

## WEST AREA PLANNING COMMITTEE

|                            |   |                   |                     |
|----------------------------|---|-------------------|---------------------|
| <b>Application number:</b> | 20/01298/CT3  |                   |                     |
| <b>Decision due by</b>     | 20th August 2020  |                   |                     |
| <b>Extension of time</b>   | 18 <sup>th</sup> December 2020  |                   |                     |
| <b>Proposal</b>            | Demolition of games hall and erection of 14 residential dwellings formed of 8 one-bedroom and 6 two-bedroom apartments, with associated access and landscaping. (Amended plans) |                   |                     |
| <b>Site address</b>        | East Oxford Games Hall, 5 Collins Street, – see <b>Appendix 1</b> for site plan   |                   |                     |
| <b>Ward</b>                | St Clement's Ward   |                   |                     |
| <b>Case officer</b>        | Natalie Dobraszczyk   |                   |                     |
| <b>Agent:</b>              | Ms Ellen O'Grady  | <b>Applicant:</b> | Oxford City Council |
| <b>Reason at Committee</b> | Major Application   |                   |                     |

---

## 1. RECOMMENDATION

1.1. The West Area Planning Committee is recommended to:

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

- the completion of a 21 day consultation period (closing on 10<sup>th</sup> December 2020) required due to the submission of amended plans.

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

- consider and deal with any further representations received during the remainder of the consultation period including deciding whether it is necessary to refer the application back to the committee prior to issuing the permission and to add any conditions required in connection with those representations;
- 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
- issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the demolition of the existing East Oxford Games Hall and the erection of a part 3 storey, part 4 storey building comprising eight 1 bed and six 2 bed apartments.

2.2. This report considers the following material considerations:

- Principle of development;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;
- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

2.3. The proposal is considered to comply with the development plan as a whole. The proposal would not have an unacceptable impact on neighbouring amenity, public highways and sustainability. Conditions have been included to ensure this remains the case in the future.

## **3. LEGAL AGREEMENT**

3.1. This application is not subject to a legal agreement.

## **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for a CIL contribution of £62,324.75.

## **5. SITE AND SURROUNDINGS**

5.1. The site is located on Collins Street, a small residential road which runs parallel to Cowley Road. The site is broadly rectangular in shape and is currently almost entirely covered by the East Oxford Games Hall (EOGH) building. The EOGH is a one and a half storey sports hall which houses two badminton courts and is used by a number of local community groups for classes including capoeira, scouting and martial arts. The building itself is constructed predominantly from concrete with external brickwork and a tiled roof. Internally the building contains the sports hall, changing rooms and an office with storage on the first floor.

5.2. The site is surrounded predominantly by residential properties. To the north of the application site is no. 6 Collins Street, a former builders merchants which was granted permission in 2015 for redevelopment to include office use at ground floor with 24 residential dwellings above. The building has now been

constructed and is occupied. Further north to the rear of no. 6 Collins Street is a student development of 190 rooms known as “Wavy Line”.

5.3. To the west of the application site is Hooper House, an office building with potential for residential accommodation. To the east are nos. 1, 3, 5 and 7 East Avenue. These are 2 storey residential dwellings. A private access road, Avenue Lane, bounds the site to the south and connects East Avenue and Chapel Street. Directly opposite the site to the south is a small car park. To the south west are the residential properties nos. 1-4 Chapel Street. Between the car park and nos. 1-4 Chapel Street is a small plot of land which has extant permission for two 1 bed flats (17/01280/FUL) and to the south east are the residential flats at South Park Court.

5.4. The site is located within Flood Zone 1 and within the Cowley Road District Centre.

5.5. See block plan below:



## 6. PROPOSAL

6.1. This application forms one part of a project to consolidate Council owned community facilities and provide improvements to the quality of community facilities within East Oxford. Although not part of this application it is worth noting that the works within this application relate to those proposed at the East

Oxford Community Centre (EOCC), Princes Street under application reference 20/00994/CT3. Currently, the EOCC site comprises the EOCC building, the Fusion Arts building and the Chinese Advice Centre. Likewise, Film Oxford, an arts and creative media charity, are currently located within a Council owned building on Catherine Street. The proposed works to the EOCC building would provide new premises for the Film Oxford group to relocate.

6.2. This application proposes the demolition of the existing EOGH and the erection of a part 3 storey, part 4 storey building comprising eight 1 bed and six 2 bed apartments. The proposed residential building would be approximately 10.7 - 13.5m in height, 24m in length and 15.7m in width. The building would be constructed from a light buff brick with decorative “hit and miss” brickwork patterning, dark grey fenestration and grey roof tiles. PV panels are proposed on the roof of the building. The proposed residential units would be shared ownership dwellings.

6.3. Hard and soft landscaping is proposed to the front and rear of the building. The proposal would be car free with parking for 2 motorcycles located at the rear of the site.

## 7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history for this site.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

| Topic                | National Planning Policy Framework | Local Plan                                  |
|----------------------|------------------------------------|---|
| Design               | 117-123, 124-132                   | H14, H15, H16, DH1, DH2, DH7                |
| Housing              | 59-76                              | H1, H2, H4, H10,                            |
| Social and community | 102-111                            | G5, V6, V7                                  |
| Transport            | 117-123                            | M1, M2, M3, M5                              |
| Environmental        | 117-121, 148-165, 170-183          | RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9 |
| Miscellaneous        | 7-12                               | S1, S2                                      |

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th June 2020, 10<sup>th</sup> September 2020 and 19<sup>th</sup> November 2020 and an advertisement was published

in The Oxford Times newspaper on 6<sup>th</sup> June 2020, 10th September 2020 and 19<sup>th</sup> November 2020.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council - Highways

9.2. No objections subject to conditions.

#### Oxfordshire County Council - Drainage

9.3. No objection subject to a condition requiring full drainage details be provided prior to commencement.

#### Thames Valley Police

9.4. No objections but suggested a condition to require Secure by Design accreditation and a number of suggested amendments to the design and layout to make the proposals more secure.

