

<b>Application number:</b>	21/03361/FUL		
<b>Decision due by</b>	16th March 2022		
<b>Extension of time</b>	Not applicable		
<b>Proposal</b>	Demolition of existing retail store (Use Class E). Erection of new building at 1 to 5 storeys containing retail store (Use Class E) and hotel (Use Class C1). Service area, landscaping, cycle parking, and drop off bays on Stile Road.		
<b>Site address</b>	152 London Road, Headington, Oxford, OX3 9ED		
<b>Ward</b>	Quarry And Risinghurst Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	Mr Nik Lyzba	<b>Applicant:</b>	Cantay Estates Ltd
<b>Reason at Committee</b>	The application is before the committee because it is a major planning application.		

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## 1 RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to refuse the application for the following reasons:

1.1.1. **refuse the application** for the reasons considered fully in the report; and

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

- finalise the recommended reasons for refusing the application as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.3. The reasons for refusal are as follows:

1.The proposed development by reason of its scale, height and massing would result in an inappropriate overdevelopment of this open and prominent peripheral edge of District Centre, location at odds with the prevailing character and appearance of the area. The development would be highly visible and a strident building in the street scene, visually discordant in views on London Road and Stile Road resulting in a form of development that would fail to be locally distinctive, and would not be of high quality design. The proposed development is therefore contrary to Policies DH1 and DH2 of the

Oxford Local Plan, Policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan, and guidance in the NPPF.

2. The proposed development fails to take into account the effect of the proposal on the significance of St Andrews CE Primary School, as a non-designated heritage asset. The proposal, by reason of its scale, siting, massing and height will dominate this Victorian school building and will reduce the school's prominence in views on London Road, resulting in a low to moderate level of less than substantial harm to the significance of this heritage asset. The proposal is therefore contrary to policy DH3 of the Oxford Local Plan, policy CIP4 of the Headington Neighbourhood Plan 2017 and paragraph 203 of the NPPF.

3. The proposed development, by reason of failure to provide operational parking on site and drop off/pick up layby could result in indiscriminate parking on street, by those visitors to the site, resulting in hazard and obstruction to the detriment of highway safety. The proposed development is therefore contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF.

4. The proposed development fails to adequately provide accurate trip generation of the existing retail store and appropriate TRICS data for the proposed development to accurately assess highway impact. The proposed development has failed to provide any assessment of the capacity of public car parks in Headington to meet the demands of the proposal. The failure to undertake and provide such assessment could result in adverse highway impacts to the detriment of highway safety and infrastructure contrary to policies M2 and M3 of the Oxford Local Plan 2036 and guidance in the NPPF

5. The proposed development by reason of its siting, scale, massing and height, and windows, will create an intrusive and overbearing form of development and a loss of privacy through overlooking detrimental to the amenities of the occupiers of the adjacent school and neighbouring dwellings on Stile Road. The development would thus have an unacceptable impact on these neighbouring occupiers contrary to policy RE7 of the Oxford Local Plan 2036.

6. The proposed development by reason of its use of opaque glass will result in a poor outlook and amenity for the occupiers of the hotel, and a substandard level of accommodation, contrary to policy RE7 of the Oxford Local Plan 2036

7. The proposed development fails to demonstrate that the proposal will meet BREEAM Excellent standard and be a sustainable design and construction, contrary to policy RE1 of the Oxford Local Plan 2036.

8. Had the above overriding reasons for refusal not applied, an amended Health Impact Assessment would have been sought to address how measures in the assessment would be monitored and implemented. Without a robust Health Impact Assessment, the proposed development is contrary to

policy RE5 of the Oxford Local Plan 2036 and the objectives to promote a strong and healthy community and to reduce health inequalities.

## **2 EXECUTIVE SUMMARY**

- 2.1. This report considers the redevelopment of the existing Co-Op store, with a scheme for the erection of a replacement retail unit and a 108 bed hotel above. The uses will be provided in a rectangular footprint at ground floor and a C shape building form above. The retail unit will comprise 463 sqm on the ground floor. There will also be a separate hotel lobby entrance and restaurant on the ground floor with hotel rooms on the 1<sup>st</sup> to 4<sup>th</sup> floor (2<sup>nd</sup> to 5<sup>th</sup> storey). The overall building mass will extend in height from 3 storeys on the boundary with St Andrews CE Primary School and 5/7 Stile Road rising to 5 storeys on the corner of London Road and Stile Road. A service yard is proposed to the rear.
- 2.2. The report considers the proposal having regard to its location within, but on the edge of Headington District Centre, and adjacent to Old Headington Conservation Area and St Andrews CE Primary School, as a late Victorian school building.
- 2.3. The report considers the policies for hotel and retail development having regard to its location in the District Centre, and notes that whilst the footprint of the existing retail use has been reduced significantly in floor area, that the proposed retail unit is acceptable in principle. The report also considers the location criteria for short stay accommodation and notes that as the site is located in a sustainable position on a main arterial road, that the principal of the proposed hotel is acceptable.
- 2.4. However, it is recognised that the site is located on an open and prominent position on London Road, on the edge of the District Centre where the District Centre merges with the surrounding suburban character of Headington, where the building vernacular is of two storey scale. The report considers that the scale and massing of the building occupying a wide and deep frontage, along with an overall building height of 16.3m would result in a significant and incongruous building form, inappropriate in its siting and context and an overdevelopment of the site.
- 2.5. Officers have considered the wider impact of the building from long range views from Elsfield, and note that whilst the building would not be visible from this view and would not sit in the view cone of the historic skyline, that in local views by reason of its position forward in the streetscene, scale, height and massing would be visually discordant in the streetscape out of character with this part of the District Centre, detrimental in views along London Road, and views from Stile Road.
- 2.6. Officers have considered the views from Bury Knowles Park and the setting of Old Headington Conservation Area. The significance of the Conservation Area has been assessed and the views of the site considered from Bury Knowle Park. It is considered that the development would be acceptable in this view and the development would not harm the setting of Old Headington

Conservation Area. Additionally, it would not harm the setting of the listed wall that bounds Bury Knowles Park. However, Officers consider that the proposal by reason of its siting, scale, height and massing would fail to take into account the effect of the development on the significance of St Andrews CE Primary School, as a non-designated heritage asset as the development will reduce the school's prominence in views on London Road. Officers have considered the highway implications of the development that the application is not supported by an appropriate assessment of the existing trip rate of the existing retail store and note that the local public car parks have not been surveyed to assess whether there is capacity to meet the demands the development may place on these car parks and to assess highway impact. Officers also consider that whilst the site is in a Controlled Parking Zone (CPZ), that the development offers no operational parking to meet the needs of the development and/or a layby for drop off/pick up. Without this, this could lead to indiscriminate parking and or obstruction to highway users, detrimental to highway safety.

