

WEST AREA PLANNING COMMITTEE

8th September 2020

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|----------------------------|--|-------------------|--------------------|
| Application number: | 18/02989/FUL | | |
| Decision due by | 8th March 2019 | | |
| Extension of time | TBA | | |
| Proposal | Redevelopment of Bartlemas Nursery Site including the removal of the existing nursery buildings and their replacement with a two and a half storey building to provide graduate students accommodation and warden's flat. The proposal includes 21 student rooms with communal kitchen/diner and 9 self-contained 1 or 2 bed units. Provision of 2 disabled parking bays, bicycle and bin storage and communal amenity space. (Amended description)(Amended plans)(Additional information) | | |
| Site address | 269 Cowley Road, Oxford, Oxfordshire, OX4 2AJ – see Appendix 1 for site plan | | |
| Ward | St Clement's Ward | | |
| Case officer | Michael Kemp | | |
| Agent: | Ms Iona Foster | Applicant: | Mr Wilf Stephenson |
| Reason at Committee | The application is before the committee because it is a major development. | | |

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.2. **Approve the application** for the reasons given in the report subject to

1.2.1. the required planning conditions set out in section 12 of this report; and

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

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

1.3.1. 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; and

1.3.2. Finalise the recommended legal agreement under section 106 of the Town

and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application for the redevelopment of the site of the former Bartlemas Nursery. The development includes the removal of the existing nursery buildings and their replacement with a range of two and two and a half storey buildings to provide graduate students accommodation and a warden's flat. The proposal includes 21 student rooms with communal kitchen/diner and 9 self-contained 1 or 2 bed units, provision of 2 disabled parking bays, bicycle and bin storage and communal amenity space.
- 2.2. Amended plans were received on 17th July 2019 to alter the elevation facing the Southfield Road properties to visually reduce the massing of the west elevation of the building. Further information was received in terms of additional drainage details and a viability report was also submitted, which has been subject to review by the Council's appointed viability consultant. The additional information and amended plans were the subject of further public consultation.
- 2.3. The site consists of previously developed brownfield land, the redevelopment of which should be afforded great weight under the provisions of Paragraphs 117 and 118 of the National Planning Policy Framework (NPPF) when assessing the public benefits of the proposed development.
- 2.4. The site would be used by Oriel College to meet an identified need for additional postgraduate student accommodation. Policy H8 of the Oxford Local Plan permits student development only on sites on or adjacent to an existing University or College campus; in the City Centre or District Centre or on an allocated site within the Local Plan. The boundary of the Cowley Road district centre has been extended significantly under the new Local Plan and now extends up to Evelyn Court, within 70 metres of the site. Whilst the site does not lie strictly within the confines of the district centre, it lies very close to the edge of the district centre and is within a sustainable location in terms of access to public transport links, facilities and services available in the district centre.
- 2.5. An affordable housing contribution would be required in line with Policy H2 of the Oxford Local Plan, which would total £220,137.75. The applicants had prepared a viability report arguing that this level of contribution would render the development unviable, The Council have sought independent viability advice which suggests to the contrary that a full Policy compliant contribution would be viable. Following further discussion the applicants have confirmed that they would be prepared to accept a full Policy compliant contribution of £220,137.75.

The recommendation to approve the application is subject to a legal agreement to secure the required off-site affordable housing contribution.

- 2.6. The site falls within the Bartlemas Conservation Area and within the setting of a number of listed buildings these include the Grade II* listed Bartlemas Farm House and Bartlemas House and Grade I listed St Bartholomews Chapel. Redevelopment of the site and the removal of the existing derelict buildings represents a potential opportunity to enhance the character of the Conservation Area, as acknowledged in the Bartlemas Conservation Area appraisal. The design and form of the building, alongside the proposed use of natural stone and timber cladding materials would be sensitive to the rural character and aesthetic of the area and the overall design is considered to be of a high standard consistent with Policy DH1 of the Oxford Local Plan.
- 2.7. The scale and massing means that the upper sections of the building would be visible in public views, including in glimpsed views into the Conservation Area from Southfield Road between the existing houses and from the lane leading into the Conservation Area. The overall massing of the new buildings will have the effect of filling in the gap between the Farmhouse and the Cottage in the long views to the settlement. From this point it is the roofs of the historic buildings with their steep slopes that inform the character of the place and that provide the small indication that the settlement exists. The infilling of the gap will to some extent reduce the appearance of isolated buildings and will result in less than substantial harm to the significance of the conservation area and the Grade II* listed Bartlemas Farmhouse. In accordance with paragraph 196 of the NPPF, this level of less than substantial harm must be weighed against the public benefits of the proposed development having first given great weight to the conservation of these designated heritage assets in accordance with paragraph 193 of the NPPF.
- 2.8. In this instance there are considered to be significant public benefits associated with the development, most notably the provision of 30 student housing units, which will in turn release within the region of 12 dwellings back into the local housing supply. Furthermore, the public benefits include a financial contribution of £220,137.75 towards off-site affordable housing, as well as the benefits arising from the positive reuse of a derelict brownfield site. Overall, it is considered that the public benefits of the development would outweigh the less than substantial harm to the significance of the Conservation Area and the Grade II* listed Bartlemas Farmhouse.
- 2.9. The site lies in relatively close spatial proximity to a number of existing properties. To the west of the site are the rear gardens of a number of properties in Southfield Road. The properties have deep rear gardens and there is a considerable separation distance between the west elevation of the proposed student accommodation and the facing sets of windows. There would be minor overlooking of the end of the garden areas of the properties and some limited overshadowing of the end of the gardens. Notwithstanding this, officers are of the view that the siting of the development would not have a significantly adverse impact on the living conditions of the adjacent occupiers by reason of overlooking, overbearingness or loss of light. The blank gable end of the north building would be sited close to the boundary of the adjacent Bartlemas

Farmhouse, though there is a reasonable separation distance between this element of the building and the dwelling itself and the overall scale would not be overbearing and would not result in significant loss of light to this property. The proposals include the retention of the majority of the trees along the eastern boundary of the property, in addition to replacement planting, which would protect the privacy of the occupiers of this property. Officers consider that the development would not have a significantly detrimental impact on the amenity of future occupiers and the development is considered to comply with Policy H14 of the Oxford Local Plan.

2.10. The site is in a sustainable location close to frequent bus services and a supermarket. It is within reasonable cycling distance of the city centre and Oriel College. Policy H8 of the Oxford Local Plan requires that student developments shall be car free, with the exception of operational and disabled parking. Parking on the site is limited to two disabled bays which is considered justified. The presence of CPZ's in the surrounding roads would restrict the likelihood of overspill parking in the streets surrounding the site. The development is therefore considered to be acceptable in highway safety and amenity terms.

2.11. Officers consider that the proposal would accord with the policies of the development plan and other material considerations and on balance recommend that planning permission should be granted. The scheme would also accord with the aims and objectives of the NPPF for the reasons set out within the report and would constitute sustainable development. Therefore in such circumstances, paragraph 11 of the NPPF is clear that planning permission should be approved without delay.

3. LEGAL AGREEMENT

3.1. This application would be subject to a legal agreement to secure a financial contribution towards the provision of off-site affordable housing. The contribution would total £220,137.75

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL. The total amount required is £71,446.15.