#### Environment Agency

9.5. No comments.

#### Historic England

9.6. No comments.

#### Natural England

9.7. No comments.

#### Oxford Civic Society

9.8. Supports the proposal. Commented that the development is welcomed on this somewhat run down brownfield site. There is a significant need for increased social housing in the area for key workers.

#### Thames Water

9.9. No objections subject to conditions.

### **Public representations**

9.10. 12 local people commented on this application from addresses in Ablett Close, Bodley Road, Burra Close, East Avenue, Kames Close, South Park Court, Thames View, Old Farmhouse Drive and from Convent Management.

9.11. In summary, the main points of objection (12 residents) were:

- The proposed four storey building will be almost double the height of the current games hall structure. Neighbouring flats will be overlooked and overshadowed by the proposed development.

- Area is already congested with traffic, building 14 additional units will only increase the traffic in the area. Parking is already difficult.
- The proposal will have many negative consequences for nearby residents. It will occupy small space between two residential streets, both with limited access. The development raises concerns of noise and compromise of light.
- No parking facilities on the plan, not even for emergency vehicles.
- The proposed bike storage is inadequate for the potential number of residents.
- Inadequate provision for rubbish storage for the number of units proposed.
- The towering height of the proposed four storey building and its pitched roof is out of keeping with the surrounding properties.
- The proposal will see the removal of another community facility and an increase in the density of population in the immediate area.
- The development has a significant amount of detrimental consequences for South Park Court. The building will be almost twice the height of the current games hall structure, which will massively hinder the privacy of the flats at South Park Court (overlooked by the new proposed building into both the windows and balconies).
- Adjoining streets already experiencing parking problems and anti-social behaviour issues. Building more residential flats will only increase these issues.
- Proposed development will have a major effect on the adjoining properties, existing community facilities and will hinder the character of the area; noise; disturbance and lighting.
- East Oxford Games hall is a vital facility to the area due to the space it offers and clubs and organisations that it has been housing over the years.
- Proposed new development is not right for this part of Oxford, the area needs decent community facilities, not unaffordable housing.

### **Officer response**

9.12. The comments are addressed in the sections which follow.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development;
- Design, layout and visual impact;
- Affordable housing;
- Housing mix;
- Impact on neighbouring amenity;

- Transport;
- Sustainability;
- Flooding and drainage;
- Health impacts;
- Other matters.

**a. Principle of development**

10.2. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 11) and encourages the efficient use of previously developed (brownfield) land (paragraph 117), as well as the importance of high quality design (section 12).

10.3. The NPPF also places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).

10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is not allocated within the Local Plan for residential development; however the delivery of 12 dwellings on the site would provide a small, yet valued windfall contribution towards Oxford's housing need.

10.5. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Local Plan Policy V7 states that existing cultural and community facilities will be protected and retained unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. Local Plan Policy G5 states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

10.6. The proposed development would result in the complete loss of the existing EOGH building. In support of the application the applicant has submitted a statement regarding the loss of the existing community space. The existing building, which was built in 1974, is no longer fit for purpose and does not meet modern building regulations or sports facilities guidance. It is important to note

that the EOCC building is located 300 metres to the west of the application site. If the current application on the EOCC site is approved then the building will be able to provide enhanced community facilities to serve the local area, including facilities for a number of activities and clubs, which officers consider would represent improved facilities in an equally accessible location to the EOGH site.

10.7. Additionally, the following venues within the vicinity of the site have been identified as having community access:

- Asian Cultural Centre
- Cheney Secondary School
- Christian Life Centre
- Cowley Social club
- Donnington Community Centre
- East Oxford Primary School
- Florence Park Community Centre
- Magdalen Road Church
- Oxford Spires Academy
- Richard Benson Hall
- Silver band hall
- St Gregory the Great Secondary Primary School
- St Clements Family centre
- The Ark T Centre
- The Venue
- Iffley Road Sports Complex
- Magdalen College
- Regal Community Centre

10.8. Notwithstanding this, it is acknowledged that the demolition of the EOGH would result in the loss of the existing badminton courts for which there would not be an equivalent facility at the EOCC site. Within the submitted report the applicant has confirmed that the EOGH has a very low number of regular bookings namely 9 bookings equating to 19 hours a week.



10.9. In October 2019, Oxford City Council Active Communities Team wrote to all hirers to offer a meeting to discuss working closely with them to relocate their sessions. Five of the nine hirers took up this offer and during the meeting they were offered lists of suitable venues and contacts. Three of those have already found alternative venues, with the scouts group being relocated from July 2020 at the Community Centre, one of the badminton groups will return to use Oxford University sports facilities and one of the Capoeira groups is in discussions with a local primary school to use their premises.

10.10. While the proposal would result in the loss of the badminton courts four alternative venues have been identified within a mile radius:

- Cheney School
- Iffley University Sports Ground
- Oxford Brookes University Centre for Sport
- Magdalen College

10.11. Officers accept that the existing EOGH does not meet current building regulations or sports facility guidance. Alternative badminton provision has been found for one of the existing hirers and there are 4 alternative badminton locations within a mile radius of the site. The other club and community uses which take place at EOGH could be accommodated within the EOCC which, if approved, would constitute a new facility and if not approved would still constitute an equivalent facility for community uses.