- 2.7. The report considers the impact of the siting, scale, height and massing on the amenities of the school and local residents and considers the impact on noise, daylight/sunlight, outlook, privacy and shading. Officers consider from the supporting documentation that the proposal will harm the amenity of the school and local residents through loss of privacy from substandard means to safeguard against views from hotel room windows; will be overbearing and intrusive, in siting, scale height and massing impacting on sunlight and causing shade. The report also considers the use of substantial opaque glass on windows will cause loss of outlook to the occupiers of residents.
- 2.8. Officers have assessed the impact on land quality, biodiversity, trees and air quality to be acceptable, however have had regard to the sustainability requirements of policy RE1 of the Oxford Local Plan and that the applicant fails to demonstrate that the development provides evidence of meeting BREEAM Excellent.
- 2.9. Finally officers have considered the submitted Health and Impact Assessment, and consider that the assessment is limited in respect of outlining how measures will be monitored and implemented, which is necessary for assessing performance. Had the above overriding reasons for refusal not applied, Officers would have sought an amended assessment to address the objectives and requirements of policy RE5 of the Oxford Local Plan. Without this, the application is contrary to this policy.

### **3 LEGAL AGREEMENT**

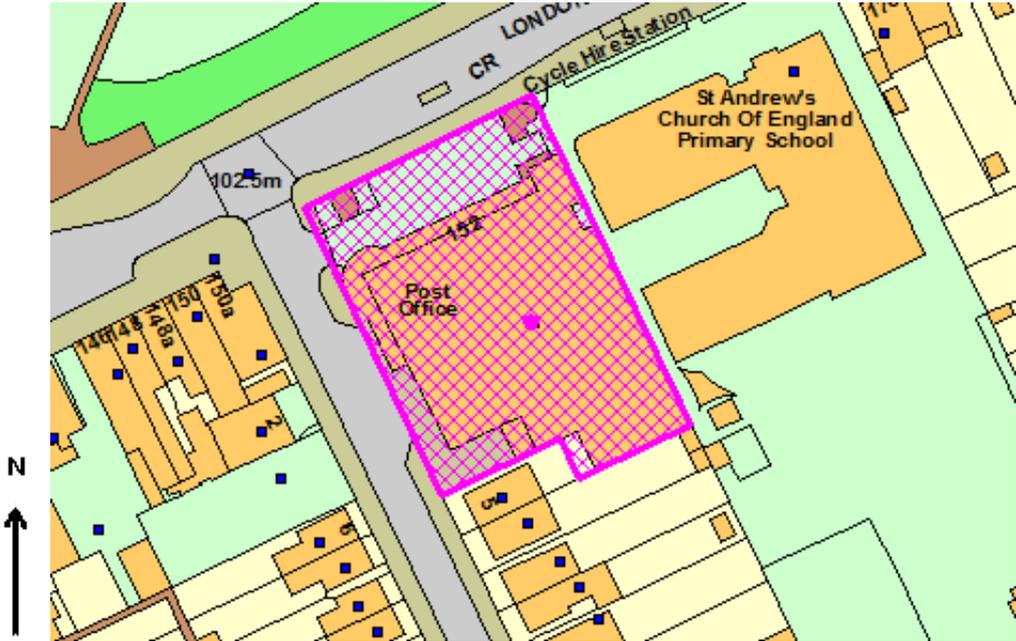
- 3.1. Had the application been recommended for approval, an agreement would have been required in relation to travel plan monitoring.

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

- 4.1. The proposal is liable for CIL.

### **5 SITE AND SURROUNDINGS**

- 5.1. The application site comprises the existing Co-Op local store, located fronting onto the London Road Headington. The building is a white clad low level building with a wide frontage and plan depth occupying a corner plot on the corner of London Road and Stile Road. The building is characterised by a mainly flat roof, with a linear second storey in part, with projecting canopy to the front and side. To the front of the shop is a car park which serves the store. To the rear is the servicing area for loading/unloading.
- 5.2. The site lies within, but on the edge of Headington District Centre as defined in the Policies Plan of the Oxford Local Plan, within primary shopping frontage. The site thus has a mixed commercial and residential character. To the west of the site across the junction with Stile Road is a retail unit on the ground floor and residential above. To the east is St Andrews Primary School. To the south is Stile Road, which is a road comprising Edwardian semi-detached houses. Across the site, to the north of London Road, is Bury Knowle Park.
- 5.3. The application site lies just outside of the boundary of the Old Headington Conservation Area, which is on the north side of London Road and includes Bury Knowle Park.
- 5.4. See location plan below:



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Ordnance Survey 100019348

**6 PROPOSAL**

- 6.1. The application proposes to demolish the Co-Op building and to redevelop the site to provide a retail unit, hotel entrance lobby and restaurant on the ground floor with a hotel above.
- 6.2. The proposed retail unit would occupy approximately half of the ground floor footprint occupying a floor area of 463sqm. The entrance to the retail unit

would be from the front (London Road). This is a reduction in the floor area of the retail unit from 1377 sqm to 463 sqm.

- 6.3. The proposed hotel would provide a total of 108 beds. On the ground floor there would be an entrance lobby, bar and restaurant area along with back of house supporting facilities including kitchen, plant and house keeping. Above it is proposed to provide an additional 4 storeys to accommodate the bedrooms. Of the 108 rooms, 102 would be standard size, and 6 would be Disability Discrimination Act (DDA) compliant rooms (6%).
- 6.4. The building would be 5 storeys overall to its highest point which would be on the corner of London Road with Stile Road up to 16.3m. The building at 1<sup>st</sup> floor upwards would have a C shape footprint with a first floor garden.
- 6.5. To the rear of the site there would be a service yard which would serve both the retail unit and the hotel.
- 6.6. The plans indicate the building would comprise the use of both buff brick and red toned brick, with the use of the lighter brick on the corner of the building with Stile Road where the building would be at its tallest at 5 storeys. Red brick is proposed for the 'wings' of the building. The fenestration is proposed in a symmetrical manner with aluminium frames and reconstituted stone reveals. The roof plans would include a green roof to part of the building located on the site's frontage with London Road and the erection of PV panels on the rear roof.
- 6.7. The proposal is proposed to be car free development. There is an existing lay by on Stile Road which would continue to provide for car parking as it does now, but this is outside of the red edge. Guests would access the hotel from the front entrance. Cycle parking is proposed to the front of the building and adjacent to the retail entrance for public use, with facilities to the rear for staff.

## **7 RELEVANT PLANNING HISTORY**

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

60/09742/A\_H - Installation of petrol storage tank to replace existing tank.. PER 16th August 1960.

62/01057/P\_H - Illuminated sign on garage forecourt. PER 27th March 1962.

62/12220/A\_H - 156 London Road - Outline application for partial demolition of building and rearrangement of forecourt.. PER 12th June 1962.

63/13005/A\_H - Enlargement of entrance in Stile Road, conversion of workshop to stores and insertion of new offices.. PER 8th January 1963.

66/18290/A\_H - 154-156 London Road - Extension to front entrance.. PER 13th December 1966.

67/19407/A\_H - 154-156 London Road - Installation of petrol pump.. PER 24th October 1967.

68/01724/P\_H - Illuminated 'Shell' sign on roof of front elevation. REF 24th September 1968.

77/00071/S\_H - Eyles and Coxeter 152-156 London Road - Determine whether change of use to retail store constituted development.. EUR 23rd February 1977.

77/00296/A\_H - 154-156 London Road - Redesign of existing forecourt and demolition of parts of existing building and erection of new building for supermarket.. PER 6th July 1977.

92/00991/NF - Single storey extension to sales buildings with new shop front. Installation of underground tank.. PER 15th December 1992.

