evaluation and the proposed foundation design, a foundation condition and an archaeological condition are recommended.
- 10.57. In accordance with the requirements of Paragraph 193 of the NPPF, great weight is given to the Conservation of the Heritage assets this includes archaeological assets. The National Planning Policy Framework (Paragraph 196) states 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. The level of harm to archaeological deposits will be mitigated and therefore minimised through the construction design. Officers consider that the localised and low level of less than substantial harm to this heritage asset will be outweighed by the public benefits of the proposed development, namely the provision of an additional 36 houses, 18 of

which would be affordable accommodation, which would make a significant contribution towards local housing needs. Furthermore there would be substantial public benefits owing to the positive redevelopment of a prominent, derelict City Centre brownfield site.

Amenity

Existing Occupiers

- 10.58. To be acceptable, new development must demonstrate that it can be developed in a manner that will safeguard the residential amenities of the adjoining properties in terms of loss of amenity, light, outlook, sense of enclosure, and loss of privacy in accordance with Policy CP10 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan.
- 10.59. Policy H14 of the Emerging Local Plan outlines the requirement that new redevelopments must preserve a good quality environment for existing residents. This includes ensuring that new development provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes.
- 10.60. There are several residential properties within close proximity to the site. To the west of the site are two residential apartment buildings (No.6 to 11 and No.12 to 17 Faulkner Street) and to the north west are a pair of semi-detached properties Nos. 4 and 5 Faulkner Street. Brooks Taylor Court is a four storey building comprising residential retirement and care accommodation which lies to the east and north east of the site, immediately adjacent to the site boundary. To the south of the site is a two storey apartment building on the corner plot of Thames Street and Speedwell Street, there are a number of north facing flats in this building which face the application site. The building to the north is owned by the Oxford Deaf and Hard of Hearing Centre and is used for non-residential uses falling within use Classes B1 and D1 of the Use Classes Order.
- 10.61. The semi-detached pair of two storey houses fronting Faulkner Street are set behind small front gardens and are to the north east of the four storey element of the apartment building at a separation distance of 17.6 metres. This is a relatively substantial separation distance and furthermore the windows in the proposed building would be offset in relation to the front facing windows serving Nos.4 and 5 Faulkner Street. The windows serving the upper floor flats in the proposed building would not therefore result in a significant loss of privacy to the occupiers of these properties by reason of overlooking.
- 10.62. The first, second and third floor flats in the proposed building would directly overlook Nos.6 to 17 Faulkner Street, which is a three storey apartment building. The rear elevation of this building faces the west elevation of the proposed building which would front Faulkner Street. There is a rear area of communal amenity space which would also be overlooked. There is a separation distance of 24.8 metres between the rear elevation of Nos. 6 to 11 Faulkner Street and the west facing elevation of the proposed apartment building. This is considered to be a significant separation distance and in officer's view, this would be acceptable in ensuring that existing occupiers are afforded appropriate levels of privacy. There would be a notable increase in the overlooking of the communal

garden areas of the flats, however communal areas of amenity space for flats would not typically be afforded the same level of protection as individual private amenity spaces serving houses. In any event these spaces are currently overlooked at ground level from the street and are not afforded significant privacy at the present time. Any development above single storey level would result in some loss of privacy to the adjacent communal gardens and in officers view it would be impractical or unreasonable to restrict development entirely on this basis. The proposed separation distances would ensure that the internal spaces of these flats would not be significantly overlooked.

10.63. In relation to the two storey houses and three storey flats to the west in Faulkner Street (Nos.4 to 17) it is noted that the massing of the building steps down to four storeys in order to negotiate the variance in the scale of the surrounding built form. The scale of the lower four storey section of the building, combined with the set back of the development from the eastern boundary of the site would ensure that the development would not have a significant overbearing impact on these adjacent properties.

10.64. There is a set of six windows on the east facing gable end of Nos. 12 to 17 Faulkner Street, which is a three storey block of flats. It is understood that these are secondary windows serving habitable rooms. Within the proposed building, there would be flats at levels 1 to 4 which would face this side elevation at a separation distance of 12.1 to 10.9 metres. The proposed building is set back into the site so as to minimise the extent of overlooking so much as is practically possible. When considering the densely developed context of the site and surrounding area and the spatial relationship between the proposed flats and the existing secondary windows, officers consider that the proposals would not result in an unacceptable loss of privacy to the occupiers Nos. 12 to 17 Faulkner Street.