10.12. A condition has been included to require that a phasing plan be submitted which details the demolition, construction and occupation of both the development proposed within this application, and that proposed at EOCC (under application 20/00994/CT3) to ensure that there would not be an unacceptable loss of community facilities without adequate re-provision.

10.13. Therefore, on balance, officers conclude the principle of development is considered to be acceptable and compliant with the relevant NPPF paragraphs and Policies H1, G5, V7 and RE2.

#### **b. Design, Layout and Visual Impact**

10.14. The NPPF makes clear that the purpose of planning is to help achieve sustainable development (Section 2), and that design (Section 12) and effects on the natural environment (Section 15) are important components of this.

10.15. Section 11 of the NPPF notes in paragraph 122 that in respect of development density the considerations should include whether a place is well designed and “the desirability of maintaining an area’s prevailing character and setting...or of promoting regeneration and change”.

10.16. Paragraph 127 of the NPPF states that decisions should ensure that developments will a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually

attractive as a result of good architecture, layout and appropriate and effective landscaping; c) is sympathetic in local character and history, including the surrounding built environment and landscape setting; d) establishes or maintains a strong sense of place to create attractive, welcoming and distinctive places and e) optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public open space).

10.17. Local Plan Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land which includes demonstrating appropriate density, massing and building heights.

10.18. Local Plan Policy DH1 requires that developments demonstrate high quality design that creates or enhances local distinctiveness.

10.19. Local Plan Policy DH2 sets out the importance of retaining significant views including that of the historic skyline. Developments should demonstrate a clear design rationale for their height and massing and where the overall height would exceed 18.2 metres within a 1,200 metre radius of Carfax Tower additional justification is required.

#### *Siting and Layout*

10.20. The proposed development seeks to replace the existing EOGH building and make the most efficient use of the land by developing a residential building which would create active frontages onto both Collins Street and Avenue Lane which bound the site to the north east and south west.

10.21. At ground floor level the proposed building would provide a primary entrance from Collins Street and a secondary entrance on the north western (side) elevation which allows access to the bicycle store. A bin store is located on the north eastern (side) of the building. Lift access and a stair core is located in the centre of the building footprint. In terms of residential units there would be three 1 bed flats and one 2 bed flat at ground floor level.

10.22. The first and second floors of the building would be identical and would comprise two 1 bed flats and two 2 bed flats. Each floor would also have a central core which would include a bicycle store. The third floor would, once again, include a central core with bicycle storage, one 1 bed flat and one 2 bed flat.

10.23. Comments were received from Thames Valley Police which included a number of recommendations to improve the internal layouts to comply with Secured by Design principles. Following discussions with the applicant amended plans have been supplied which seek to incorporate these recommendations. Notwithstanding this, a condition has been included to require that prior to commencement the development achieve a Secure by Design accreditation.

10.24. Hard and soft landscaping is proposed to the front and rear of the site although officers acknowledge that due to site constraints the opportunities for planting are limited. Conditions have been included to require additional

landscaping details and to specify the implementation and reinstatement of the landscaping.

10.25. Officers consider the siting and layout of the proposed development to be acceptable as it would make efficient use of the existing brownfield site and respond well to the constraints and opportunities of the site.

*Scale, Massing and Impact on Views*

10.26. The built form surrounding the application site is predominantly 2 - 3 storey residential buildings to the south, east and west. To the north the Wavy Line student development is 4 storeys in height. The proposed building would comprise a 4 storey block to front Collins Street and a three storey block to front Avenue Lane.

10.27. The proposed building would represent an increase in height of 7.5 metres when compared to the existing EOGH building. While officers acknowledge that the proposed development would be substantial in terms of its height and massing when compared to the existing building, it is acknowledged that buildings in the surrounding area demonstrate a varied massing. The proposed development, by siting the 4 storey element towards the north of the plot and the 3 storey element towards the south, would respond to the existing context and successfully transition between the two. As such, officers conclude that a building of this scale would be acceptable subject to the impact on neighbouring amenity which is discussed in the later sections of this report.

10.28. Local Plan Policy DH2 recognises the importance of views of Oxford from surrounding viewpoints, both from outside its boundaries but also in shorter views from prominent places within Oxford.

10.29. In support of the application, and following pre-application discussions with officers, the applicant has submitted a Landscape Visual Assessment including an assessment of the following views:

- Hinksey Hill
- Raleigh Park
- Boars Hill
- Port Meadow
- Elsfield
- Doris Field
- John Garne Way
- South Park
- Headington Hill

- Crescent Road
- Rose Hill
- Carfax Tower
- St. George's Tower
- St. Mary's Church
- Merton College

10.30. The application site is located outside of the historic core of the city and 1,200 metres radius of Carfax Tower. The proposed building would be approximately 13.5 metres in height. The proposed buildings would not be located within any of the identified view cones with the exception of Crescent Road.

10.31. When viewed from Crescent Road, due to the location of existing buildings and the topographical features of the landscape, the proposed building would have limited visibility during winter and would be obscured by the tree line during the summer months.

10.32. The proposed buildings would not have a significant impact on the majority of identified viewpoints/high points. In many cases, these views are obstructed by a tall tree line or the existing cityscape of Oxford City. Where the developments do feature within these viewcones, they are from the taller Western Hills (Hinksey Hill, Boars Hill), with viewpoint distances at a minimum of 4km away (Hinksey Hill). Although there is some impact from these points, the proposed development is located within an urbanised location, and therefore officers accept that there would not be a significant impact on the overall urban character.

#### *Residential Internal Amenity*

10.33. Local Plan Policy H15 requires that new dwellings provide good quality accommodation which is compliant with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1 (NDSS).