## 8 RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1		GSP4, CIP1, CIP2, CIP3
Conservation/Heritage	184-202	DH3		CIP4
Housing	59-76			
Commercial	170-183	V1		BRC2, BRC3
Natural environment	91-101	RE3, RE4		
Social and community	102-111			
Transport	117-123	M1, M2, M3, M4, M5	Parking Standards SPD	TRP1, TRP2
Environmental	117-121, 148-165, 170-183	RE1, RE2	Energy Statement TAN	

Miscellaneous	7-12		External Wall Insulation TAN,	
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## 9 CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 6<sup>th</sup> January 2022 and an advertisement was published in The Oxford Times newspaper on 13th January 2022.

### Statutory and non-statutory consultees

- 9.2. Oxfordshire County Council (Highways): Objection. The proposed development is in an area with a good opportunity to promote active and sustainable travel. The application proposes a car free development for all uses, which is welcomed. However, there is some concern regarding the absence of a drop-off/pick-up area for operational parking. Without it, there is potential for the development to create unsafe indiscriminate parking even for very short durations to allow guests to alight/board vehicles.
- 9.3. A parking accumulation survey needs to be undertaken to establish whether the car parks intended to take up the predicted vehicular trips have sufficient capacity. The applicant has undertaken trip generation assessments using the TRICS database and also assessed the impact of this on the network. The approach not considered to be robust enough. The disabled parking spaces provided for hotel guests are not wholly within the applicants control, and being partly in highway, they cannot be allocated solely for the development use.
- 9.4. Oxfordshire County Council (Flooding): No objections
- 9.5. Historic England: Historic England do not wish to offer any comments
- 9.6. Environment Agency: Comments. The proposal is includes development on a site where the previous use may have caused land contamination and the environmental risks in this area relate to : Groundwater protection
- 9.7. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. We consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base of the infiltration point and the peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection publication. In addition, they must not be constructed in ground affected by contamination.
- 9.8. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. The proposed foundation design will need to ensure that steps are taken to prevent contamination of groundwater in the event that previous uses have resulted in contamination of the land within the site.

- 9.9. Thames Water Utilities: Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thame Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in time available so Thames Water request that a condition is imposed.
- 9.10. In respect of surface water network infrastructure capacity, Thames Water do not have any objection to the application.
- 9.11. In respect of water, the proposed development is located within 15m of underground water assets and as such would recommend an informative on any permission. Thames Water do not have any objection to the planning application.

### **Public representations**

- 9.12. 224 local people commented on this application from addresses in Stile Road, Mark Road, Franklin Road, Gardiner Street, St Leonards Road, York Road, Lime Walk, Jack Straws Lane, Chestnut Avenue, Coolidge Close, Gidley Way, Kennett Road, Pitts Road, Burdell Avenue, Gladstone Road, Rock Edge, St Annes Road, Chequers Place, Denmark Street, Mileway Gardens, North Place, Old Road, Stapleton Road, Woodlands Road, Ambleside Drive, Trinity Road, urrows Close, Elm Drive, Howard Street, Langley Close, Ramsey Road, Sandfield Road, Wharton Road, Binswood Avenue, Holyoake Road, Linden Courrt, Weyland Road, Barton Lane, London Road, Snowdon Mead, Ash Grove, Downside End, Latimer Road Ashgrove, Osler Road, Fortnam Close, Chestnut Avenue, Beech Road, Barton Village Road, Barton Road, Baker Close, Fix Well Drive, Hawthorn Avenue, Holley Crescent, Lewis Close, Larkins Lane, Mather Road, Northway, Old High Street, Staunton Road, Windmill Road, Finch Close, Quarry Road, New Cross Road, St Annes Road, Windsor Street, New High Street, Wilkins Road, St Andrews School, Headington Heritage
- 9.13. In summary, there were 215 letters of objections and 5 letters of support and 4 comments. The main points of objection were:
- London Road is heavily congested and at a standstill
  - Parking is often next to the Co-Op on double yellow lines, causing loss of view of oncoming traffic/poor visibility causing a hazard
  - Increased demand for parking in the area, where will visitors park. Local car parks already full. No drop off for visitors. The ongoing provision of parking in car parks is vital for the viability of Headington District Centre to enable businesses to offer parking nearby
  - Pedestrian traffic is high on this corner which is a safety concern
  - Challenge validity of TRICS data used. No cumulative assessment of the implications this development may have
  - Shops have limited parking and parking capacity has not been assessed

- The retail unit is very much scaled back from its current size
- Height and massing too large for the space, with height significantly higher than the neighbouring buildings. 1 storey should be removed. Excessive over-development of the site which looks overpowering and overwhelming.
- Over-development of the site
- Out of character for Headington and not in keeping. Sticks out like a sore thumb.
- Proposal out of keeping and spoil the view from Bury Knowle Park, which is bounded by a well maintained local stone wall. Would not preserve or enhance the setting of Old Headington Conservation Area.
- This is an opportunity to build an elegant piece of modern architecture. Sadly this opportunity has not been grasped and instead a dull monotonous design. Will be an eyesore and not fit in with Headington. Is bland and height is overbearing
- The building breaches the building line by being constructed closer to the street
- The building is much taller than all the others other than those in the central Headington area. It will have a significant effect on views towards London Road. Buildings around it are all low level domestic scale. Will dominate the skyline and dwarf the Victorian school, which is a heritage asset
- Impact on the view from Elsfeld
- impact on the quiet amenity of the park, changing character to urban space from a green space. This is an enviable green space and will be dwarfed by its bulk.
- Will impact on the neighbouring primary school and homes with overlooking and increase in height
- Will look the same as the new hotel in Summertown
- This is dreadful and unnecessary. There is no evidence for a hotel. The submitted Opinion of Need is not correct. Need more affordable housing than a hotel and to develop the site for people who cant afford to live in Oxford like keyworkers
- No plans for replacing the post office. This is essential for the Headington Community. The other PO is in Wood Farm which is too far for people
- Concern for impact on and proximity to St Andrews CE Primary School with concerns regarding safeguarding and safety of young children. Increase in traffic could be dangers. It will be disruptive to learning
- Impact on light to the school and welfare of local school children. Impact of construction noise for children
- Not acceptable to have a hotel next to a school
- Hotel brings unknown people into the area

- Impact on local B&Bs and hotel. The occupancy levels of existing facilities referred to have been understated. There are many B&Bs in the area already, and a planned hotel at Thornhill
- This doesn't provide for ecology, will destroy 2 mature trees,
- Will be at odds with domestic character of Stile Road.
- Will impact on retail behaviour in Headington
- Infrastructure of Headington ie drains wont cope and this has been confirmed by Thames Water
- Impact on trees on Stile Road
- View images proposed of the development are misleading. From Bury Knowle Park it doesn't allow for seasonal variation to the view to account for Winter
- Views from the hotel will impact on neighbours amenity. Impact on privacy – insufficient to use opaque windows up to eye level
- Insufficient details on shading in summer time
- Insufficient publicity with residents and public
- Long standing contamination on site and there are still hazardous materials in the ground including asbestos and petrochemicals, despite what is in the report
- Impact on noise levels in vicinity of the site and high disturbance to residents
- Contrary to the Headington Neighbourhood Plan
- Will harm the Lye Valley SSSI.
- Light pollution
- Litter
- Dust and noise concerns from construction. When would demolition occur as this must be outside of school term. Impact of construction on children's learning. Concern also from asbestos in the building and the need for buildings to be demolished in summer outside of school as well as removal of fuel tanks