10.65. Brooks Taylor Court to the East of the site has several west facing rooms serving flats which face the application site. Between the proposed sets of windows serving the apartments and the west facing windows serving the flats at Brooks Taylor Court, there would be a separation distance of between 19 and 30 metres, which is considered to be sufficient in ensuring that the internal spaces of the flats would not be unacceptably overlooked. There is a single storey section of Brooks Taylor Court which is located close to the site boundary and is used as a communal area for residents of the housing block. There is also an area of external communal amenity space associated with Brooks Taylor Court to the south of the single storey element of the building. The highest element of the proposed building would abut the site boundary and this area of communal amenity space.

10.66. When considering the impact of the proposed development on Brooks Taylor Court, it should be noted that the former Lucy Faithfull House immediately abutted the boundary with Brooks Taylor Court and included a number of east facing windows which overlooked the ground floor internal and external amenity spaces associated with Brooks Taylor Court. Whilst the development would enclose the amenity area, the impact of the development in terms of the scale of built form and its relationship with the amenity area associated with Brooks Taylor Court would not be dissimilar to the former Lucy Faithfull House building.

- 10.67. Care has been taken to limit the number of windows on the east facing elevation of the proposed building closest to Brooks Taylor Court, so as to avoid overlooking of the communal amenity areas and also the two sets of windows in the south west facing gable end of Brooks Taylor Court, which serve upper level flats. The upper floor windows in the proposed building would be limited to bathroom windows, in addition to secondary bedroom windows which are not directly facing the windows in the south west facing gable end of Brooks Taylor Court. The extent of overlooking of these windows is likely to be of a lesser extent than was previously the case, when the east facing elevation of Lucy Faithfull House included a number of east facing windows, directly overlooking the south west facing flats in Brooks Taylor Court. Notwithstanding this it should be conditioned that the east facing sides of the rear balconies serving the flats adjacent to Brooks Taylor Court, including the roof terrace serving the sixth floor flat, should be fitted with privacy screening to limit the extent of overlooking, in the interests of protecting the privacy of the occupiers of Brooks Taylor Court.
- 10.68. There is an existing two storey block of flats south of the site which fronts Speedwell Street (Nos. 15 to 21). The north facing elevation of this building features windows at ground and first floor level. The ground floor windows are immediately adjacent to the street and consequently do not benefit from any substantial degree of privacy at the present time, it is also noted that a number of these windows are obscure glazed and do not serve living spaces. There are a number of windows at first floor level which serve habitable rooms though it is noted that there is a separation distance of between 13.4 and 16.5 metres between the proposed south facing windows of the front elevation of the proposed building and the north facing windows serving Nos. 15 to 21 opposite, which are also separated by Speedwell Street. It is therefore considered that the proposed development would not result in an undue loss of privacy to the occupiers of these properties by reason of overlooking. The relatively significant separation would also ensure that the development does not have an overbearing impact on these properties, by reason of the scale of the proposed development.
- 10.69. The application is supported by a Daylight, Sunlight and Overshadowing Assessment which assesses the potential impact of the proposed development on the adjacent surrounding properties in accordance with BRE guidelines. The Sunlight and Overshadowing Assessment provides an assessment of the impact of the development on 206 windows serving buildings surrounding the site. Of the 206 windows tested 189 (90.8%) are compliant with the BRE criteria with 11 (5.4%) impacted to a low extent, 4 (1.9%) to a medium extent and 4 (1.9%) to a high extent.
- 10.70. There would be a notable impact on the east facing windows on the side gable of Nos.12 to 17 Faulkner Street, where the impact would be medium for three of the windows and low for three windows. It should be noted that these are secondary windows, which although these windows serve habitable rooms there are larger windows which also provide natural light to the internal living spaces of these flats, therefore in officers view it is considered that the proposed siting of the building would not significantly disadvantage the existing occupiers of these properties with respect to the amount of natural light received to the internal spaces of these properties.