5. SITE AND SURROUNDINGS

5.1. The site is located off the Cowley Road and lies within the Bartlemas Conservation Area, a small Conservation Area consisting of an enclave of detached residential buildings. The Conservation Area includes the Grade II* listed Bartlemas Farmhouse and Bartlemas House and the Grade I listed St Bartholomew's Chapel, which is a small stone church. The enclave was originally constructed as a leper complex in the outlying fields to the east of the City, but has gradually become surrounded by 19th and 20th Century urban development, which now surrounds the site on three sides. To the north and north east of the site are three sports grounds owned by Lincoln College, Jesus College and Oriel College. Despite the urban location of the Conservation Area, the enclave remains secluded and retains its distinct rural character.

5.2. The historic settlement originated in C12 when a hospital and chapel were founded on land belonging to the Manor of Headington, as a small leper colony. The wardenship of the colony in the C14 resulted in the colony being transferred to Oriel College. Visible today are a small group of vernacular buildings:

- The Chapel, the C12 timber building replaced by Oriel College with a stone building in C14 restored in C17 with the addition of a steeply pitched roof and an oak chancel;
- The original hospital building rebuilt by Oriel, having been all but destroyed during the Civil War, as four separate tenements and subsequently passing into private ownership;
- Bartlemas Cottage a C19 stone cottage that lies below Bartlemas Farmhouse, originally built for the Oriel College Gardener but now privately owned with modest C20 extensions and;
- Bartlemas Farmhouse, a series of conjoined, stone (with surviving timber frame elements) buildings that have evolved from C14 through C16 and later C19/C20 additions that step down Bartlemas Lane, a distinct evolution with evident accretions expressing the former agricultural occupations of the building. These are now privately owned with much of the former farmland within the settlement now in alternative uses, as Oriel College's playing fields, land rented to the City Council and used as allotments and a bowling green, and the site which was formerly rented by Oriel College to the County Council for use as a nursery school. The site has been vacant since 2004 when the nursery was relocated and combined with St Mary and St John primary school on Hertford Street.

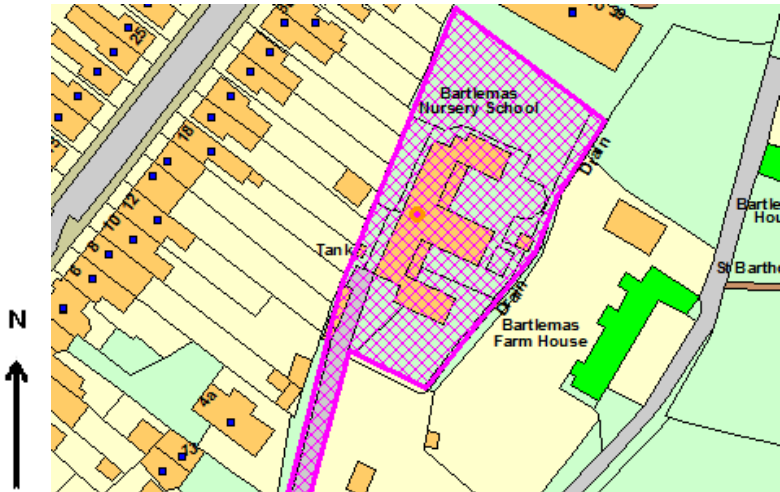
5.3. The site is accessed off the end of a narrow lane leading from the Cowley Road between Southfield Road and a small lane leading to the residential properties in the Bartlemas Conservation Area. At the western end of the lane fronting onto Cowley road is a short, three storey post war terrace with three shops at ground floor. Behind the terrace is Evelyn Court, a short range of modest, domestic scale two-storey plus attic houses/maisonettes that front directly onto the lane. To the north of Evelyn Court and its small, open car park area, the lane enters the site running directly along the rear boundaries and gardens of the late C19 early C20 houses on the lower part of Southfield Road with a number of medium sized trees growing along the boundary line and shrubbery from gardens within Bartlemas overhanging and visually enclosing the southern edge of the lane.

5.4. Bounding the north-east (above) edge of the site and falling within the boundary of the Bartlemas Conservation Area is an area of open, undeveloped land beyond which lies Sinnet Court, a development of three and four storey, brick faced, flat blocks occupied by Oxford Brookes postgraduate students.

5.5. The site is currently occupied by a series of derelict pre-fabricated single storey buildings which formerly housed a nursery school which were constructed in 1952. Historically the site formed part of the "farmed" land associated with Bartlemas. The site is surrounded by hedgerow, in part overgrown and provides a buffer to surrounding, suburban development.

5.6. The site has been the subject of two planning applications relating to the provision of student housing in 2008 (08/01736/FUL) and 2009 (09/02658/FUL), comprising 35 and 31 student rooms respectively. Both planning applications were refused and subsequent appeals were dismissed. In both instances it was deemed that the development would have a negative impact on the character and significance of the Bartlemas Conservation Area and the setting and significance of the Grade II* listed Bartlemas Farm House. These appeal decisions remain of material significance when considering the present proposals for development on the site, which similarly comprises student accommodation, though the design and form of the buildings proposed within this application notably differ from these previously refused schemes.

5.7. See block plan below:



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6. PROPOSAL

6.1. The application proposes the demolition of the existing nursery buildings on site and erection of three blocks (North, West and South) each housing student accommodation. The proposed development would provide 30 student rooms consisting of 21 non-self-contained study bedrooms and 9 self-contained student flats, including a wardens flat. The development would also create a new garden courtyard, which would be enclosed on 3 sides by the proposed new buildings. The proposed courtyard would function as an area of functional outdoor amenity space for occupiers of the accommodation. The accommodation would be occupied only by students of Oriel College.

6.2. The buildings vary between two storeys (south block) to two and a half storeys (north and west block). The maximum height of the buildings varies between 6.3 metres along the south block and 8.5 metres to the roof ridge along the larger west block. The buildings would be constructed from a materials palette consisting mainly of timber cladding and natural stone and the development would have a rural aesthetic.

6.3. Two disabled parking bays are proposed alongside cycle parking for the use of residents, staff and visitors. The parking spaces and cycle parking would be accessed via the existing access point from Cowley Road and Evelyn Court.

6.4. It is proposed that the majority of trees on the site would be retained, where practically possible and where the removal of the trees would not be required to facilitate construction of the new building or the formation of the means of access to the site. Where trees are scheduled for removal, for example along the eastern boundary of the site, compensatory planting is proposed.

7. RELEVANT PLANNING HISTORY

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

| |
|---|
| 08/01736/FUL - Erection of three two storey buildings with accommodation in the roof space to provide student accommodation for Oriel College comprising 35 study bedrooms. Refuse store and bicycle shelter. Including alterations to the watercourse. (Amended description). Refused - 1st December 2008 – Appeal Dismissed |
| 09/02658/FUL - Demolition of existing buildings. Erection of two single storey buildings (with accommodation in roof space) and erection of a two storey building (with accommodation in roof space) to provide student accommodation for Oriel College comprising 31 study bedrooms, bin and cycle storage; including alterations to watercourse. (amended plan). Additional tree information and new layout drawings to different scale. (Amended plans). Refused 5th May 2010 – Appeal Dismissed |

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

| Topic | National Planning Policy Framework | Oxford Local Plan 2016- 2036 |
|------------------------|---|------------------------------|
| Design | 124, 127, 130, 131, | DH1 |
| Conservation/ Heritage | 189, 190, 192, 193, 194, 195, 196, 200, 201 | DH3, DH4 |
| Housing | 59 | H1, H2, H8, H14 |

| | | |
|---------------------|---|--|
| Natural environment | 170, 175, 178, 180 | G1, G2, G8 |
| Transport | 108, 109, 110, 111 | M1, M2, M3, M4, M5 |
| Environmental | 91, 117, 118, 121, 122, 123, 148, 150, 153, 155, 158, 165 | RE1, RE2, RE3, RE4, , RE6, RE7, RE8, RE9 |

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 26th July 2019 and an advertisement was published in The Oxford Times newspaper on 1st August 2019. The application was advertised as a departure from the development plan as the location of proposed student accommodation does not technically accord with the relevant provisions of the Local Plan relating to the siting of student housing.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. The car free nature of the development is supported. Evelyn Court is on the edge of the Divinity Road Controlled Parking Zone and is deemed highly sustainable, close to many local amenities and within walking/cycling distance to the city centre.