9.14. There were 5 letters of support who made the following comments:

- Current hotel building is unsightly, whereas planned layout will be beneficial for trees
- Hotel will be a real benefit for Headington
- Improvement for Headington side of Oxford
- Parking will be dealt with by existence of other car parks in Headington and Thornhill P and R

- Will bring much needed visitors to Headington
- Location of the hotel is good for the Oxford to London route
- No objection to a redevelopment just the monotonous design of the structure

### **Officer Response**

- 9.15. The objections received in respect of competition and impact on existing B&B provision in Headington can not be taken into account, as competition is not considered a valid planning consideration. Other comments have been addressed in the evaluation of the report.
- 9.16. In respect of the comments made in relation to the Post Office, Members will be aware that the Post Office is a separate commercial enterprise and there are no policies within the Local Plan that provide protection of post offices. Representation was received during the course of the application asking for consideration for whether planning controls exist that would enable the Post Office to open temporarily in another unit, including a unit under the ownership of the applicant, whilst the site is being redeveloped. However, Officers have advised that the imposition of any planning condition, or S106, would be contrary to the advice in the NPPF regarding the 6 condition tests. Similarly, this would be contrary to advice on the use of planning obligations.

## **10 PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- I.Principle of development
- II.Design
- III.Impact on Heritage Assets
- IV.Highways
- V.Managing the Impact of the Development
- VI.Trees
- VII.Flooding and Drainage
- VIII.Energy and Sustainability
- IX.Biodiversity
- X.Archaeology
- XI.Air Quality
- XII.Land Quality
- XIII.Health Impact Assessment

### **I. Principle of development**

- 10.2. The site lies within the Headington District Centre Area of Change in the Local Plan, controlled by Policy AOC6. The site lies on the edge of, but within, Headington District Centre as defined in Policy V4 of the Oxford Local Plan 2036. The Co-Op is also included as District Centre Shopping Frontage as defined in Policy V4 of the Oxford Local Plan 2036.
- 10.3. Policy AOC6 of the Local Plan has regard to the characteristics of the Headington District Centre and reflects the part of the historical, rural character of the area with remnants of stone buildings and boundary walls, which are an important part of the area's character. Regard is had to the inter and post war housing that surrounds the district centre as well as Victorian and Edwardian terraces. Bury Knowle Park is noted as a historic parkland located to the east as well as the Old Headington Conservation Area to the north.
- 10.4. The Area of Change policy has regard to the defining character of 2-3 storey buildings and large 3-4 storey commercial infill buildings. It is recognised there may be an opportunity to redevelop some of these sites in a more intensive way that would still be in keeping with the character of the area. It does state however that at 15m (approximately 5 storeys) that there may be a skylining effect in views from Elsfield that will need careful design and justification.
- 10.5. The policy thus states planning permission will be granted for new development within the area of change where this would take opportunities to deliver, where relevant, improved connectivity across London Road; make more efficient use of land by consolidating uses and through infill and taller development; enhance the public realm.
- 10.6. Policy V4 relates to district shopping frontages and states planning permission will only be granted at ground level within Headington District Centre for Class A1 uses; or Class A2 – A5 uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 uses falling below 50% of the total number of units within the defined shopping frontage; or other town uses where the proportion of A1 use does not fall below 85% of the total number of units within the defined shopping frontage.
- 10.7. Members will be aware that the Government announced in September 2020 that retail uses (Use Classes A) amongst others, have been amalgamated with other uses to create Use Class E. The policy above clearly predates this change and what that means is that the distinction in the policies between A1 (retail) and other A classes cannot now be made. However, the reference in the policies to Class A uses (apart from use as a public house or a hot food takeaway) could equally apply to Class E uses. Therefore, there will be no separate threshold for any equivalent of Class A1 uses and Class A2 and A3 uses and their thresholds will be taken to be represented by Class E.
- 10.8. The proposal seeks to redevelop the site but will retain a retail unit and introduce a hotel lobby and restaurant on the ground floor. It is acknowledged that the proposed retail unit is considerably smaller than the existing unit but in policy terms, the scheme does not seek to lose a retail unit, and it is

acknowledged that the policy does not stipulate a loss of floor area. On that basis it is considered that the smaller retail unit would comply with Policy V4 of the Oxford Local Plan 2036.

- 10.9. The proposal includes a hotel with entrance lobby and restaurant on the ground floor. In terms of the criteria of V4 it is considered this falls within other town uses listed in policy V4. Moreover, on the basis this is providing an additional use and is not a change of use from a unit, then this is acceptable against this policy.
- 10.10. The proposal includes a hotel on the upper floors. Applications for short stay and holiday accommodation are covered by Policy V5 of the Oxford Local Plan 2036. This policy states that planning permission will only be granted for the development of new sites for holiday and other short stay accommodation in the following locations: in the City Centre, in District Centres, on sites allocated for that purpose, and on Oxford's main arterial roads where there is frequent and direct public transport to the city centre.
- 10.11. This locational requirement does not apply to proposals to refurbish or expand existing sites. Proposals for new, refurbished or expanded holiday and short stay accommodation must meet all the following criteria: a) it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; b) there is no loss of residential dwellings; and c) it will not result in an unacceptable level of noise and disturbance to nearby residents.
- 10.12. In this instance the site is located in the District Centre on a main arterial route. There is excellent provision of public transport to the city centre, with frequent and direct public transport. Therefore the assessment of an application for a hotel falls to be considered against the three considerations listed above in respect of being acceptable for highways; no loss of residential units and is acceptable in respect of noise and disturbance to nearby residents. This can only be satisfied through the assessment of the application and consultation.
- 10.13. Objections have been received in respect of the need for further hotels, stating that the site would be best served to provide affordable, key worker housing. In response, it is advised that Policy V5 stipulates the criteria for assessing applications for hotels and this does not require developers to demonstrate need. Furthermore, the site is not allocated in the Local Plan for development therefore there is no stipulation that the site must deliver housing/key worker housing.
- 10.14. Therefore in general terms, it is considered that the principle of the smaller retail unit and the proposed hotel has the scope to be acceptable in respect of policy V4, and the principle of a hotel above has the scope to be acceptable in respect of policy V5 subject to compliance with the policy criteria specified and development management policies outlined below.