- 10.71. In terms of the light to the existing rooms in Brooks Taylor Court, the position of the apartment building would ensure that the impact on the rear facing rooms in Brooks Taylor Court would be negligible. The siting of the proposed building would be an improvement on the previous situation where the largest elements of the former Lucy Faithfull House building were located on the boundary of the site immediately adjacent to Brooks Taylor Court, resulting in a situation where the majority of the rear facing ground and first floor windows were below the BRE criteria in terms of the amount of natural light received to the internal rooms in Brooks Taylor Court. The siting of the proposed building would ensure that the impact of the development on the west and south west facing windows in Brooks Taylor Court would be negligible in terms of the impact on natural light to these internal spaces. The applicant's assessment of Daylight/Sunlight impacts assesses that the level of natural light to the rear amenity spaces at Brooks Taylor Court would also remain BRE compliant.
- 10.72. It is noted that the proposed development would result in a loss of light and overshadowing of the first floor windows of the south facing elevation in the adjacent Deaf and Hard of Hearing Centre. These two spaces serve non-residential uses, namely office space, rather than residential space and it is considered that the impact on the function of these spaces would not be detrimental. It is however recommended that the side facing windows of the facing flats are fitted with obscure glazing in order to protect the privacy of the occupiers of these units.
- 10.73. In respect of the residential apartment building to the south of the site, it is noted that this would face the largest element of the proposed building. It is noted that whilst there are windows in the elevation of the building facing the proposed development which serve habitable spaces, these windows also are north facing and do not benefit from natural light at present, therefore the siting of the proposed development would not alter the existing situation in this regard.
- 10.74. It should be noted that paragraph 123 of the NPPF outlines that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). This is in order to ensure that planning decisions avoid homes being built at a low density and to ensure that developments make optimal use of the sites where there is an existing shortage of land to meet housing needs.
- 10.75. Any development on this site, which is in close proximity to several residential dwellings of varying scale would have some inevitable impact on the amenity of surrounding properties. Officers consider that an appropriate balance is achieved which ensures that the development makes best use of the site and achieves an optimum number of dwellings on the site, whilst also preserving the amenity of adjoining occupiers. The impact of the building in terms of overlooking, scale and impact on natural light has been limited through the scale and siting of the building and the location of the proposed windows in the upper floors of the building. Overall officers consider that the development would comply with Policy CP10 of the Oxford Local Plan 2001-2016; Policy HP14 of the Sites and Housing Plan and Policy H14 of the Emerging Local Plan.

Future Occupiers

- 10.76. Policy HP12 of the Sites and Housing Plan sets internal space standards for new residential development. Compliance with the Government's Nationally Described Space Standards is also required. This requirement is similarly reflected in Policy H15 of the Emerging Local Plan. Each of the individual units has been assessed to be compliant with Nationally Described Space Standards and the proposed units would consequently comply with Policy HP12 of the Sites and Housing Plan.
- 10.77. Policy HP13 of the Sites and Housing Plan requires that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private outdoor space, to meet the following specifications. For houses this would generally be an area of private garden space, whilst for flats of 1 and 2 bedrooms this would consist of an external balcony and/or access to an area of private communal amenity space. Policy H16 of the Emerging Local Plan outlines a similar requirement in terms of the quantity of outdoor amenity space expected within new residential developments.
- 10.78. Each of the proposed flats would be served by an area of outdoor amenity space. For the ground floor flats outdoor amenity space is proposed in the form of external terraces. For the front facing flats these would be large spaces varying between 14.5 and 27.5 square metres. In the case of the front facing flats, the amenity spaces serving these properties would be enclosed by the perimeter boundary wall to ensure that these spaces benefit from security and privacy, whilst limiting the extent of noise. For the rear flats amenity spaces would be sited to the rear of the block, adjacent to the private communal space. All residents would also have access to the front and rear courtyards, which would function as areas of communal amenity space.
- 10.79. The upper floor flats would each be served by external balconies. The fifth floor 3 bedroom flat would be served by two external roof terraces measuring 57.3 square metres in total area, which is considered to be adequate relative to the size of the proposed unit.
- 10.80. Overall it is considered that future occupiers would benefit from an acceptable standard of internal and external amenity space, which would comply with the provisions of Policy HP12 of the Sites and Housing Plan and Policy H16 of the Emerging Local Plan.