10.34. All of the proposed new units would either meet or exceed the NDSS in terms of overall floor area and room size. Policy H10 requires that all affordable dwellings are constructed to Category 2 standard as set out in the Building regulations Approved Document M4. The proposal would comply with Policy H10 and is considered to be acceptable in this regard.

10.35. Policy H14 states that developments should provide reasonable daylight and sunlight for residential occupiers. In terms of internal lighting the applicant has submitted a daylight and sunlight assessment in support of the application. The report shows that all bedrooms and living areas would meet or exceed the minimum Average Daylight Factor and percentage Sky View as set out in BS EN 17037:2018. A total of 13 kitchen/ lounges and 7 bedrooms would fail to meet

the minimum Annual Probable Sunlight Hours (APSH). This is largely due to their orientation (north facing) or proximity to other buildings or trees.

10.36. Officers conclude that the proposed residential units would experience adequate daylighting. A number of rooms would not meet the minimum APSH. Officers acknowledge that the site is relatively constrained in terms of the potential locations for development and the orientation of residential units considering the plot shape, surrounding built form and neighbouring occupiers. Through the assessment of this application officers sought amendments which have resulted in improvements in the daylight/ sunlight performance of the proposals. On balance, officers consider that the proposals would provide reasonable access to daylight and sunlight and that the failings of the identified rooms would not, in this instance, be so harmful as to warrant the refusal of the application.

#### *Residential External Amenity*

10.37. Local Plan Policy H16 states that planning permission will only be granted where dwellings have direct and convenient access to an area of private open space. For 1 and 2 bedroom flats this can be either a private balcony or terrace or direct access to a private or shared garden.

10.38. The application proposes private garden space for all ground floor residential units and private balconies for all units above ground level. The proposed external amenity spaces are considered to be an appropriate size to ensure they would provide useable space for residential occupiers.

10.39. The submitted daylight and sunlight assessment demonstrates that the amenity space on the south western side of the building would meet the minimum sunlight hours on 21<sup>st</sup> March. The amenity space on the north eastern side of the building would not meet the minimum sunlight hours on 21<sup>st</sup> March due to its orientation.

10.40. Officers consider that that proposal would provide sufficiently sized amenity space which, notwithstanding the limitations of the north facing units, would be adequate for future residential occupiers in accordance with Policy H16.

#### *Materials and Appearance*

10.41. The design rationale for the proposed residential building seeks to create continuity with the surrounding residential context of 2 storey Victorian terrace houses while also developing a distinct character of its own. The building would demonstrate a verticality with regular repeating openings and a dual pitched roof form which would echo the surrounding Victorian terraces.

10.42. As the form and mass of the building takes up a large extent of the site, the applicant has endeavoured to create an interesting facade along the street elevation by stepping the footprint of each unit to create the protruding and recessing of habitable spaces. Each unit would have a private amenity space such an external balcony or a small private ground floor garden. The private

ground floor amenity space would create an active frontage on both Collins street to the north and Avenue Lane to the south.

- 10.43. The building form is also stepped, moving from 4 storeys to 3 storeys which helps to reduce the overall mass while retaining consistent, 'sibling' elevations to the north and south.
- 10.44. The material palette draws inspiration from the surrounding streets and seeks to utilise simple, durable brick in a light buff colour with a contrasting dark grey roof tile. To add additional detail and interest hit and miss brick patterning is proposed on the balconies. The fenestration would be dark grey in colour and would include a mix of fixed and openable panes. The window openings have been increased in size following discussions with officers to ensure that the maximum amount of sunlight into the dwellings is achieved. Likewise, long smaller windows are proposed to puncture the eastern and western façade to allow additional natural light into the space.
- 10.45. Officers consider that the proposed design successfully draws on the surrounding context and would sit comfortably within the street scene. A condition has been included to secure material samples and details of hard and soft landscaping to ensure a high quality finish.

### **c. Affordable Housing**

- 10.46. Policy H2 of the Oxford Local Plan states that for residential developments of 10 or more homes, a minimum of 50% should be affordable homes and at least 40% of all of the proposed residential units on the site should be socially rented.
- 10.47. The application proposes 14 residential dwellings which would be made available as affordable accommodation, all of which would be shared ownership. Shared ownership housing constitutes affordable housing as defined within the Local Plan and appendix 2 of the NPPF. Policy H2 requires that 40% of the proposed dwellings be socially rented which would be a total of 6 dwellings on this site. Notwithstanding this, officers have considered the approach taken across both this site and the EOCC site which, while outside of the red line for this application, is linked insofar as the residential development on this site contributes towards the funding of the proposed redevelopment and refurbishment of the EOCC site. Across the two sites there would be a total of 26 new dwellings delivered if both applications are approved. Of these 26 dwellings 12 would be socially rented and 13 would be shared ownership which would equate to 46.1% dwellings being socially rented.
- 10.48. As such, when taken in combination with the EOCC site, the proposals would comply with the requirements of Policy H2.

### **d. Housing Mix**

- 10.49. Policy H4 seeks to ensure that residential developments deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. For proposals of 25 homes or more the policy sets out the specific mix required. For sites below the threshold or within the city centre

or a district centre the proposal will need to demonstrate how local housing demand has been considered.

10.50. The application proposes 8 one bed flats and 6 two bed flats. In determining the mix the applicant has considered the housing register. As of January 2019 the housing register indicated 71.6% of households have either a studio, 1 bedroom or 2 bedroom need. Officers consider that the proposals would represent an appropriate mix by providing smaller homes for singles/couples or small families.