## **II. Design**

- 10.15. Policy DH1 of the Oxford Local Plan 2036 states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.16. All developments will be expected to be supported by a constraints and opportunities plan and supporting text and or visuals to explain their design rationale in a design statement proportionate to the proposal in accordance with the checklist in Appendix 6.1. Planning permission will only be granted when proposals are designed to meet the key design objectives and principles for delivering high quality development.
- 10.17. Policies in the Oxford Local Plan recognise that land in Oxford is scarce and that taller buildings have the scope to make the most efficient use of land. However, this must be the subject of sensitive analysis to ensure that the buildings are appropriate to the site's context and critically do not adversely harm the historic skyline of Oxford's dreaming spires which is vulnerable to change. Design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline. Taller buildings will be possible in many locations but they must be designed to ensure they contribute to the existing character and do not detract from the amenity of their surroundings. Higher buildings will often be appropriate in district centres and on arterial roads.
- 10.18. Policy DH2 of the Oxford Local Plan 2036 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will be granted for developments of appropriate height or massing, as demonstrated by a range of criteria including design choices regarding height and massing; regard had to the High Buildings Study Technical Advice Note, in particular impact on skyline, competition and change of character should be explained, and demonstrating how proposals have been designed to have a positive impact with the relation of the building to the street and the potential impact on important views to the historic skyline and out towards Oxford's green setting. The site does not sit in the view cone of the historic skyline from Elsfield, but has been assessed on impact on views from Elsfield. It is also not a site within 1200m of the Historic Core Area.
- 10.19. Guidance is contained in the Oxford High Buildings Study about the design of high buildings and in the High Buildings Study Technical Advice Note.
- 10.20. Policies in the Headington Neighbourhood Plan (HNP) are also relevant. Policy GSP4 of the HNP states development will be permitted where its design responds appropriately to the site and the character of the surrounding area.
- 10.21. Policy CIP1 of the HNP states new development will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments.
- 10.22. Policy CIP2 of the HNP states development will seek to protect important views within Headington itself and out of the Headington Neighbourhood Plan Area as identified on the Viewpoint Map.

- 10.23. Policy CIP3 of the HNP states high quality development proposals which are of an innovative and/or contemporary design will be permitted where they accord with the policies in the Local Plan; respect and take account of local heritage and enhance the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.
- 10.24. Context: The application site lies on the edge of the Headington District Centre and is the last commercial unit in the District Centre. The site occupies an open prominent corner on London Road and Stile Road. The site lies adjacent buildings of traditional 2 storey scale and form, comprising St Andrews CE Primary School to the east of the site and the Edwardian buildings of Stile Road set to the south. The site is located opposite the attractive leafy green setting of Bury Knowle Park, enclosed by a historic stone wall. Bury Knowle Park lies in the Old Headington Conservation Area. Whilst the existing shop occupies a wide frontage, the building is set back into the site behind car parking.
- 10.25. The proposed development seeks to demolish this building and erect a building of 3 storeys rising to 5 storeys height on the corner of London Road and Stile Road. The building would be built further forward than the existing building on London Road and measure a total of 34m on the London Road frontage. The building adjacent to St Andrews CE Primary on the frontage would be 3 storeys and measures 10.33m, rising to 4 storeys and then rising to 16.3m at 5 storeys on the corner. On Stile Road, the building would extend 38.8m along the length of the Stile Road frontage. The building would be 5 storeys to the north and extend down to 4 storeys and 3 storeys closest to 5B/7 Stile Road, at 10.6m.
- 10.26. Siting, scale, height and massing: The plan form of the building is of a rectangular block, but with the first to fourth floor (or 2-5<sup>th</sup> storey) in a C shape around a roof garden. The applicant argues that the building has been designed to respond to the context of the site, utilising a stepped building height approach adjacent to 5/7 Stile Road and adjacent to the school, proposing a taller feature, being the 5<sup>th</sup> storey, on the corner of Stile Road and London Road. Different materials have been proposed too to distort the massing of the building.
- 10.27. The buildings footprint occupies a substantial width and depth and is positioned forward on the London Road frontage and is situated on the edge of the pavement on Stile Road. From this siting and footprint, coupled with the overall height and massing of the building, it is clear that the proposed development will have a significant impact on the streetscape on this edge of centre location. Officers have assessed the scheme using Vu City, which is a programme that enables proposed developments to be modelled in their proposed position in the City to allow assessment of schemes. The use of this, along with the photomontage views provided by the applicant indicates that the development, by reason of its siting, scale, massing and height of the building, would result in an overbearing and incongruous building at stark odds to the peripheral location in which the site sits on the edge of the District Centre.

- 10.28. Whilst the design of the building has sought to break the mass of the blocks into smaller elements, the features of the building with a wide depth and frontage, with a height of up to 16.3m, forward of the building line contrasts significantly to the low key domestic scale of buildings that characterise this part of the street. This site is a large open site, highly prominent in views along the London Road. The existing building sits comfortably in this location as this site blends into the suburban surroundings of its location on the edge of the centre. However, the siting, width, depth and massing of the building as proposed and the considerable height would look out of scale and appear discordant in this low key transient position. Indeed, the height of the building at 16.3m is comparable only with those tallest buildings at distance within the hub of the District Centre, at Holyoake Hall and the adjacent Skipton Building Society building, which lie in the middle of the District Centre. However, it is important to note that even in this central location, these building typologies are limited to 4 storeys and only because of their location, are they suitable to their context. By comparison the application proposal is even higher at 5 storeys than those buildings in the hub of the District Centre.
- 10.29. A building of this scale and depth would appear strident in its domestic context. What contributes to this harm is that the building has been built forward of the existing pattern of development, or building line of adjacent building. The result of this is that the application building when viewed from the east would block views of along London Road. Likewise, when viewed from the west, the building will block views of St Andrews CE Primary School on the London Road. Moreover, in both directions the views would reveal the bulk and massing of the buildings set over the top of St Andrews School when viewed from the east and over the frontage of buildings at 150, 148 London Road when viewed from the west. In local views, this scale and massing would be highly visible, and harmful to the streetscene.
- 10.30. Harm would also be apparent in views from Stile Road, where looking north towards the site, the apparent depth and width of the building would tower over the simple form of traditional housing and would appear as a strident bulky mass which coupled with its height, would be particularly harmful in its setting.
- 10.31. A dense utilisation of a deep plot is not typical of the pattern of development in Headington and where deep plots have been developed, such as 138-140 London Road, they step down to a more residential scale to the rear and pick up existing rooflines. Where service yards are present they provide a welcome physical separation between the larger buildings and the residential streets behind such as at Holyoake Hall or 108 London Road. Landscaping too has been vital. Large plan forms are not characteristic or vernacular and the position of the building, forward in the streetscene abutting the corners of the junction, will be harmful in views. In this context, especially with the low level building form of the current site on a wide open plot, it is considered the proposed building would appear overwhelming in its solidity, size and scale spanning the width and depth of the plot. Officers consider that such a building would dominate this corner plot and would appear out of character with the domestic character and form of surrounding building typologies, and would be a stark contrast to the vernacular of this part of the District Centre.