Transport

- 10.81. The provisions of Policy HP16 of the Sites and Housing Plan set maximum standards relating to vehicle parking provision; these requirements are outlined within Appendix 8 of the document. Car free and low parking developments are encouraged in appropriate locations, though this is dependent on evidence that low parking and the car free nature of development can be enforced such as within a CPZ and particularly within the Transport Central Area, which includes the application site.

- 10.82. Policy M3 of the Emerging Local Plan requires that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car); where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development), planning permission will only be granted for residential development that is car-free.
- 10.83. The application site is in the City Centre and is a very sustainable location in relation to existing services and facilities as well as bus and rail links. Consequently car free development in this location would be expected in line with Policy HP16 of the Sites and Housing Plan and Policy M3 of the Emerging Local Plan. The proposed development would be car free which is supported in line with these aforementioned policies.
- 10.84. Disabled parking is required at 5% of the total number of units proposed. Two disabled parking spaces are proposed which complies with these requirements. The two disabled parking spaces would be provided to the rear of the site and would be accessed via an undercroft area beneath Brooks Taylor Court, which currently serves as an access to the parking area for the retirement housing. The applicants have confirmed that they have a right of access over this land ensuring that this is feasible.
- 10.85. Policy HP15 of the Sites and Housing Plan requires the provision of cycle parking within all new residential developments in line with specified standards. The majority of cycle parking would be within two internal cycle parking stores, which would be accessed from Speedwell Street. Three of the ground floor flats would also benefit from individual cycle stores. A condition is recommended to secure the provision of at least 76 cycle stores to serve the accommodation, which officers consider can be realistically achieved within the parameters of the site.

Flooding

- 10.86. The majority of the site falls within Flood Zone 1 and would be considered to be at a low overall risk of flooding, though a small section of the north west of the site and the adjacent Faulkner Street are located in Flood Zone 2 and would be at a high risk of flooding.
- 10.87. In accordance with the requirements of Policy RE3 of the Emerging Local Plan and Paragraph 163 of the NPPF a Flood Risk Assessment has been provided. The FRA has been reviewed by the County Council's drainage engineers and has been deemed to be acceptable subject to the provision of an acceptable surface water drainage strategy, which is requested by condition.
- 10.88. The proposals are therefore considered to comply with the provisions of Policy RE3 of the Emerging Local Plan.

Ecology

- 10.89. 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. Similarly Policy G2 of the Emerging Local Plan specifies that Development that results in a net loss of sites and species of ecological value will not be permitted. The policy also requires that compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation.
- 10.90. The application is accompanied by a Bat Survey report and Ecological Assessment. The bat survey relates to the former Lucy Faithfull House building, which has since been demolished and finds no evidence of bats or roosts.
- 10.91. Since the demolition of the former Lucy Faithfull House the site has been cleared and consists solely of hardstanding and is of low ecological value. At the request of officers and the Council's Ecologist, amendments have been made to the approved plans to add a sedum/brown roof which provides biodiversity benefits. A scheme of ecological enhancements is sought by condition, in accordance with the recommendations outlined within the Ecological Assessment and in order to achieve a net gain in biodiversity. Subject to the provision of these details by condition, the proposals would comply with Policy G2 of the Emerging Local Plan and Policy CS12 of the Core Strategy.

Air Quality

- 10.92. A quantitative assessment of the exposure of future residents to air pollution was undertaken using ADMS Roads and local road traffic data to predict concentrations of NO₂, PM₁₀ and PM_{2.5} across the Application Site. The results showed that annual mean NO₂ concentrations at two ground floor receptors where the annual mean NO₂ objective would apply are in exceedance. As such, mechanical ventilation into the affected residential units will be required by condition.
- 10.93. A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out for this phase of the Proposed Development using the IAQM methodology. This identified that there is a Low Risk of dust soiling impacts and a Negligible Risk of increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and PM₁₀ releases would be significantly reduced.
- 10.94. It is therefore mandatory that the outcomes of the dust assessment, (which allowed the identification of site specific dust mitigation measures) are incorporated in the site's Construction Environmental Management Plan (CEMP). This will be required by condition. Subject to the provision of these details, the development would comply with Policy CP23 of the Oxford Local Plan.

Sustainability

10.95. 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. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.

10.96. 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.