9.3. Despite the Transport Statement stating otherwise, on-street parking restrictions currently only operate on a number of the surrounding streets and therefore a large proportion of streets which already suffer from heavy parking pressures are at risk of being worsened by the development. Tenancy agreements would be required prior to occupation to ensure that students do not bring cars to the city. A Student Accommodation Management Plan will be required by condition controlling allocation of parking at the start/end of term times.

9.4. A Construction Traffic Management Plan should be put in place to help control the impact of construction traffic on the network.

9.5. A Swept Path Analysis has been provided for a 9.8m refuse vehicle, this is longer than the average vehicle used by Oxford City Council. Nonetheless, this shows that a refuse vehicle can safely enter and exit the site and is therefore deemed acceptable.

Thames Water Utilities Limited

9.6. No objection

Historic England

9.7. Historic England commented that the nursery had been abandoned for some time and would benefit from being brought back into use. It was commented that the development would not be visible in public views of the Conservation Area

during the summer and there would be only glimpsed views of the roof tops in the winter. Given the limited views from the Grade II* listed farmhouse it is unlikely that the development would have a great impact on the rurality of the setting of this house; the building would look agricultural and in time would be screened by planting. Historic England considered that the proposals would be unlikely to materially harm the significance of the Conservation Area or Grade II* listed house.

Oxford Preservation Trust (OPT)

- 9.8. Consider that the current proposals offer an improvement on previous schemes and take reference to the historic setting through the general layout, massing and use of materials. OPT has no in principle objections to the redevelopment of the site. It is asked that the Council is vigilant in assessing the potential harmful impact on the adjoining Conservation Area and neighbouring properties.
- 9.9. It is asked that the applicant provides further sets of verified views taken from when the trees are bare to enable a more thorough assessment of the potential impact of the development when less natural screening is available.
- 9.10. A landscape management plan should be provided by condition and external lighting will need to be carefully considered.
- 9.11. Consideration should be given to providing a pedestrian link between Oriol College Sports Ground and its associated pavilion and the site.

Oxford Civic Society (OCS)

- 9.12. In relation to the revised plans submitted in July 2019. OCS commented that all objections outlined in the letter dated 16th February 2019 remain valid. This letter raised objections to the application based on the impact on Grade II* listed Bartlemas Farmhouse, the impact on the character of the Conservation Area, impact on long distance views from Southfield Road and the deemed unsuitability of access arrangements.

Thames Valley Police

- 9.13. Do not wish to object, but offer suggestions on how the design may be enhanced for the purposes of security and crime prevention. Suggest a condition requiring an application for Secured by Design Accreditation.

Natural England

- 9.14. Proposals would be unlikely to impact significantly on the natural environment, no objection.

Environment Agency

- 9.15. Do not wish to comment

Public representations

Historic Houses commented that the demolition of the existing nursery building is accepted, however there were concerns about the scale of the proposed buildings and the impact on the three listed buildings at Bartlemas. It was commented that the building should be split into 3 or more blocks to ensure views towards Bartlemas and the fields beyond are retained.

Oxfordshire Architectural and Historical Society objected to the application on the basis that the development would result in harm to the setting of the surrounding listed buildings and Conservation Area.

Divinity Road Area Residents Association (DRARA) and Bartlemas Action Group (BAG) made the following comments in respect of the proposals:

- Small scale development on the site is welcomed, but the views of the Oxford Design Review Panel should have been sought.
- The development would result in harm to the setting of the Conservation Area and Listed Buildings.
- There is no significant difference in the scale of the proposals from those which were previously rejected. The height, scale and massing would result in harm to the setting of the Conservation Area and listed buildings.
- Object to use of the site for student accommodation on basis of the amenity impact of this. The need for this accommodation is not fully justified.
- Proposals are a departure from the development plan as the site is not on a main thoroughfare and therefore conflicts with Policy HP5 of the Sites and Housing Plan.
- Hazardous waste is likely to be present on this site.
- Development would result in light pollution.
- No details are shown of security measures.

19 Local people commented on this application from addresses in Cowley Road; Cowley St. John Parish (Bartlemas Chapel), Divinity Road, Minster Road, Ridley Road, Southfield Road, Southfield Court, Warnborough Road, Warneford Road. The comments received are summarised below:

- Concern with the proposal to fell trees, given the protection these trees afford from traffic noise on the Cowley Road
- Increased noise /traffic during development
- The siting of the development would potentially increase the noise from the number of students using the path behind properties
- No provision for parking, therefore putting pressure onto on-street parking
- Consideration must be given to the Bartlemas Conservation Area
- Impact of the development on the setting of the historic buildings
- Concern how cars/deliveries have access to the new site (the existing path is quite narrow)

- The height and mass of the main building seem inappropriate to the context of the area
- Light pollution – adjacent development (Sinnert Court) is highly intrusive through the area, careful consideration is needed
- Noise impact on the local community
- Consideration needs to be given for residents now and in the future whether the scale, height and mass of the main building is appropriate
- Development goes against Policy HP5 of the Sites and Housing Plan
- Consideration to preserving and enhancing habitats in the area
- Proposed height of the buildings will significantly overshadow the gardens adjacent to the site
- Loss of privacy to adjacent properties
- A smaller scaled development is more welcoming to the area
- The proposed development is next to a site of outstanding historical and architectural beauty – the proposal doesn't take this into account
- Warden's flat is a good idea but will not mitigate against student residents causing disturbance in the surrounding area
- Location not suitable for student accommodation in the area due to the quiet and tranquil atmosphere.
- Student accommodation will overpower and spoil the tranquillity of the area
- Oxford needs affordable housing, not more student accommodation
- The Chapel is an important historic site, any development needs to be done extremely sensitively
- Pleased to see the site being developed and the College have carefully considered the materials to be used
- The area is currently quiet at night and a haven for wildlife. The proposed development will impose disproportionately on the conservation area.
- No significant improvement to the previous application, which was dismissed at Appeal stage
- No mention or details given on potential hazardous waste likely to be present on the removal of asbestos in the prefabricated post-war nursery buildings
- Disappointment that this application was not submitted for consideration by the Design Review Panel

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and impact on heritage assets
- Archaeology
- Residential amenity
- Neighbouring amenity
- Transport
- Landscaping
- Flood risk and drainage
- Land quality
- Biodiversity
- Sustainability
- Air Quality

Principle of development

10.2. The National Planning Policy Framework (NPPF) encourages the effective use of land by re-using land that has been previously developed. The NPPF gives substantial weight towards the re-use of such sites (paragraphs 117 and 118). The proposals make reuse of previously developed land, which should be given significant weight. Policy RE2 of the Oxford Local Plan in encouraging the effective use of land promotes the re-use where appropriate of brownfield sites.