- 10.32. Whilst Policy AOC6 of the Oxford Local Plan allows for making efficient use of land, the supporting text has regard to building heights and density in the District Centre and notes in the text in para 9.67 that “The centre is characterised by 2-3 storey, moderate sized terrace properties whose lower floors have been converted to shop frontages and large 3-4 storey commercial buildings of varying quality that infill plots.” The paragraph goes on to state “There may be an opportunity to redevelop some of these sites in a more intensive way which would be still be in keeping with the character and function of the centre. At 15m (approximately 5 storeys) and above buildings may create a skylining effect in views from Elsfield and will need careful design and justification”.
- 10.33. Whilst it is recognised that there may be opportunities for redeveloping this site, and that the proposal has the scope to be making an efficient use of land, is it not considered that the design approach taken here responds to its context or is justified in its approach.
- 10.34. In respect of views from Elsfield, a wireline (which is an outline of the building’s mass) has been provided of the position of the building in that view. This indicates that in this view the building will not be visible and will sit behind the trees and therefore not impact on the skyline.
- 10.35. External Appearance: The proposed building utilises staggered blocks and two different brick hues to distort the mass and scale of the building, broken down into bays. Whilst the building is not considered acceptable in terms of siting, scale, height and massing, it is considered that the external appearance is acceptable and of a design that would mirror other new developments that have been constructed on London Road. The use of two different bricks is considered appropriate in terms of approach and is calm in appearance. The fenestration, utilising aluminium frames and recessed panels, is considered to provide articulation and interest resulting in a greater impression of quality.
- 10.36. Landscape: The footprint of the building is significant and occupies a substantial part of the site, built close to the London Road frontage. Therefore opportunities for landscaping are limited to the perimeter of the building. To that end, street trees have been indicated on the frontage and an existing street tree on Stile Road is shown to be retained. The position of the street trees on the frontage of London Road would be considered acceptable and would mirror the street trees to St Andrews CE Primary. The retention of the existing tree on Stile Road is welcomed. The scheme also includes irrigated green walls on the eastern elevations which too is considered a welcome addition. Green roofs are also proposed and whilst these will not be visible in the street scape will provide green infrastructure.
- 10.37. Overall the soft landscaping is considered acceptable in this context. It is however, noted that green walls are shown on the school side of the boundary wall. This would not be possible as this is outside of the control of the applicant.
- 10.38. Conclusion: Policy DH1 states that planning permission will only be granted for development of a high quality design that creates or enhances

distinctiveness. It is considered that for the reasons as set out above, that the siting, scale, height and massing of the proposal would not be acceptable as this would be incongruous and strident in this peripheral location at odds with the prevailing character of development in the area. The proposed development is not considered to be of a high quality design and would fail to create or enhance local distinctiveness. The development would comprise an overdevelopment of the site, resulting instead in a poor building form, strident in its siting, massing, scale and height. The development is contrary to policies DH1, DH2 and AOC6 of the Oxford Local Plan 2036, policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan and the relevant paragraphs of the NPPF.

### **III. Impact on Heritage assets**

- 10.39. The NPPF requires proposals which are likely to have an impact upon designated heritage assets to be based upon an informed analysis of the significance of all affected heritage assets and be sufficient to understand the potential impact of the proposal on their significance (paragraph 189). Local Planning Authorities should identify and assess the particular significance of any heritage asset affected by a proposal, and take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal (para 190).
- 10.40. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (para 193). Paragraph 196 of the NPPF advises that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.41. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. It is accepted that these are a higher duty.
- 10.42. Policy DH3 of the Oxford Local Plan states planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions great weight will be given to the conservation of that asset. An application for planning permission which would or may affect the significance of any designated heritage asset, should be accompanied by a heritage assessment that includes a description of the asset and its significance and assessment of the impact of the development proposed on the asset's significance. It goes on to state that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed

against the public benefits of the proposal. Clear and extensive justification for this harm should be set out in full in the heritage assessment.

- 10.43. Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset would be affected by a development proposal, that development proposal will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.
- 10.44. The site is located outside of and opposite Bury Knowle Park which is sited in Old Headington Conservation Area. The park is an attractive feature within the Conservation Area and is bounded by a stone wall on its southern boundary and a row of trees, which add considerably to the character and attractiveness of the park. The stone wall is also listed. Considerable objection has been received that the erection of the building would harm views from within the Conservation Area.
- 10.45. To support the application, a Heritage Statement has been submitted which considers the impact on the Conservation Area, and a wireline has been created of the building which considers the impact of the building on views from within the park. This indicates that the building will not exceed the height of the trees that define the southern boundary of the park, and would be contained by these trees in views. This is confirmed also by the analysis of the site through Vu City. Arguably however, this would not be the case when the trees are not in leaf.
- 10.46. Officers have considered the views from the Conservation Area looking south across the London Road, and consider that the impact is considered to be acceptable in terms of the views from the park. The park is considered to be inward looking and contained by the boundary wall, as well as the trees on the southern boundaries. It is considered in those views, the London Road represents a physical feature and border, and beyond which are not as critical to the Conservation Area. By comparison, those views that are considered to be important and contribute to the setting of the Conservation Area are those views along London Road that are focussed on the north side of the road and exclude those views south of the London Road.
- 10.47. Equally in considering views from Stile Road looking north towards Bury Knowle Park it is considered that the scale and massing of the building will not cause harm to the setting of the Conservation Area, again for the reason that the London Road is a physical and separate barrier that is distinct.
- 10.48. Therefore Officers are satisfied the development would not cause harm to the setting of the Old Headington Conservation Area.
- 10.49. Officers have also considered the impact on the Grade II listed wall, listed for its scenic value, and note that the wall was modified in the mid 1980s when it was lowered. Whilst the stone wall is a key feature that encloses Bury Knowle Park, it is considered that the walls' separation from the application site by the London Road and the wall being to the north of the London Road and the

application site to the south will result in no adverse impact on the setting of this designated heritage asset.

- 10.50. Officers have also considered the impact on St Andrews CE Primary School. This building is not listed but the submitted Heritage Statement includes an extract from the Old Headington Conservation Area appraisal which identifies the school as being an historic building of local significance.
- 10.51. Para 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.52. Para 2.1.6 of the Heritage Statement makes reference to the NPPF policy relating to non-designated heritage asset which is set out at para 203 of NPPF. At 3.1.4 the Heritage Statement in considering the historical evolution of the site and its surroundings identifies that in the late C19 (1887 OS) the School for Boys was a building surrounded by open fields across which ran a footpath (connecting to the settlement of Headington Quarry).
- 10.53. At 3.2.7 in analysing the character and appearance and the pattern of built form on the south side of London Road near the application site provides a description of the school buildings, explaining that the original building of 1847 was 'replaced' with new buildings in 1894. Those that form the core of the school buildings and those fronting on to London Road today, but does not set out the significance of the building or identify it to be particularly important.
- 10.54. At para 4.3.2 of the Heritage Statement, in describing design changes through the process, acknowledges that the design responded to officers concerns and was reduced in height to three storeys adjacent to the school.
- 10.55. At 5.1.3 a conclusion suggests that the proposed design , its scale, form and the proposed materials to be used indicates that due regard has been paid to the relationship to adjacent buildings, however, no specific acknowledgement of the significance of the school.
- 10.56. Thus the Heritage Statement gives a sense of acknowledgement of the school as a neighbouring building but there is concern that the building's local significance overall hasn't been properly considered in the document.
- 10.57. The school has important aesthetic value as a Victorian School building. Social and communal value as a school built to educate the local community, albeit segregated as a boys' school, in its earliest manifestation and provided by the Church for the community. There are similar examples throughout the city and in particular through the East End of Oxford. Importantly the school was built in open fields and was the first significant building to the south of the turnpike road pre-dating the development of the residential suburbs.