10.97. Policy RE1 of the Emerging Local Plan requires the incorporation of sustainable design and construction principles in all developments. All new build major residential developments should achieve at least a 40% reduction in carbon emissions. This would be secured through on-site renewable energy and other low carbon technologies. Policy RE1 also requires the submission of an Energy Statement in all new major residential developments.

10.98. In order to demonstrate compliance with the above policies an Energy Statement has been prepared. The recommendations include extensive areas of Solar PV on the proposed building, along with the following recommendations to be incorporated in the design.

- Optimised glazing g value
- Improved insulation levels
- Accredited thermal bridging details
- Improved air tightness
- High efficiency combination gas boilers in dwellings with time and temperature zone controls and smart thermostats
- High efficiency LED lighting throughout
- High efficiency heating, time controls and lighting presence detection controls in communal areas

10.99. The submitted Energy Statement has been revised to account for the addition of green roofs to the building and design amendments to the scheme, however the statement demonstrates compliance with the Council's target for 20% energy/carbon reduction, below a base case which satisfies Building Regulations. The development is therefore considered to comply with the requirement of Policy CS9 of the Core Strategy; Policy HP11 of the Sites and Housing Plan and Policy RE1 of the Emerging Local Plan.

Trees

10.100. Policy NE15 of the Oxford Local Plan states that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a

development site, where this would have a significant adverse impact upon public amenity or ecological interest. Planning permission will be granted subject to soft landscaping, including tree planting, being undertaken whenever appropriate.

10.101. Policy G8 of the Emerging Local Plan similarly affords protection to the protection of trees and states that important green infrastructure should not be lost where this would have a significant adverse impact on public amenity or ecological interest.

10.102. The application site has been cleared following the demolition of the former Lucy Faithfull House building. Two mature trees which were formerly located in the centre of the site were removed at the time of demolition; the trees were not subject of a TPO so prior consent was not required for their removal.

10.103. The application is accompanied by an Arboricultural Assessment which includes a tree protection plan. There are two trees within close proximity of the site boundary; these are a Category B Beech Tree which is in the car parking area of Brooks Taylor Court and a Category C Ash Tree which is located within a raised planted area to the south west of the site on the corner of Faulkner Street and Speedwell Street.

10.104. Officers are satisfied that providing appropriate tree protection measures are implemented then there would not be harm to these adjacent trees neither of which would need to be removed to facilitate development. Additional planting is proposed within the site, further details of additional tree planting would be controlled by a landscaping condition. It is considered that the development complies with Policy NE15 of the Oxford Local Plan and Policy G8 of the Emerging Local Plan.

Contamination

10.105. Due to identified potential risks from asbestos containing materials and other contamination within the made ground at the site as result of various historical uses, an intrusive ground investigation is required to quantify potential risks to human health and the surrounding environment. A phased risk assessment would therefore be required by planning condition prior to the commencement of development in order to satisfy the requirements of Policy CP22 of the Oxford Local Plan and Policy RE9 of the Emerging Local Plan.

Noise

10.106. The applicants have submitted a noise assessment in order to analyse the impact of the proposed development on future occupiers as well as adjacent occupiers in close proximity to the site. The noise assessment has been reviewed by the Councils Environmental Health Team who have raised no objection to the proposed development subject to the submission of an Environmental Noise Test Report which would be required by condition. Overall it is considered that unlikely that occupants of the dwellings will experience significant noise effects providing that suitably noise mitigated passive means of whole dwelling ventilation is provided. The development is not considered to

conflict with the requirements of Policy CP21 of the Oxford Local Plan and Policy RE9 of the Emerging Local Plan.