10.51. The proposed residential dwellings would also address the needs of those with physical impairments by providing wheelchair accessible housing on the ground floor. The housing register reports there are 166 households requiring level access, 2 households requiring a wheelchair adapted property and 83 requiring some adaptations, such as level access shower, stair lift or walk-in bath.

10.52. Officers conclude that the proposals would deliver an appropriate mix of dwellings considering the local housing demand identified on the housing register. As such, the proposals would comply with Policy H4 of the Local Plan.

**e. Impact on Neighbouring Amenity**

10.53. The Oxford Local Plan seeks to safeguard the amenities of the occupiers of properties surrounding any proposed development. Local Plan Policy H14 (Privacy, Daylight and Sunlight) and Policy RE7 (Managing the Impact of Development) require new residential developments to provide reasonable privacy and daylight for the occupants of both existing and new homes.

10.54. The application site is bounded by a number of properties which is summarised as follows. To the north west of the application site is no. 6 Collins Street, a former builders merchants which was granted permission in 2015 for redevelopment to include office use at ground floor with 24 residential dwellings above. The building has now been constructed and is occupied. Further north to the rear of no. 6 Collins Street is a student development of 190 rooms known as "Wavy Line". Also sited to the north are nos. 4 and 2 Collins Street.

10.55. To the west of the application site is Hooper House. To the east are nos. 1, 3, 5 and 7 East Avenue. These are 2 storey residential dwellings. A private access road, Avenue Lane, bounds the site of the south and connects East Avenue and Chapel Street. Directly opposite the site to the south is a small car park. To the south west are the residential properties nos. 1-4 Chapel Street. Between the car park and nos. 1-4 Chapel Street is a small plot of land which has extant permission for two 1 bed flats (17/01280/FUL) and to the south east are the residential flats at South Park Court.

*Nos. 2, 4 and 6 Collins Street*

10.56. No. 4 Collins Street houses a photography workshop. Officers could not find any records to establish whether there is any residential accommodation, at first floor level however, notwithstanding this, the separation distance of

approximately 13.4 metres between the buildings is considered sufficient to ensure that the impact on this property would not be unduly harmful.

10.57. The proposed building would be located approximately 9.5 metres to the south east of the closest student accommodation building at no. 6 Collins Street. Officers consider that considering the separation and offset orientation of the buildings the proposed development would not result in harmful overlooking, overshadowing or overbearing impacts on the neighbouring building at no. 6 Collins.

*1, 3, 5 and 7 East Avenue*

10.58. The proposed development would be sited approximately 12.5 -12.7 metres from the rear of nos. 1- 7 East Avenue. The separation distance is considered to be adequate to ensure that there would not be significant overbearing impacts as a result of the proposed development.

10.59. The proposal includes a number of small secondary windows which would face nos. 1, 3, 5 and 7 East Avenue. To ensure that these would not result in harmful overlooking impacts officers have included a condition requiring that these be obscure glazed and non-opening. The proposed design includes hit and miss brick patterning or mesh on the side elevations to screen the condenser units on each floor. While these will need to be accessed for maintenance these areas would not be widely accessible to residents and therefore would not result in increased opportunities for overlooking on a day-to-day basis.

10.60. As nos. 5 and 7 East Avenue have rear windows which face within 90° of due south an assessment has been made to establish what impact the proposed development would have on these windows. The assessment tests whether if it subtends more than 25° to the horizontal, measured in section from the centre of the 3 windows of the two potentially affected existing houses opposite the proposed flats. The assessment concludes that the proposed development would not subtend more than 25° to the horizontal therefore the existing windows in question would not be adversely affected by the proposed development.

*South Park Court*

10.61. The site is a minimum of 14.8 metres from the rear of nos. 1-12 South Park Court. The buildings which form South Park Court are located to the south east of the application site. Views from the proposed windows, terraces and balconies would only result in oblique views towards these properties. As such officers consider that the proposal would not result in any significant overlooking, overshadowing or overbearing issues for existing occupiers at South Park Court.

*1-4 Chapel Street*

10.62. The proposed development would be approximately 14.6 metres from the rear of no. 4 Chapel Street which is the closest of these properties to the application site. Views from the proposed windows, terraces and balconies would only result in minimal oblique views towards these properties. As such officers consider



that the proposal would not result in any significant overlooking, overshadowing or overbearing issues for existing occupiers at nos. 1-4 Chapel Street.

*Land to The Rear Of 1 To 4 Chapel Street*

- 10.63. On 28<sup>th</sup> July 2017 planning permission was granted for the erection of two 1 bed flats on a small plot of land to the rear of 1-4 Chapel Street. By virtue of the Business and Planning Act 2020 this consent remains extant until 1<sup>st</sup> May 2021 subject to Additional Environmental Approval being granted by the Local Planning Authority. To date an application for Additional Environmental Approval has not been received however officers will consider the potential impact of the proposed development on the extant scheme.
- 10.64. The rear elevation of the proposed building would be sited approximately 5.6 metres from the rear elevation of the consented development. The protruding aspects of the rear elevation of the proposed building would be bedrooms and balcony areas. The layout of the consented scheme is such that the windows facing the proposed development would serve bedrooms and the terraced areas.
- 10.65. Officers consider that while this arrangement would lead to a degree of overlooking of the consented and proposed terraces and balconies this arrangement would not be unduly harmful considering the urban setting of the site, within the district centre and in close proximity to the city centre. Additionally, the positioning of the fenestration would not result in direct overlooking from views into rooms.
- 10.66. The proposed building would represent an increased building mass adjacent to the consented development however, once again, considering the urban environment the extent to which the proposal would result in overbearing impacts is not considered to be harmful enough to warrant the refusal of the application.
- 10.67. Due to the positioning of the application building to the north of the consented development officers consider that the proposal would not result in a harmful loss of light to future occupiers.