- 10.58. Having considered the proposed development, Officers consider that the importance or value of the school in views along the Turnpike will be diminished by virtue of the dominance of the building proposed to be built at 152 London Road which will overshadow the late Victorian school buildings.
- 10.59. Consequently Officers consider there will be a degree of harm caused to the significance of the non-designated heritage asset which officers consider will be a moderate to low level of less than substantial harm due to the school's reduced prominence in views along London Road.
- 10.60. The proposed development would fail to meet the objective not to cause harm to heritage assets and the level of harm that would be caused would be a low to moderate level of less than substantial harm to the significance of the non-designated heritage asset. Although the proposed design has evolved to try to mitigate this harm it has not been entirely as the new building at 152 would dominate views up and down London Road thus diminishing the significance or importance of the school buildings in these views. The proposal would fail to meet the objectives of the NPPF, including those specifically relating to any heritage asset in para 195 of the NPPF, to non-designated heritage assets in para 203, and the policies relating to appropriate contextual design that are set out in Section 12 of the NPPF. The development is therefore contrary to policy DH3 of the Oxford Local Plan and policy CIP4 of the Headington Neighbourhood Plan.
- 10.61. Special attention has been paid to the statutory test of preserving the setting of the listed building or its setting or any features of special architectural or historic interest which it possesses and the statutory test of preserving or enhancing the character and appearance of the setting of the conservation area under sections 66 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the listed building and the character and appearance of the setting of the Conservation Area, and so the proposal accords with sections 66 and 72 of the Act.

#### **IV. Highways**

- 10.62. Chapter 9 of the NPPF has regard to promoting sustainable transport and states that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes (para 103). The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.63. The Oxford Local Plan 2036 seeks to prioritise walking, cycling and public transport and states in policy M1 that planning permission will only be granted for development that minimises the need to travel. Policy M2 requires Transport Assessments must be submitted for development that is likely to generate significant amounts of movement, assessing the multi-modal impacts of development proposals and demonstrate the transport measures which

would be used to mitigate the development impact. Policy M3 assesses motor vehicle parking for different types of development and whether located in a CPZ or not, assessing proposals against the standards in Appendix 7.3. Policy M4 assesses the provision of electric charging points for additional parking needs. Policy M5 assesses bicycle parking against the standards in Appendix 7.3.

- 10.64. Sustainability: The site lies in the Headington District Centre which is highly sustainable and has good access to public transport which serves the City Centre, the Park and Ride at Thornhill and further afield, London. The site is on a main arterial road. The development is proposed to be car free which is supported in principle to reflect the sustainability of the site however this needs to be the subject of additional assessment to ensure the impact of the development is limited on the highway.
- 10.65. Access and Parking: The site is located at the corner between the A420 London Road and Stile Road. The current vehicular access is however off Stile Road where both the car parking and servicing arrangements are undertaken. The application intends to remove the car park including to the front of the shop and its access off Stile Road but retain the delivery and servicing access to the rear.
- 10.66. The A420 London Road is a major tributary into Oxford, with cycle, pedestrian facilities, and public transport including bus stops in the vicinity of the site. Along the site frontage on London Road is a city-bound bus gate that performs to terminate a bus lane into the main traffic flow. A zebra crossing exists about 45m west of the bus gate, providing a crossing opportunity for those wishing to get to access to the Headington car park and the Bury Knowle Park.
- 10.67. The Transport Assessment indicates that visitors will access the site in a number of ways. Either through public transport to the site, or by parking at a nearby public car park or from Park and Ride.
- 10.68. Paragraph 3.3.6 of the Transport Assessment states that a number of Park and Ride facilities are available around Oxford and shall enable visitors who require car travel to park outside the city and complete their journeys by shuttle bus. However, Officers consider this is misleading and it is not clarified whether there is the provision of a shuttle bus from Park and Ride facilities for hotel users. And should this be the case, it remains to be known where the shuttle bus would park for the visitors to alight.
- 10.69. The application proposes to utilise several public car parks in the vicinity of the development, namely behind Waitrose, Old High Street and St Leonards Road. This approach is considered in principle to comply with the principles set out in the Local Plan to reduce car parking provision. However, whilst the County Council are in support of this approach, Officers have some concerns regarding the capacity of these public car parks to be able to accommodate visitors to the hotel. It is considered that a parking accumulation survey is necessary to establish whether the public car parks have capacity to accommodate the likely demand from the development. However, at this

stage, no such survey has been undertaken and this can not be demonstrated.

- 10.70. Oxfordshire County Council (the Local Highway Authority) note that the absence of a drop-off/pick-up facility for a 108 bedroom hotel. Whilst there is an existing lay by on Stile Road, this is regularly used for parking for local services including the shop and is not designated a drop off/pick up facility that would remain for the benefit of users of the hotel. Furthermore, this is in the public highway. In light of this it is considered by the County Council, that the proposed parking arrangement does not sufficiently address the likely arrival/departure pattern associated with such a development and that the need to accommodate the operational needs of visitors for taxi drop-offs/pick-ups and those guests with heavy luggage that would require a quick drop off facility, has not been appropriately considered or provided for.
- 10.71. The application does provide for two disabled parking spaces, but it is noted that these are on public highway. The Highway Authority will not allocate private parking on public highway and hence there is no guarantee that these spaces shall be available solely for the development's use. With this in mind, it leaves the development without any parking allocation to serve the operational needs of the development.
- 10.72. Paragraph 7.24 of the Local Plan recognises that developments that may result in additional parking pressure locally and where this has not been adequately addressed may have their planning permission refused. The absence of a lack of operational parking spaces or a layby for drop-off/pick up and/or coach parking is likely to lead to indiscriminate on-street parking albeit for a short period to allow visitors to alight from/get into vehicles. The applicant argues that the Controlled Parking Zone (CPZ) will prevent this from happening, but it is likely that with this form of development, there will be a need for operation parking to ensure that hazard does not occur. Oxford is a major tourist attraction where coaches are known to ferry in groups of tourists especially in the summer months. Due to the nature of London Road and in the vicinity of the site, there is no opportunity for safe parking to allow hotel guests to be picked up/dropped off.
- 10.73. County Highways raised concerns with access to the hotel from parking within the public car park at Headington car park behind Waitrose. Highways consider that the access is via a narrow walking route at the back of properties that leads to the Headington public car park and argue that the nature of this route is unsafe as it not overlooked. Whilst this position is understood, it is not considered that a reason for refusal on this alone is sustainable as there are other means of connecting to this car park than through this route adjacent to Bury Knowle Park.
- 10.74. Delivery and Servicing: This will take place off the highway through a servicing entrance on Stile Road. Swept path analysis has been undertaken utilising a 12m long rigid and 11.3m long refuse collection truck respectively as appended to the TA. Although the tracking appears to show a slight infringement/overrun on the western kerb of Stile Road, Highways consider that this can be avoided by careful driving. It is also noted that the servicing

and delivery arrangement shall be maintained as is currently used with the convenient store.