11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposals would bring forward the positive redevelopment of a prominently sited and vacant brownfield site in the West End area of the City Centre and would provide 36 new homes, 50% of which would be available as affordable accommodation, of which 83% would be socially rented. The proposals would provide a valued windfall contribution towards meeting Oxford's Housing needs, in particular the need for affordable homes. The proposals would also provide significant visual benefits in bringing forward the development of a currently vacant brownfield site in a prominent area of the City Centre which is outlined as a focus area for regeneration, as outlined in Policy CS5 of the Core Strategy. The provision of new housing is consistent with the Council's aims for regeneration in the West End area.
- 11.4. The proposals are for car free development, with the exception of disabled parking and would include policy compliant levels of cycle parking which meets the Council's sustainability objectives relating to the delivery of new housing in the City Centre, as outlined in Policies HP15 and 16 of the Sites and Housing Plan.
- 11.5. The development would be sited in close proximity to a number of existing residential dwellings in Faulkner Street, Speedwell Street and Albion Place. The impact on these adjacent properties has been objectively assessed through a daylight/sunlight study and officers are satisfied that the development would not have a significantly detrimental impact on the amenity of adjacent occupiers with respect to existing levels of natural light enjoyed by adjacent residents. The impact of overlooking has also been assessed and officers are satisfied that the siting of the proposed housing would not adversely affect the privacy of adjacent occupiers. Likewise the scale of development is considered commensurate with

existing development in the immediate vicinity of the site and the general scale of development, which may be typically expected in a City Centre location. The scale and massing of the building ensures there is a transition between the larger scale development fronting Speedwell Street and the smaller scale, two storey properties in Faulkner Street. Officers consider that the overall scale of the building would not be overbearing in the context of the surrounding residential properties.

11.6. The overall height of the building at the highest point would be 19.4 metres, this would exceed the height limit of 18.2 metres specified within Policy HE9 of the Council's Existing Local Plan and Policy DH2 of the Emerging Local Plan which relate to high buildings within 1200 metres of Carfax. In this regard it would represent a departure from the Council's development framework. Overall officers are satisfied that the scale, design and massing of the building is acceptable in the context of the surrounding and in some cases sizeable built form. The application is accompanied by a Visual Impact Assessment, which includes an assessment of the height and massing of the building, as viewed from key verified internal and external viewpoints, as well as key public views from street level, including important views from within and into the Conservation Area.

11.7. The development would impact on the setting and significance of the Central Conservation Area in terms of the prominence of the building and how this is experienced, particularly in views from Littlegate Street to the north of the site and views from Carfax Tower and the Westgate roof terrace. The development would result in less than substantial harm to the setting of the Central Conservation Area principally as a result of the minor loss of views of the green backdrop from the roof terrace of the Westgate terrace and to a lesser extent from Carfax Tower. The scale of the building would result in the building having some visual prominence, though the building would not be perceived to break the skyline when viewed from Carfax given the extent of the existing development in the area. There is some perception of the building breaking the skyline to a minor extent in select views from the Westgate terrace. The development would impact on the significance of the adjacent Grade II listed Deaf and Hard of Hearing Centre, namely in terms of the impact of the scale and massing of the building and how this would be perceived, particularly in public views from Littlegate Street. Overall the level of harm caused to the setting and significance of the Central Conservation Area and Grade II listed building is considered less than substantial and when assessed under the balancing exercise required under Paragraph 196 of the NPPF, it is considered that the public benefits of the scheme, particularly the provision of 36 homes, 18 of which would be affordable would be sufficient to outweigh this less than substantial harm.

11.8. For the reasons expressed within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

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. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

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

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

4. A Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. The development shall be carried out in accordance with the approved CTMP, which shall be adhered to during the period of construction. The CTMP should follow Oxfordshire County Council's template if possible. This should 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.

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.

5. Prior to the use or occupation of the development hereby permitted, covered and secure cycle parking for a minimum of 76 bicycles in accordance with Policy HP15 of the Sites and Housing Plan shall be provided within the curtilage of each dwelling and thereafter retained for that sole purpose.

Reason: To encourage the use of sustainable modes of transport.

6. Prior to first occupation a Travel Information Pack shall be submitted to and be approved in writing by the Local Planning Authority. The approved pack shall be issued to all new occupiers prior to first occupation of the development.

Reason: To promote sustainable modes of transport.

7. Prior to the commencement of the 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 in writing and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Phase 1 has been completed and is approved (WSP Preliminary Geo-Environmental Risk Assessment).

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

8. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and been approved in writing by the Local Planning Authority.

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

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority.

Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved

schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

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

- The programme and methodology of site investigation, recording and public outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, public outreach, 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 postmedieval remains (Local Plan Policy HE2 and Submission Draft Policy DH4).

11. No work on site shall take place until a detailed design and method statement for the extent and design of all foundation and groundwork has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme agreed pursuant to this condition.