*Hooper House*

- 10.68. Prior approval was granted on 7<sup>th</sup> November 2013 for the conversion of the first and second floors of the former office building to 14 residential dwellings (13/02480/B56). The first and second floors of the building are understood to be empty. Council Tax records confirm that there are no current occupiers and the Valuation Office has not banded any residential units for Council Tax. As such, Officers consider that the approved use has not commenced and therefore the consent is no longer extant.
- 10.69. Subsequent to the prior approval for the upper floors, prior approval was granted on 3<sup>rd</sup> November 2017 for the conversion of the ground floor to 6 residential dwellings (17/02557/B56). At the time of writing the conversion of the ground floor had not commenced and was still being used as an office.
- 10.70. Section 17 of the Business and Planning Act 2020 inserted new provisions into the Town and Country Planning Act 1990. One of the new provisions was

section 93A which concerns the extension of duration of certain planning permissions. The section provides for the automatic extension of “relevant planning permissions” which have a condition requiring the development to commence between the date the 2020 Act came into force (19 August 2020) and 31 December 2020. The section provides for those planning permissions to be extended to 1 May 2021.

10.71. The term “relevant planning permission” is defined in section 93C. This section provides that “relevant planning permission” does not include (amongst other things) a planning permission granted by a development order.

10.72. “Development order” is defined in section 336 of the Town and Country Planning Act 1990 as “having the meaning given to it by section 59”.

10.73. Section 59(1) states:- “The Secretary of State shall by order (in this Act referred to as a “development order”) provide for the granting of planning permission”.

10.74. As the Town and Country Planning (General Permitted Development) (England) Order 2015 (“GDPO”) does grant planning permission for certain types of development (permitted development), that order is a development order for the purposes of section 93C of the 1990 Act.

10.75. Officers have sought a legal opinion on whether the prior approval of the LPA required in relation to certain impacts of the proposed development, means that the GDPO does not in itself grant the permission. The view of Officers is that permission given pursuant to Class O is granted by the order even though the prior approval process applies. On this basis, the prior approval (17/02557/B56) given pursuant to Class O of Part 3 of Schedule 2 to the GDPO would not benefit from the extension of time provisions in section 93A of the 1990 Act.

10.76. Therefore, Officers conclude that the lawful use of Hooper House is as an office, not residential units, and as such the proposed development would not have a detrimental impact on the amenity of occupiers of this building.

#### *Noise Impacts*

10.77. Given the location of the site which is close to other noise sensitive receptors, the demolition and construction works should be carried out in a controlled manner as significant noise, dust and vibration issues may be caused during construction. A condition has been included to require that these details be submitted prior to commencement of development.

10.78. The occupants of the new proposed residential units should be protected against external noise sources such as traffic noise, so the fabric of the building should be constructed to minimise the effects of external noise intrusion. A condition has been included to ensure that internal noise levels would be acceptable for future residential occupiers.

10.79. Subject to the aforementioned conditions, officers consider that the submitted information and acoustic assessment are reasonable and practicable and therefore acceptable in environmental health terms.

## **f. Transport**

### *Accessibility*

10.80. The site is considered to be in a highly accessible location which has good access to public transport and is within walking/cycling distance to the city centre and many local amenities. As this is to be a car-free development there will be a minimal number of vehicle trips generated as a result. The previous use as a games hall, which was also used for other activities such as scouts, would have created more car journeys as many participants will have been dropped off and picked up. Therefore, there will be an overall reduction in the number of vehicle trips.

### *Car and Motorcycle Parking*

10.81. The development is located within the existing East Oxford Controlled Parking Zone (CPZ), within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities therefore, in accordance with Local Plan Policy M3, the development should be car-free, i.e. no car parking spaces provided. The proposed development would be car free. Residents will be ineligible for CPZ permits so the applicable Traffic Regulation Order will be adjusted at the applicant's expense.

10.82. Following discussions between officers, the Highways Authority and the applicant it became apparent that Avenue Lane (serving the rear of the development) is not classified as public highway, so rights of access needed to be determined if motorcycle parking were to be provided on the site in accordance with Policy M3. It has now been confirmed that Avenue Lane may be used by the occupiers of an adjoining property to use a vehicle for the purpose of gaining access to, or egress from, that property. Thus, two motorcycle parking spaces are proposed to be incorporated into the development, with no restrictions on access. This is considered to be acceptable.

### *Cycle Parking*

10.83. Cycle parking is proposed within the building, with a dedicated room on each floor to serve the flats at that storey. This would ensure the facilities are secure and well distributed, although the two-tier rack systems and the need to use the lift with the cycle will make the storage less user-friendly. It is noted that on each floor there is a door between the lift and the lobby area in which the cycle store is located. As cyclists will have to manoeuvre their cycles through these doorways, the applicant has amended the floor plans to ensure that doors would be minimum of 1000mm wide. The Highways Authority have also commented that they would like the size of the side access gates to be maximised. A condition requiring details of boundary treatments has been included which will include the side gates. The storage provision meets the standards as set out in the Local Plan, i.e. two spaces per dwelling and therefore is found to be acceptable.

### *Construction Traffic*

10.84. Cowley Road suffers from heavy congestion at peak times and is considered an important route to and from the city centre. To ensure the development does not impact Cowley Road or the local highway network a Construction Traffic Management Plan will be required by condition.

**g. Sustainability**

10.85. Local Plan Policy RE1 requires that proposals demonstrate that sustainable design and construction principles have been incorporated. These include: maximising energy efficiency and the use of low carbon energy and using recycled and recyclable materials as well as water efficiency, waste reduction, minimising flood risk and maximising biodiversity.