10.3. In November 2018, the Government introduced the Housing Delivery Test which looks at housing data based on Local Authority housing returns from 2015/16 onwards and calculates what the provision of student accommodation does to releasing C3 housing back onto the open market. In this instance, this indicates that for every 2.5 student beds provided, 1 C3 dwelling is released back into the local housing market.

10.4. The statement submitted with the application outlines that the Oriel College does not have alternative sites available to accommodate undergraduate and graduate students and is unable to accommodate all students within the college campus. There are currently 151 students renting out properties on the open market. The development proposes to create 30 units, which would potentially release 12 units of housing into the local housing market which would in turn boost the supply of available accommodation in the city, providing an important release of housing back into the local housing supply.

10.5. The delivery of new housing, albeit student housing on a longstanding brownfield site should be afforded significant weight and is considered a significant public benefit of the proposed development.

Location of Development

- 10.6. Policy H8 of the Oxford Local Plan only permits student accommodation in locations in the City Centre, District Centres or on sites on or adjacent to University campus or academic sites. The previously adopted Policy relating to student housing development (Policy HP5 of the Sites and Housing Plan [SHP]) was also permissive of developments elsewhere in the city providing that the developments were located adjacent to a main thoroughfare as defined in the SHP, this provision is no longer included within the new local plan.
- 10.7. The area defined as the Cowley Road District Centre has been significantly amended within the Oxford Local Plan 2036. The area defined as the district centre under the former local plan framework covered a relatively small area extending up to East Avenue approximately 500 metres to the west of the site. The area outlined in the recently adopted Local Plan covers a far more extensive area, which extends up to the south of Evelyn Court. This accounts for the near continuous shopping frontage along this part of the Cowley Road. Consequently there would be 72 metres distance between the application site and the District Centre.
- 10.8. Whilst the site is not in the District Centre, as identified within the Local Plan, it is nevertheless very close to the edge of the District Centre and the site is clearly in a very sustainable location in terms of accessibility to public transport links and local services. It would be correct to give weight to the fact that the site is in very close proximity to the district centre, which is less than 100 metres away from the site. One of the principal aims of Policy H8 of the Oxford Local Plan as clarified in the subtext to this Policy is to ensure that the siting of student accommodation does not have a potential adverse impact on local communities. The site lies within an immediate area which contains a diverse mix of uses, including commercial, retail, restaurant/takeaway uses typically found within a district centre and does not lie within a predominantly residential enclave. There is also existing student accommodation to the north of the site. This is to be expected given that the site lies on the periphery of the Cowley Road district centre, even if the site falls just outside of the parameters of the district centre and the Cowley Road is directly accessed via Evelyn Court. Furthermore the site is in a sustainable location for student housing in terms of its close accessibility to a large range of local services and facilities available in the district centre, as well as public transport links, as there are two bus stops within 100 metres of the site.
- 10.9. Officers consider that there is sufficient basis in this instance to consider that the site would represent a sustainable location for student housing, given the site's materially close spatial proximity to the Cowley Road District Centre and local transport links. This would in officers justify what is a minor departure from Policy H8 of the Oxford Local Plan.

Student accommodation

- 10.10. Policy H8 of the Oxford Local Plan requires that student accommodation will be restricted in occupation to students in full-time education on courses of an academic year or more. This restriction does not apply outside the semester of term-time, provided that during term-time the development is occupied only by

university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whilst providing permanent university student accommodation when needed.

10.11. The development is proposed by the Oriel College, which is part of the University of Oxford. On this basis the accommodation will be occupied in accordance with Policy H8 of the Oxford Local Plan. Occupation will be restricted to ensure that term time occupation is restricted only to full time university students, whilst allowing some flexibility outside of term time for use by conference delegates or summer language school students. These matters can be controlled by planning condition.

Affordable Housing

10.12. Policy H2 of the Oxford Local Plan outlines that for new student accommodation developments of 25 or more rooms, a financial contribution should be secured for the delivery of affordable housing elsewhere in Oxford, unless;

i) The proposal is within an existing or proposed student campus site, as defined in the glossary; or ii) The proposal is for redevelopment of an existing purpose-built student accommodation site which at the date of adoption of the Plan is owned by a university and which will continue to be owned by a university to meet the accommodation needs of its students.

10.13. Officers consider that the development on this site does not meet any of the exceptions outlined under Policy H2. Based on the GIA of the submitted plans, which totals 1,181.25sqm, an affordable housing contribution of £220,137.75 would be required.

10.14. The applicants initially submitted a viability assessment dated June 2019 which concluded that an affordable housing contribution of any kind on the site would not be viable. Officers commissioned a review of the applicant's viability appraisal, which suggested to the contrary that a full Policy compliant affordable housing contribution would be viable. Following a critical review of the applicant's viability appraisal and the receipt of advice from the Council's viability consultant, officers are of the opinion that a full Policy compliant contribution of £220,137.75 would be required.

10.15. Following further discussions the applicants have confirmed that they are in agreement to provide a full Policy compliant affordable housing contribution of £220,137.75 which would be secured through a Section 106 agreement. Subject to the provision of this financial contribution the development would comply with Policy H2 of the Oxford Local Plan.

Design and impact on heritage assets

10.16. The NPPF requires that local authorities seek high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. It suggests that opportunities should be taken through the design of new

developments to improve the character and quality of an area and the way it functions. Policy DH1 of the Oxford Local Plan specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

- 10.17. The site lies within the Bartlemas Conservation Area. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), 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).
- 10.18. 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."
- 10.19. 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".
- 10.20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.
- 10.21. The development would lie within the setting of three listed buildings, these being the Grade II* listed Bartlemas Farmhouse, the Grade II* listed Bartlemas House and the Grade I listed St Bartholomew's Church. The greatest impact of the development would be on the setting and significance of the Grade II* listed Bartlemas Farmhouse, owing to the relative spatial proximity and relationship of the new building to this heritage asset. In determining this application officers have given due weight to paragraph 193 of the NPPF.
- 10.22. The site is an area of land that is currently occupied by derelict buildings that formerly housed a nursery school. Historically the site formed part of the "farmed" land associated with Bartlemas. It is surrounded by hedgerow and is in part overgrown, which provides a buffer to surrounding, suburban development.

The Bartlemas Conservation Area is a small historic enclave which is secluded and retains its rural tranquillity despite its wider location in an urbanised part of East Oxford.