Reason: To ensure that the foundation design minimises harm to the remains of the Dominican Friary (Local Plan Policy HE2, Local Plan Submission Draft Policies DH3 & 4).

12. No properties shall be occupied until confirmation has been submitted to, and approved in writing by, the Local Planning Authority that either:

- Capacity exists off site to serve the development; or
- A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
- All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

13. No development 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 on pages 25-27 of the reviewed Air Quality Assessment that was submitted with this application. The measures listed in the approved CEMP shall be adhered to during the programme of construction.

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. No development shall take place until specific details of the proposed mechanical ventilation system with NOx filtration has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed maintenance and monitoring schedule for the installed system, which is expected to be installed at the properties of receptors 11 and 16.

Reason: to protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives.

15. The development shall not be occupied until the ventilation system which has been approved pursuant to condition 14 has been installed and evidence provided to the Local Planning Authority that it is working in accordance with its specification and air quality does not present a risk to site users.

Reason: to protect the occupiers of the development from exposure to air pollutants in exceedance of the National Air Quality Objectives.

16. Prior to commencement of development, an application shall be made for Secured by Design 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: To create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policies CP1 and CP9 of the Oxford Local Plan.

17. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

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

18. The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

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

19. The landscaping proposals as approved in writing by the Local Planning Authority pursuant to condition 17 shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

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

20. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Sites and Housing Plan 2011-2026 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The scheme shall include:

- i) The numbers, type, and location on site of the affordable housing provision to be made which shall consist of not less than 50% of the housing units as detailed in the application.
- ii) Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Sites and Housing Plan 2001-2026 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority.
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no Registered Social Landlord involved);
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) The occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Reason: In order to secure the affordable housing provision on site in accordance with Policy CS24 of the Oxford Core Strategy 2026, and Policy HP3 of the Sites and Housing Plan 2011-2026.

21. Notwithstanding the amendments to the approved scheme, the development shall be carried out in accordance the energy strategy outlined within the approved Energy Statement (Energy Statement ref 70037512 dated April 2020) and the development shall not be occupied until written confirmation that the energy systems within the approved statement have been implemented to achieve the target performance has been submitted to and been approved in writing by the Local Planning Authority.

Reason: In the interests of energy efficiency in accordance with Sites and Housing Plan Policy HP11

22. Prior to first occupation of the development an environmental noise test report shall be submitted for acceptance by the Local Planning Authority. This report shall demonstrate that significant noise effects on occupants of the proposed development have been avoided and that all reasonable measures have been taken to achieve the following internal ambient noise levels in any occupied habitable space whilst maintaining an adequate standard of whole dwelling ventilation:

$L_{Aeq, 16hr}$ (0700-2300) of 35 dB
 $L_{Aeq, 8hr}$ (2300-0700) of 30 dB

The installed glazing and ventilation systems shall be retained and maintained at all times thereafter to ensure that this level of performance continues to be achieved. The development shall not be occupied until the measures listed in the approved report have been implemented.

Reason: In the interests of the amenity of occupiers, in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016.

23. Prior to the first occupation of the development, the proposed north facing windows serving flat numbers 7, 15 and 23 shall be fitted with obscured glazing and shall be retained in that condition thereafter.

Reason: In the interests of preserving the amenity of existing and future occupiers, in accordance with Policy CP10 of the Oxford Local Plan.

24. A design and specification of privacy screening to be installed on the balconies and roof terrace area, serving flat numbers 12, 20, 28, 33 and 36 shall be submitted to and be approved in writing by the Local Planning Authority before first occupation of the development. The approved screening shall be retained thereafter.

Reason: In the interests of preserving the amenity of existing residential occupiers, in accordance with Policy CP10 of the Oxford Local Plan.

25. No development shall take place until a Detailed Design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in

writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

26. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the management and maintenance plan approved pursuant to condition 24.

The Maintenance and Management Company details shall be provided to the Lead Local Flood Authority and Local Planning Authority prior to first occupation of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

27. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme shall include any landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes, and a minimum of four dedicated swift boxes. Specific details shall be provided of the green roof system to be installed. The approved scheme shall be implemented prior to first occupation of the development.

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.

13. APPENDICES

- **Appendix 1 – Site Plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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