10.86. Due to the size of the development an Energy Statement is required to demonstrate that the proposed residential building would achieve at least a 40% reduction in carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case.

10.87. In support of the application an Energy Statement has been submitted. The proposed building would, through fabric and systems energy efficiency measures, low carbon heating, as well as PV systems, have the potential to make an improvement on Building Regulations L2A 2013 of 71.2%.

10.88. Therefore, the proposal is found to comply with the requirements of Local Plan Policy RE1.

**h. Flooding and Drainage**

10.89. 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 details, the Lead Local Flood Authority have raised no objection to the proposed development subject to a condition requiring full details of the drainage scheme to be submitted for approval to the Local Planning Authority.

10.90. 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.

**i. Health Impacts**

10.91. Paragraphs 91-95 of the NPPF set out the requirement for planning decisions to aim to achieve healthy, inclusive and safe places which includes promoting social interaction, delivering safe and accessible places and supporting healthy lifestyles. Local Plan Policy RE5 outlines the aim to promote strong vibrant and healthy communities. Major development proposals must provide a Health

Impact Assessment (HIA) which should include details of implementation and monitoring.

10.92. The applicant has submitted a HIA as well as the self-completing matrix template as recommended and referenced in Appendix 4 of the Local Plan. The submitted HIA has considered each of the 11 topics/broad assessment criteria as identified in the guidance and assessed the impact the proposal will have on the construction and operational period of each criterion, whilst the matrix has summarised these key issues.

10.93. The 11 topics broad criteria that are considered in the assessment are:

1. Housing quality and design
2. Access to healthcare services and other social infrastructure
3. Access to open space and nature
4. Air quality, noise and neighbourhood amenity
5. Accessibility and active travel
6. Crime reduction and community safety
7. Access to healthy food
8. Access to work and training
9. Social cohesion and lifetime neighbourhoods
10. Minimising the use of resources
11. Climate change.

10.94. Officers agree with the assessment of each of the criteria and given the relatively small size of the scheme, consider that some criteria are more relevant than others. For example the first criterion (housing quality and design) is considered through the inclusion of a planting bed at the front of the development to give a green buffer to Collins Street. The area for each dwelling type is proposed to be slightly higher than the nationally described space standards and the design would maximise access to natural light through large floor to ceiling windows which would allow most internal spaces to benefit from lots of natural and direct sunlight during the year. As such, it is agreed that the proposed development could have a minor beneficial long-term impact on health through the provision of new housing and how it has been designed.

10.95. The second criterion looks at the access to healthcare services and social infrastructure. The HIA acknowledges that East Oxford Games Hall will be lost as a result of the proposed development but state that all existing hirers have either been offered an alternative venue, relocated already or remain working with the council to find alternative locations in East Oxford. Taking into account the re-provision of an improved community facility at East Oxford Community

Centre (subject to planning permission being granted) and the fact that the existing East Oxford Games Hall is currently deficient in terms of its ability to meet standards, it is agreed that the health impact arising from access to healthcare and other social infrastructure is considered to be minor beneficial. Changes will be permanent in nature, with potential beneficiaries from within both the local and wider area. The matrix in the Rapid HIA identifies ongoing liaison with potentially affected users of the application site as a mitigation measure to ensure that users are kept informed of timescales and potential alternatives (including possible arrangements at the East Oxford Community Centre).

10.96. Other examples of where benefits have been identified include the provision of cycle parking spaces within a secure and dedicated area away from the street frontage area and overseen from communal circulation spaces (see criterion six - crime reduction and community safety). The design of the proposals ensures pedestrian amenity and accessibility is prioritised and no new parking bays have been provided as part of the proposed development in order to discourage unnecessary car trips and encourage active travel in line with broad criterion five. The site is located in close proximity to Cowley Road which forms part of National Cycle Network 57, a long-distance cycle route as well as a number of low traffic cycle routes. The site presents opportunities for active travel which will lead to health benefits for future residents, and it is agreed that this would be summarised as a minor beneficial impact due to the number of people potentially affected.

10.97. Due to the relatively small scale nature of the proposal, there are a number of criteria in the matrix that are not applicable, one example being broad criteria number seven, (access to healthy food) where the proposal due to its nature will not have an impact. However, officers consider that each of the criteria has been assessed in a satisfactory manner and mitigation measurements proposed where necessary. For example, there will be short term minor adverse effects mainly related to the construction phase but best practice mitigation measures could be adopted during construction to ensure that impacts relating to dust emissions, noise levels and neighbourhood amenity are reduced.

10.98. The submitted HIA matrix has identified a few mitigation measures that can be carried out during the construction phase of the scheme but none which relate to its enhancement or that would require monitoring once the scheme is complete. However, given the relatively small-scale nature of the proposal and that the applicant had demonstrated that each of the 11 broad criteria have been considered, officers consider that Policy RE5 of the Oxford Local Plan 2036 has been complied with and that additional details for the HIA would not be required.

## **j. Other Matters**

### *Land Contamination*

10.99. Although the contamination risks at the site are likely to be low, there is evidence that the site has had a previous commercial use and there is the possibility of filled ground being present locally from the former Cowley clay pits and brickworks. As such a phased contamination risk assessment will be

required by condition to confirm potential ground contamination risks at the site and identify what remedial actions may be necessary to protect future site users, construction workers and the wider environment.

#### *Archaeology*

10.100. Officers consider that, on present evidence the proposed development would be unlikely to have significant below ground archaeological implications.

#### *Air Quality*

10.101. As the application proposes the partial demolition of the existing building a condition relating to the control of construction dust has been included.