- 10.23. Material consideration should be given to the two previous planning applications on the site, which were both similarly for student accommodation and were submitted in 2008 (08/01736/FUL) and 2009 (09/02658/FUL) respectively. Both planning applications were refused on the grounds that the bulk, mass and materials used in the respective developments would have an adverse impact on the setting of the Grade II* listed Bartlemas Farmhouse and the character and appearance of the Bartlemas Conservation Area. The latter of these two applications was of a reduced scale in terms of height though both previous applications differed in terms of their overall form and design approach. Whilst these applications pre-date the NPPF and the Oxford Local Plan 2036, the weight given to the preservation of the designated heritage assets, including listed buildings and Conservation Areas is no less at the present time than at the time that these applications and the corresponding appeals were determined. The appeal decisions therefore remain of material relevance.
- 10.24. The scale of the proposed development would not be dissimilar to the latter of the previous planning applications on the site (09/02658/FUL) though it should be noted that the design of the development proposed under this application was very different in terms of the overall approach to massing and elevational treatment suggested in the present application. Whilst the previous proposals included the use of natural stone and timber materials which were consistent with the rural character of the Conservation Area, the overall approach to the elevational treatment was contemporary in its appearance. Elements of the elevational treatment and massing of the building, particularly along the east elevation, which is most prominent in public views from within the Conservation Area, appeared alien and increased the overall prominence of the building, particularly when viewed from the adjacent lane. The appeal inspector highlighted the balconied nature of the east elevation as adding to the prominence of the building and therefore its visual intrusion within the setting of the Conservation Area.
- 10.25. In terms of redeveloping the site, paragraph 200 of the NPPF states that Local Authorities should look for opportunities for new development in Conservation Areas. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Paragraph 201 of the NPPF adds that not all elements of the Conservation Area will necessarily contribute to its significance, which is applicable in the case of the application site given the nature of the existing buildings and general condition of the site.
- 10.26. The Bartlemas Conservation Area Appraisal document recognises that the existing buildings on the site have no visual appeal and generally detract from the character of the Conservation Area, albeit that the buildings are quite low lying and are not particularly visible given the existing trees and hedgerows on the site. The appraisal identifies that redevelopment of the site and removal of the existing buildings offer a potential enhancement opportunity and a

redevelopment providing buildings of an enhanced design and appearance should be looked upon favourably.

- 10.27. The design of the buildings reflects the form of agricultural buildings, which would read as an ancillary group to Bartlemas Farmhouse and therefore relating to, and potentially fitting in to, the settlement. The arrangement of the buildings, around a courtyard in the manner of traditional farm buildings offers some credence to this approach. The courtyard simultaneously reflects the collegiate credentials of the proposed development. The proposed form of the new buildings, a simple, unbroken linear form with a strong, unbroken roof, is reflective of traditional agricultural buildings and is broadly characteristic of the rural vernacular of the Conservation Area and its historic character.
- 10.28. The application seeks to retain and reinforce the existing treescape in order to maintain the sense of seclusion within the existing settlement and importantly the settings of the listed buildings. Of these the Grade II* listed Farmhouse is perhaps the most pertinent to the site, but also the group of historic buildings, including Bartlemas Cottage informs both the character and appearance of the place and thus importantly the very special character and appearance of the Bartlemas Conservation Area.
- 10.29. The overall massing of the new buildings will have the effect of filling in the gap between the Farmhouse and Bartlemas Cottage in the long views to the settlement. From this point it is the roofs of the historic buildings with their steep slopes that inform the character of the place and that provide the small indication that the settlement exists. The infilling of the gap will reduce the appearance of isolated buildings and will therefore result in some, albeit less than substantial harm to the important character of the conservation area.
- 10.30. The architectural language of the buildings is such that it further reinforces the agricultural reference. The design of the new buildings' roofs being strong, darker elements, fundamentally unbroken, with the exception of roof lights which are not necessarily an unusual feature in agricultural or modernised agricultural buildings and which will be the principal elements seen in the important, longer views of the settlement. The strongly orthogonal nature of the layout of the proposed buildings presents a contradiction to the more organic, naturally sited historic buildings.
- 10.31. The gaps between the existing buildings are important in reinforcing the sense of isolation, in part due to the opportunity that they offer for greenery to contribute to the character and appearance of the settlement and hence the conservation area. The proposal, by infilling this gap has the potential to reduce this, though it should be noted that any building of any significant scale of two or more storeys is likely to result in some enclosure of the visible gaps between the existing buildings in the settlement and the roof ridge of the proposed development has been kept relatively low. The applicant has provided verified views from within the Conservation Area, which demonstrate that visibility of building would be limited to glimpsed views of the roof, including in the winter when existing planting is less dense. The provision of further planting along the eastern boundary of the site would further reduce views to the extent to which the development would be unlikely to be perceived, at least to any significant

degree, reducing the extent of any harm to the setting and significance of the Conservation Area.

- 10.32. The proposed height of the new building group would be such that the suburban houses on the lower part of Southfield Road would provide the background to the settlement in views from the south-west and therefore the importance of and sense of suburban development being set at a distance, albeit a small distance from the settlement would still be maintained.
- 10.33. The application proposes that the building façades would be clad in materials of a palette that would allow the proposed buildings to recede visually from the principal, significant buildings that define and form the core of the historic settlement. The dark roof material, previously referenced, would allow the buildings to have some sense of being part of the settlement, reinforcing the subservient, agricultural intention but would, combined with the simple roof form proposed has the effect of reducing or mitigating any visual distraction resulting from the intervention of the new buildings.
- 10.34. Overall the development is considered to result in a moderate level of less than substantial harm to the significance (special character and appearance) of the Bartlemas Conservation Area under the provisions of paragraph 196 of the NPPF. This is as a result of the infilling of a gap between the existing, historic buildings whose spacing informs the important sense of seclusion and allows for greenery, including trees and planting that reinforces the character and appearance of a rural settlement that is so important to maintaining the fundamental “quarantine” function underpinning the foundation of the C12 settlement.
- 10.35. By virtue of the closing of the gap between Bartlemas Farmhouse and Bartlemas Cottage in particular in the longer views but also in views from within the settlement, the proposed development is considered to result in a moderate level of harm to the setting of Bartlemas Farmhouse and by consequence to the setting of the building group that form the core of the historic settlement. This moderate level of less than substantial harm, through the considered design and in particular the use of architectural language and careful choice of materials has been reduced to a low level of less than substantial harm (paragraph 196 of the NPPF).
- 10.36. In accordance with the requirements outlined under paragraph 196 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the principal public benefit would be the provision of 30 student rooms, which would meet the Oriel College’s requirement to provide dedicated accommodation for their students. The provision of dedicated student accommodation will in turn release additional housing back into the housing market, equivalent to 12 units, assisting in providing additional accommodation to meet the city’s housing needs. A financial contribution of £220,137.75 would also be secured through a legal agreement towards the off-site provision of affordable housing elsewhere in the city. Additionally the public benefits associated with the redevelopment of a longstanding brownfield site

should be afforded significant weight in accordance with the paragraphs 117 and 118 of the NPPF.

10.37. Taking these factors into consideration and considering them in relation to the balancing exercise required under paragraph 196 of the NPPF, officers conclude that having given great weight to the conservation of the designated heritage assets, the public benefits of the proposed development would outweigh the less than substantial harm caused to significance of the Conservation Area and the setting of the Grade II* listed Bartlemas Farmhouse and Bartlemas House.

Archaeology

10.38. Policy DH4 of the Oxford 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.

10.39. This application is of archaeological interest because it is located adjacent to the site of a medieval Leper Hospital of St Bartholomew's, founded in the 12th century. The watercourse on the eastern side of the site is of interest because it forms the boundary of a coherent block of extra parochial land associated with the medieval hospital. An archaeological evaluation at this site in 2008 did not identify any significant archaeological remains. A subsequent evaluation in 2010 was targeted to examine the stream course/drainage channel on the eastern side of the plot. Due to site constraints a full section across the channel was not feasible. Nevertheless the results indicated that the current channel is a 20th century re-cut within a larger channel of 3m or greater width, cut through a layer of undated colluvium. The western edge of this larger channel was infilled with a silty sand containing limestone inclusions and late 19th-20th brick and tile. Auger samples were taken in the base of the channel in order to provide a more detailed section.