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

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

11.5. The proposed development would comply with the development plan as a whole. The principle of development is acceptable as is the demolition of the EOGH building.

11.6. The proposal will not have an unacceptable impact on neighbouring amenity, public highways, public health and sustainability.

11.7. Therefore, it is recommended that the Committee resolve to grant planning permission for the proposed development subject to the conditions set out in section 12 of this report and the expiry of the 21 day consultation period.

## **12. CONDITIONS**

### **1. Development Time Limit**

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. Development in Accordance with Approved Plans**

Subject to conditions 3, 6, 7, 9 and 17 the development hereby permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

### **3. Material Samples**

Notwithstanding the details submitted with the application, prior to the commencement of the development, samples of exterior materials shall be submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used. Sample panels shall be erected on site for inspection as agreed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with policies DH1 and DH5 of the Adopted Oxford Local Plan 2016-2036.

### **4. Phasing Plan**

No development shall commence (including demolition works) until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall set out the demolition, construction and occupation phases for the approved development as well as the development approved at the East Oxford Community Centre under consent 20/00994/CT3. The development hereby approved shall be carried out in accordance with the approved Phasing Plan.

Reason: To ensure that a suitable alternative community provision is available for local community groups, in accordance with policies V6 and V7 of the Oxford Local Plan 2036.

### **5. Flooding and Drainage**



Prior to commencement of development full details of the proposed drainage scheme, in accordance with the approved Arcadis, Flood Risk Assessment and Drainage Strategy V2 dated July 2020, shall be submitted to, and approved in writing by, the Local Planning Authority.

The details shall include:

- Detailed design drainage layout drawings of the proposals including cross sections and construction details;
- Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules;
- The submission of evidence of TW approval of the outfalls from the site; and
- Details of how water quality will be managed during construction The drainage scheme shall be maintained in accordance with the approved details.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

## **6. Obscure Glazing**

The north west facing windows as shown on the approved plans shall be glazed in obscure glass, be non-opening and thereafter retained as such.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies H14 and RE7 of the Oxford Local Plan 2036.

## **7. Boundary Treatments**

Prior to commencement of the development hereby approved details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Details shall include as a minimum:

- A plan to show the location and extent of the proposed boundary treatments;
- Plans to show the proposed height and dimensions;
- Samples of proposed materials.

The development shall be carried out in strict accordance with of the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the area and to preserve residential amenity in accordance with policies DH1, DH5 and H14 of the Oxford Local Plan 2036.

## **8. Secured by Design**

Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The

development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and security and in accordance with policy DH1 Oxford Local Plan 2016-2036.

## **9. Landscape Plan**

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

## **10. Landscape Proposals – Implementation**

The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

## **11. Landscape Proposals – Reinstatement**

Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

## **12. Contamination – Phased Risk Assessment**

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 to and approved in writing by the Local

Planning Authority.

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

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

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved 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.

### **13. Contamination – Validation Report**

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 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.

### **14. Unexpected Contamination**

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

### **15. Construction Environmental Management Plan**

No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included

and adopted in the referred plan can be found on pages 25-27 of the reviewed Air Quality Assessment that was submitted with this application. The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with policy RE6 of the Oxford Local Plan 2016- 2036.

## **16. Construction Traffic Management Plan**

Prior to commencement of works a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. 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 development shall be carried out and completed in accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.

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.

## **17. Cycle Parking**

Before the development hereby permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of highway safety and to promote sustainable modes of travel, in accordance with policies M5 of the Oxford Local Plan 2036.

## **18.Noise**

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to

levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30dB LAeq 8hrs in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

## **19. Demolition Method Statement**

Prior to commencement of the development hereby approved, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- control measures for dust, noise, vibration and lighting;
- delivery locations;
- restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays;
- advance notification to neighbours and other interested parties of proposed works and;
- public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.

The specific dust mitigation measures to follow should be aligned with the recommendations IAQM [Guidance on the assessment of dust from demolition and construction](#) for medium risk sites. No building works shall commence until such approval in writing has been given by the Local Planning Authority. The approved measures shall be employed throughout the entire period of the construction of the development.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policies RE6 and RE7 of the Oxford Local Plan 2036.

## **20. Energy Statement**

The development shall be carried out in accordance with, and to the standard (or equivalent) set out within, the approved Energy Statement (Collins Street, dated March 2020).

Reason: In accordance with policy RE1 of the Oxford Local Plan 2036.

## **21. Thames Water – Details**

Prior to construction information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. No construction shall take place within 5m of the water main. Any construction shall be undertaken in accordance with the terms of the approved information. Unrestricted

access shall be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure.

## **22. Thames Water - Piling**

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

## **23. Affordable Housing**

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Oxford Local Plan 2036 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include:

- i) The numbers, type, and location on site of the affordable housing provision to be made which shall consist of not less than 50% of the housing units as detailed in the application.
- ii) Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Oxford Local Plan 2036 and the Affordable Housing and Planning Obligations Supplementary Planning Document 2013 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority.
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no Registered Social Landlord involved);
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) The occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Reason: In order to secure the affordable housing provision on site in accordance with Policy H2 of the Oxford Local Plan 2016-2036.

## **12. INFORMATIVES**

### **1. Parking Permits**

The development/proposed unit(s) shall be excluded from eligibility for parking permits prior to occupation. A cost of £2200 to amend the Traffic Regulation Order shall be met by the applicant through a Unilateral Undertaking.

### **2. APPENDICES**

- **Appendix 1 – Site location plan**

### **3. HUMAN RIGHTS ACT 1998**

3.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] 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.

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

4.1. 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/refuse] planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

This page is intentionally left blank