10.40. In this instance, given the site constraints on evaluation trenching and the interest of earlier channel fills (in terms of potentially dumped hospital and later farmhouse waste and of establishing the relationship between the re-cut channel and the eastern bank of the Bartlemas plot), a watching brief would be appropriate during any significant landscaping/re-cutting works in this area. Therefore a condition is recommended to be imposed because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post medieval remains in accordance with DH4 of the Oxford Local Plan.

Residential amenity

Occupiers

10.41. Policy H8 of the Oxford Local Plan specifies that provision of internal communal amenity space in student developments is important. In terms of

amenity spaces within the development, there would be an extensive area of outdoor amenity space provided. There would also be three communal kitchen and dining spaces provided for the student flats which is considered adequate. In terms of internal and external amenity spaces, it is considered that the development is compliant with Policy H8 of the Oxford Local Plan.

Impact on neighbouring amenity

10.42. Policy H14 of the Oxford Local Plan outlines the requirement that new developments 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.

10.43. The site is surrounded by residential development on all sides with the rear gardens of existing properties in Southfield Road, Evelyn Court and Bartlemas Farmhouse. It is considered that the amenity impact of the development would be greatest on the properties to the west of the site, these being 16-28 Southfield Road.

10.44. There would be a minimum separation distance of at least 4.3 metres between the rear elevation of the proposed building and the rear garden spaces of the adjacent properties. There would be a separation distance of at least 28 metres between the rear of the building and the rear elevations of the adjoining properties. Although this element of the building comprises three floors, the height of the building would be relatively low at 8.5 metres to the roof ridge and 4.6 metres to the eaves. Owing to the scale and massing of the development it is considered that this would not be unduly overbearing in relation to these adjoining properties.

10.45. The distance between the facing sets of windows in the new building and existing houses to the west would be significant. The adjacent properties have deep gardens and whilst there would be some overlooking of the end sections of the adjoining gardens, officers consider that the proposed development would not result in a substantial loss of privacy. There are also a number of trees within the site and rear spaces of the adjoining properties which further limits the degree of overlooking.

10.46. It should be noted that the planning inspector when considering the appeal against the refusal of planning application 09/02658/FUL summarised that the development would not have an unreasonable impact on the living conditions of existing residents in Southfield Road by reason of overlooking, overbearingness or noise disturbance. This development was similar in terms of its general scale and relationship in respect to the existing properties in Southfield Road.

10.47. Officers conclude for the reasons assessed above that the development would not have a significantly adverse impact on the amenity of adjacent occupiers in Southfield Road by reason of overlooking, overbearingness or loss of light.

10.48. The east facing gable end of the north block of the building would be sited 5 metres from the boundary of the garden area of Bartlemas Farm House. The

height of the end gable of the north block of the new building would measure 8.4 metres to the roof ridge. There would, however, be 25 metres distance between the north block gable end and the rear elevation of Bartlemas Farm House, which is also spatially offset in relation to the north block in the proposed development. In terms of the projecting east facing gable end of the north block it should be noted that there are no side facing windows located above ground floor level, which would otherwise overlook the Farmhouse.

10.49. Whilst the first and second floor windows in the main West block of the student development would face the rear windows of Bartlemas House, there would be a separation distance of approximately 39 metres between these facing sets of windows and 21 metres between the back of the west block and the garden area of Bartlemas Farmhouse. The applicant intends to retain the majority of trees along the eastern boundary of the site facing Bartlemas Farmhouse, the exception being three trees which would need to be removed as these are immediately adjacent to the south block of the proposed building.

10.50. Retention of the trees along this boundary is important for visual amenity reasons, but also in terms of providing screening of the garden area and Bartlemas Farmhouse itself. New planting is proposed in mitigation for the removal of trees along this boundary and would be secured through the provision of a landscaping plan by planning condition. It should be noted that the planning inspector in the appeal against the refusal of planning application 09/02658/FUL considered that the existing separation distance would ensure that the impact on the occupiers of Bartlemas Farmhouse would not be unreasonable. It should also be noted that the previously proposed development in 2009 included extensive east facing balconies, which would have a much greater impact in terms of overlooking. When considering the spatial relationship and siting of the building to Bartlemas Farmhouse, it is considered that the overall scale of development would not appear overbearing and the proposed development would not have a significantly adverse impact in terms of overlooking.

10.51. There would be a distance of 20.4 metres between the north facing rear elevation of the building and the rear elevation of Sinnet Court, a residential block of student accommodation. Whilst there would be rear facing windows in the north facing elevation of the smaller two storey proposed block, accounting for the substantial separation distance between the two facing sets of windows, which exceeds 20 metres, officers consider that the privacy of the occupiers of Sinnet Court would not be unduly compromised. In addition to this there is existing screening in the form of several mature trees.

10.52. A daylight study has been submitted, which indicates that the development would have a minimal impact in terms of overshadowing and loss of sunlight to any of the surrounding properties. Any loss of light would be limited to the far extent of the deep gardens serving the properties in Southfield Road and Bartlemas Farmhouse and could not be considered to be significantly detrimental to the amenity of the occupiers of these neighbouring properties.

10.53. Policy RE8 of the Oxford Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be

granted for development that will generate unacceptable noise and vibration impacts.

- 10.54. It is noted that a number of representations reference the potential for the development to result in noise disturbance given the nature of the use of the buildings as student accommodation. Whilst the Bartlemas Conservation Area is a quiet enclave, it is close to the Cowley Road District Centre as defined in the Council's Local Plan. There is significant activity surrounding the site and background noise, including traffic noise from the nearby Cowley Road as would be typically expected in an urban location.
- 10.55. The matter of noise disturbance was considered by the appeal inspector in relation to the refusal of planning application 09/02658/FUL who considered that redevelopment of the site for the purposes of providing student housing would not cause harm to adjacent occupiers by reason of noise or activity. In addition to the pre-existing levels of noise, consideration should be given to the site's existing use, which would fall under Use Class F1 of the amended Town and Country Planning (Use Classes) Order 1987, which comes into effect on the 1st September 2020.
- 10.56. Were the site to be reused as a nursery it is likely that within the daytime this use would generate greater levels of noise or activity, compared with student housing. Furthermore, the site could be used for other purposes within Class F1, which includes a diverse range of uses falling under the category of learning and non-residential institutions, including schools, public halls or places of worship and this would not require the consent of the planning authority. It should also be noted that the site in its present derelict condition has become the source of anti-social behaviour despite the enclosure of the site with fencing. With the exception of the two disabled parking bays, the development would be car free and therefore there would be minimal disturbance arising from vehicle movements and traffic generation. The Council's Environmental Health Officers have reviewed the application and consider that the development would not cause significant issues in terms of noise disturbance. Taking these matters into consideration, officers consider that the development would not impact adversely on residents' living conditions by reason of noise disturbance. The development is therefore considered to comply with Policy RE8 of the Oxford Local Plan.
- 10.57. It is necessary for a management plan to be submitted and implemented to safeguard residential amenity for future occupants and local residents. A management plan shall include inter alia the pick-ups and drop-offs at the end and start of term, on-site management, deliveries and collections, community liaison and dealing with any problems with residents' behaviour. This is recommended as a planning condition.
- 10.58. Taking the above factors into consideration, officers are of the view that the development would not have a significantly adverse impact on the amenity of the adjacent occupiers of the surrounding properties, including those closest to the new building in Southfield Road and Bartlemas Farmhouse. The development is therefore considered to comply with Policy H14 of the Oxford Local Plan.

Transport

- 10.59. The site is in a sustainable location close to frequent bus services and a supermarket. It is within reasonable cycling distance of the city centre and Oriel College. Public transport and cycling are likely to be the most attractive options for students travelling to and from Oriel College and other destinations within City. Policy H8 of the Oxford Local Plan requires that student developments shall be car free, with the exception of operational and disabled parking.
- 10.60. Parking on the site is limited to two disabled bays which is considered justified. The majority of the surrounding area falls within one of three controlled parking zones these being Magdalen South, Magdalen North and Divinity Road. The presence of CPZ's in the surrounding roads would restrict the likelihood of overspill parking in the streets surrounding the site.
- 10.61. A Swept Path Analysis has been provided for a 9.8m refuse vehicle, this is longer than the average vehicle used by Oxford City Council. Nonetheless, this shows that a refuse vehicle can safely enter and exit the site and is therefore deemed acceptable.
- 10.62. Policy M5 of the Oxford Local Plan specifies that for student accommodation at least 4 cycle parking spaces should be provided for every 4 study bedrooms. Provision is made for 15 cycle parking spaces within the development, there would be space within the site to provide further cycle parking to meet the requirements outlined within Policy M5. A plan requesting details of cycle parking is therefore required by condition.

Landscaping and trees

- 10.63. Policy G7 of the Oxford Local Plan affords protection to trees which are assessed to be of visual amenity value and states that important green infrastructure should not be lost where this would have a significant adverse impact on public amenity of ecological interest.
- 10.64. The site contains a large number of trees, 42 in total, which are of varying sizes and maturity. All of the trees on the site are afforded statutory protection as they fall within a Conservation Area. The application is accompanied by an Arboricultural Impact Assessment, which assesses the individual value of the trees. The trees also have a collective value as a group which contributes greatly to the green and rural character of the Conservation Area.
- 10.65. The proposals are to retain the majority of the trees on the site, with the exception of 5 category C trees which are considered to be of a lower quality and two category B trees which are of a higher quality, but the removal is required to facilitate access improvements. The development would also involve development within the root protection area of two trees (Category b and c trees). It was originally indicated that tree T47 which is a small category C would be removed in order to facilitate the provision of a disabled parking space. The applicants have since demonstrated that removal of this tree would no longer be required as the position of this tree was incorrectly plotted on the original site plan. A tree protection plan and arboricultural method statement would be required by condition, in addition to a landscaping plan to ensure the provision of new planting on site.

10.66. The development would retain the vast majority of trees on the site, except where removal would be absolutely necessary in order to construct the building or facilitate access to the site. The most prominent trees in public views are those located along the boundaries of the site, particularly those along the north and east boundaries. The majority of these trees would be retained and consequently the proposals retain the existing established green backdrop as visible in public views. It is considered that the impact of the development in respect of the proposed removal of the trees would not have an adverse impact on public amenity and would not result in harm to the setting of the Conservation Area. The proposals would therefore comply with Policy G7 of the Oxford Local Plan.

Flood risk and drainage

10.67. The site is located within Flood Zone 1 and is considered to be at a low risk of flooding. The proposals are however a major development and the application is accompanied by a Flood Risk Assessment, which concludes that the site is at a low risk of flooding. The proposals include the addition of sustainable urban drainage (SUDs) into the overall design of the scheme. Following review and the provision of further drainage plans, the County Council's drainage team have raised no objection to the proposed development.

10.68. Officers are satisfied that the development would not increase the flood risk on site and that the overall approach towards drainage on site is acceptable and in line with the provisions of policies RE3 and RE4 of the Oxford Local Plan 2016-2036.

Land quality

10.69. Officers reviewed the application and historical records for the site together with the submitted Phase 1 Geo-Environmental Desk Study report produced by BRD Environmental Limited. The proposal for an intrusive investigation at the site to establish ground contamination risks is accepted. To secure this investigation work and any remedial treatment action necessary to ensure that the site is suitable for the proposed use, conditions are recommended to be imposed to ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2036.

Biodiversity

10.70. Policy G2 of the Oxford 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.

10.71. The Officers reviewed the Preliminary Ecological Appraisal report produced by Windrush Ecology (October 2018) and are satisfied that the potential presence of protected habitats and species has been given due regard. The survey undertaken in June 2018 has confirmed that overall the habitats within the site have been found to be of relatively low ecological value therefore recommended conditions in respect of protected species, wildlife sensitive lighting and site enhancements are proposed to be imposed.

10.72. A condition is recommended to be imposed to ensure that prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall and net gain in biodiversity will be achieved. Also a condition regarding a lighting design strategy for biodiversity for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. Subject to these conditions the proposal is considered acceptable in terms of the requirements of Policy G2 of the Oxford Local Plan.

Sustainability

10.73. Policy RE1 of the Oxford 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.

10.74. An Energy Statement has been provided, which suggests a combination of Air Source Heat Pumps and roof mounted Solar PV. It is suggested that a high proportion of the buildings energy needs will be sourced through on site renewable and low carbon technology. Confirmation is required that the development is capable of meeting the 40% requirement carbon emissions reduction requirement specified under Policy RE1 of the Oxford Local Plan. A revised Energy Statement would therefore be required by planning condition.

Air Quality

10.75. It is acknowledged the site is in a very sustainable location with access to local amenities within walking distances and a regular bus service is available into Oxford City Centre and to the University. There will be 1 car parking space provided for the resident member of staff and 1 disabled space. 21 two-way movements per working day is estimated to be the maximum number of movements in a daily period that will be generated by the development (approx. 18 Annual Average Daily Traffic).

10.76. The review of the Air Quality levels in the area demonstrates that pollutant concentrations at the façades of proposed residential receptors are predicted to be within the relevant health-based air quality objectives. On that basis, future occupants of the proposed development would be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect.

- 10.77. The submitted transport statement concludes that the proposed development is expected to generate 21 two-way movements per working day. The IAQM guidance Land-Use Planning & Development Control indicative criteria to assess the impacts of a development is a change in more than 25 Annual Average Daily Traffic (AADT) on local roads within an Air Quality Management Area (AQMA) with relevant receptors. The 21 two-way movements per working day is estimated to be the maximum number of movements in a daily period. However, as the movements only occur on working days, the number needs to be converted to an AADT basis for comparison with the IAQM criteria. In terms of AADT, the maximum number of movements reduces to approximately 18 AADT, which is below IAQM threshold. Moreover, only 2 parking spaces will be introduced as a result of the proposed development, with one of them being a disabled space. There was therefore no requirement to undertake traffic counts or provide trip generation and an air quality assessment that could account for the impact of those emissions, as part of the overall scheme.
- 10.78. The submitted energy strategy states that Air Source Heat Pumps (ASHP) would be the chosen technology to provide space heating and hot water generation. This would be complemented by the installation of a centralised boiler system, which would provide top up of hot water temperatures if not achievable by the ASHP. A Solar PV system would also be installed on roofs, providing electricity to the building (and exported when excess power produced).
- 10.79. A dust risk assessment has been carried out using the IAQM's 'Guidance on the assessment of dust from demolition and construction' to determine the potential impacts from demolition and from earthworks, construction and trackout. The results of the assessment show that the development is classed as 'low risk'.
- 10.80. The implementation of suitable site specific mitigation measures (identified in the reviewed AQA), would bring the construction phase air quality dust impacts of this development to the status of negligible/non-significant.
- 10.81. The proposed development would not have negative air quality impacts over current and future receptors, subject to the recommended conditions including details of the centralised boiler system and Construction Environmental Management Plan.

Planning obligations

10.82. It is considered that the following matters should be secured through a section 106 legal agreement:

- Financial contribution of £220,137.75 towards the off-site provision of affordable housing.

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 proposed development would bring about the positive redevelopment of a longstanding vacant brownfield site, which would be supported in line with the provisions of paragraphs 117 and 118 of the NPPF. The proposals would provide a total of 30 student rooms for use by Oriel College as postgraduate accommodation to meet an identified shortfall in the existing purpose built postgraduate accommodation. When applying the Government's Housing Delivery Test this would provide the public benefit of releasing 12 dwellings back into the housing market and would be of benefit to the local housing supply in the city. The applicants have indicated a commitment to a financial contribution towards the off-site provision of affordable housing which would be secured through a section 106 agreement.
- 11.4. The application site is not within or adjacent to an existing college or university site and does not strictly lie within a district centre. It is however located approximately 70 metres from the Cowley Road district centre, which extends up to Evelyn Court to the south of the site. Policy H8 of the Oxford Local Plan is permissive of student housing within district centres and whilst the site is marginally outside of the district centre, it is evidently in close proximity. The site would also be considered a sustainable location in terms of access to public transport and the range of services and facilities available in the district centre. As such, officers conclude that, in this specific instance, the proposal would be acceptable.
- 11.5. The site lies within the Bartlemas Conservation Area and lies in the immediate setting of the Grade II* listed Bartlemas Farmhouse, as well as the Grade I listed St Bartholomew's Chapel. The Conservation Area has retained its character as a rural enclave surrounded by urban development. The proposed buildings in terms of the design, form and use of materials are reflective of the site's historic rural aesthetic. The height of the building has been minimised to reduce the overall prominence of the building in public views into and out of the Conservation Area and to ensure that the building preserves the setting and significance of the adjacent Grade II* listed Bartlemas Farmhouse. There would also be public benefits associated with the removal of the longstanding vacant and poor quality buildings on the site. When assessed against the provisions of paragraph 196 of the NPPF, the addition of the building would result in a low level of less than substantial harm to the significance of the Conservation Area

and the Grade II* listed Bartlemas Farmhouse, however on balance officers consider that the level of harm would be outweighed by the public benefits associated with the provision of the proposed student accommodation and the benefits associated with the positive reuse of a longstanding vacant brownfield site.

- 11.6. It is considered that the scale and siting of the development would not significantly compromise the amenity of surrounding occupiers with regards to overlooking or loss of light and overshadowing. This is in large part due to the siting of the building and its spatial proximity to adjacent properties, however the building has also been designed to minimise overlooking in the interests of preserving the residential amenity of adjacent occupiers. The development is therefore considered to comply with Policy H14 of the Oxford Local Plan.
- 11.7. As required under policies M3 and H8 of the Oxford Local Plan, the development would be car free, with the exception of two disabled parking spaces. Cycle parking would also be provided in accordance with the requirements of Policy M5 of the Oxford Local Plan.
- 11.8. For the reasons outlined within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

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

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

2. 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

4. A student travel information pack shall be submitted to the Local Planning Authority for approval in writing before first occupation of the site. The agreed travel information pack shall be distributed to all occupants of the

accommodation prior to their occupation of the accommodation.

Reason: To promote the use of sustainable transport.

5. A Student Accommodation Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the student accommodation. This shall set out control measures for ensuring that the movement of vehicles associated with the transport of student belongings at the start and end of each term are appropriately staggered to prevent any adverse impacts on the operation of the highway. It shall also require that the tenancy agreements for the accommodation shall prohibit students from bringing cars into Oxford. The development shall be carried out and occupied in accordance with the approved measures.

Reason: In the reason of highway safety and the efficient operation of the public highway.

6. Development shall not begin until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The Scheme shall also include:

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

Reason: To ensure adequate surface water drainage in accordance with Policy RE3 of the Oxford Local Plan.

7. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. 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

The construction phase of development shall be carried out in accordance with the approved CTMP.

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

8. The development shall be undertaken in accordance with the recommendations provided within Section 5.3 of the Preliminary Ecological Appraisal report produced by Windrush Ecology (October 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and to protect species of conservation concern.

9. 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 and net gain in biodiversity will be achieved. The scheme shall include details of native 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 two dedicated swift boxes. A quantifiable net gain in biodiversity shall be presented using a suitable biodiversity offsetting metric, including details of any offsetting required. The development shall be carried out in accordance with the approved scheme.

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 G2 of the Oxford Local Plan 2016-2036.

10. Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior written consent from the Local Planning Authority.

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 G2 of the Oxford

Local Plan 2016-2036.

11. 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. The landscaping proposals as approved by the Local Planning Authority 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 Policy G7 of the Oxford Local Plan 2016-2036.

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

Reason: To avoid damage to the roots of retained trees. In accordance with Policy G7 of the Oxford Local Plan 2016-2036.

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

Reason: To avoid damage to the roots of retained trees; in accordance with Policy G7 of the Oxford Local Plan 2016-2036.

14. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to

Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with Policy G7 of the Oxford Local Plan 2016-2036.

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

Reason: To protect retained trees during construction. In accordance with Policy G7 of the Oxford Local Plan 2016-2036.

16. An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the approved Tree Protection Plan required by condition 15 and Arboricultural Method Statement required by condition 16. Prior to the start of work on site a Tree Protection Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) which shall include the following details:

- a. The role and responsibilities on site of an arboricultural clerk of works (ACoW) or similarly competent person;
- b. Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- c. The times during construction when the ACoW will be present on site to oversee work.

The development shall be carried out in accordance with the approved Tree Protection Monitoring Plan.

Reason: To protect retained trees during construction. In accordance with Policy G7 of the Oxford Local Plan.

17. 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 Policy DH1 of the Oxford Local Plan 2016-2036.

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including medieval and post medieval remains which will need to be assessed in line with Policy DH4 of the Oxford Local Plan.

19. 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 shall be included and adopted in the CEMP can be found in chapter 3.4 - pages 24-25 of the reviewed Air Quality Assessment that was submitted with the planning application. The development shall be carried out in accordance with the measures within the approved CEMP.

Reason: to ensure that the overall dust impacts during the construction phase of the proposed development will remain as "not significant", in accordance with the results of the dust assessment, to accord with Policies RE6 and RE7 of the Oxford Local Plan.

20. The student accommodation hereby permitted shall only be occupied during term time by students in full time education on courses of an academic year or more. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the local planning authority.

Reason: In order to maintain the availability of appropriate student accommodation in accordance with Policy H8 of the Oxford Local Plan.

21. 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.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model

and preliminary risk assessment. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

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 shall be submitted to and approved in writing by the Local Planning Authority to ensure the site will be suitable for its proposed use.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2016-2036.

22. 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 approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of Policy RE9 of the Oxford Local Plan 2016-2036.

23. The development shall not be occupied until details of a scheme of lighting plus the means to control excessive light spillage and glare from both internal and external light sources within the development has been submitted to and approved in writing by the Local Planning Authority and implemented on site. There shall be no variation to the approved details without the further prior written approval of the Local Planning Authority. The agreed details shall be implemented prior to first occupation of the development.

Reason: In the interests of the visual and residential amenities of neighbouring occupiers, in accordance with Policy RE7 of the adopted Oxford Local Plan 2016 - 2036.

24. Prior to the first occupation of the development an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall confirm that the the development achieves at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies. The approved measures shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning Policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national Policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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