- 10.75. However, the layout of the rear service yard is very tight and there is concern that vehicles may not be able to use the loading bays at the same time. Highways note that if the gate is closed and a lorry cannot enter immediately, it will be waiting in a place where it could cause a safety hazard to vehicles exiting the roundabout. A delivery and servicing plan should be therefore be provided demonstrating how this situation would be avoided, and indicating suitable off site waiting areas should delivery vehicles arrive early or be unable to enter the yard for any reason.
- 10.76. Had the other reasons for refusal not applied, a Delivery and Servicing Plan would have been sought.
- 10.77. Traffic Impact: The submission has utilised TRICS to determine the likely trip generation assessments both from the existing development and as proposed. While it is considered acceptable to use TRICS for forecast trip generation, Highways consider that it is not acceptable to use the same approach to assess current travel movements. To do this, Highways consider that this information should be garnered by using a site survey to establish trips, which would give a more accurate representation of the arrival/departure pattern rather than using TRICS.
- 10.78. The assessment of the predicted traffic likely to be generated by the proposed hotel has also utilised data from TRICS. The trip rates that have been submitted as part of the TA, and Highways considered that the data used is too low. Utilising the TRICS database with the same parameters as those used in the TA which generate slightly higher trips. The TRICS output appended to the TA reveals that a further deselection was done to manually remove survey sites with allocated parking. However, an assessment of the selected sites shows however that some do indeed have on site parking. These sites are as follows: GM-06-A-08 (IBIS Manchester) shares an underground car park with Novotel; WL-06-A-02 (HOLIDAY INN - Swindon) adjacent station car park but also benefits from a drop off lay-by and WY-06-A-03 (Travel Lodge - Halifax) has a large car park available at the front of the hotel. Highways consider therefore that these sites are not suitably representative of the application site and without the use of comparable sites, the assessment is not comparable or as robust as it could be. It also does not reflect the impact of whether on-site parking provision or the lack of it (with the use of an alternative nearby public car park) would influence demand. It is therefore considered that this assessment is not robust.
- 10.79. Travel Plan: The proposed development is in an area with a good opportunity to promote active and sustainable travel. The proposed development will trigger the requirement for a Travel Plan and associated monitoring fee in line with Oxfordshire County Council guidance. The Travel Plan should include information on how active and sustainable travel will be encouraged to and from both the hotel and restaurant.

10.80. Cycle Parking: Cycle Parking has been shown at the front of the site for visitors and shoppers with separate staff cycle parking to the rear of the building. County Highways have confirmed cycle parking has been provided in accordance with the required standards.

10.81. Conclusion: Having considered the proposal in the light of the TA and the assessment undertaken by the Highway Authority, there are a number of objections to the proposal that have not been considered by the applicant. Those objections relate to the failure to provide for dropping off/picking up of residents, a lack of analysis of parking capacity in the area to accommodate the demand for parking generated by the hotel; the lack of parking provision on site to accommodate the operational needs of the development; the inadequate survey data to assess traffic impact and concerns in respect of delivery and servicing. The proposal therefore fails to adequately consider highway impact and would lead to an unacceptable impact on highway safety and hazard contrary to policies M2 and M3 of the Oxford Local Plan 2036.

## **V. Managing the impact of development**

10.82. Policy RE7 states that planning permissions will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected and does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network, and provides mitigation measures where necessary.

10.83. The site is located next to an existing school and existing housing on the edge of the Headington District Centre. The site is located on a principal arterial road. It is considered for the purpose of assessing the impact of development that the site is located in a mixed use area and in an area populated by residential houses, flats, retail, commercial and restaurants.

10.84. Noise: A Noise Exposure Assessment of the sound insulation performance for all elevations has been provided. This assessment indicates that adequate glazing specification has been proposed and the use of appropriate ventilation has been recommended. This should be sufficient to achieve recommended internal noise levels for the proposed development according to BS 8233: 2014, World Health Organisation and requirements of the Local Authority.

10.85. Noise rating levels for any new mechanical equipment relating to plant, mechanical ventilation and air conditioning has not been proposed in relation to the measured background noise levels, but this can be controlled through conditions.

10.86. The potential for the proposed development to introduce new noise sources into the area which may impact upon existing sensitive receptors has been submitted.

10.87. The current redevelopment proposals are for the provision of multiple bedrooms. Given that the proposed end-use for the site is for residential (hotel) purposes, the main potential sources of noise impacts on existing sensitive receptors is assessed as likely to be from construction noise and

vibration during the construction phase, building services plant and any potential increases in local traffic flows associated with the proposed development. This will need to be controlled by an appropriately worded construction management plan condition that controls the time of activity and other measures to control dust and vibration.

- 10.88. Comments have been made in respect of the impacts of dropping off of residents by taxis and cars along this road. Whilst it is appreciated that the hotel will be available for residents to access 24hrs, officers consider that in light of the current use of the top part of Stile Road, and existing car parking along the front of this highway, that the noise implications would not be so at odds with this existing usage such to justify a reason for refusal.
- 10.89. In respect of deliveries, it will be necessary to secure a Servicing and Delivery Plan in any approval to ensure that this is managed in a way that safeguards local residents amenity and of those children in the school. A condition would need to be imposed if planning permission was granted.
- 10.90. Subject to these conditions, having considered the information submitted with the application and acoustic assessment, the site is considered acceptable for the creation of a hotel and the retail unit in terms of its noise impacts.
- 10.91. Privacy: The hotel has been designed with full level windows to provide light to the hotel rooms and for outlook. However, given the proximity of the neighbouring school and residential properties, the full length windows have been designed to incorporate opaque glass from ground level up to eye level to prevent direct overlooking. This features on the southern elevation, where 24 bedrooms are on the first, second and third floor. This also features on the inner courtyard of the hotel where views open up on the southern elevation of the inner courtyard. On the eastern elevation, there are no hotel rooms, but end of corridor windows but these have a similar treatment with opaque glass to eye level and clear glass above.
- 10.92. All other windows are clear on the western and northern elevation.
- 10.93. Officers consider that this approach to safeguarding against loss of privacy is substandard as this is considered an overreliance on this feature to maintain privacy, and secondly it does not guarantee privacy as people could still achieve views out.
- 10.94. It is also considered that this would be intrusive for those residents and the school as introducing windows on the building of this scale increases the perception of loss of privacy and being overlooked.
- 10.95. Officers consider therefore that this does not address the issue of privacy and leads to the conclusion that overreliance on such features indicates that amenities haven't been considered from the design of the building and that the building is an overdevelopment of the site. It is noted in a similar relationship of Beech House to Headington Preparatory School that grilles have been used on windows, albeit that relationship is less direct as it in this application.

- 10.96. In recognition of this treatment however, it is considered this would not provide for an acceptable outlook for those guests at the hotel having poor outlook or be impacted on by the addition of additional window treatments.
- 10.97. Outlook: It is considered that the provision of opaque glass up to eye level would provide for poor outlook for guests occupying rooms on the southern elevation or wing of the building within the courtyard and is a substandard arrangement. The addition of any grilles to overcome this too, whilst not proposed in this application, also would be detrimental to the occupiers outlook.
- 10.98. Overbearing: The building on site would be far greater in scale, height and massing than the existing building on site. Whilst it is acknowledged this is set away from the boundary with 5 Stile Road than the current building, the scale, height and massing of the building, its proximity to the eastern boundary, as well as the number of windows on the southern elevation when viewed as a whole would be detrimental and be overbearing to the amenities of these occupiers.
- 10.99. Sunlight/Daylight: A Daylight Sunlight Assessment has been submitted with the application which considers the impact of this onto the school and neighbouring residences. There are two assessments. One considers the light in internal rooms of the development and the other considers the amount of light received by various properties. The DAS includes details of shading at Winter and Summer Solstice.
- 10.100. From the submitted report, it is apparent that the proximity of the development, and its proposed massing will have an adverse impact on the level of sunlight hours received into certain rooms within the school. This has been accounted for in an annual assessment of annual probable sunlight hours, and it indicates that the most affected neighbouring windows are within the School. This assessment is taken from the BRE guide and states that sunlight is adversely affected if there is a reduction of sunlight of more than 4%. Access to sunlight is necessary for learning and for mental health and this is a consideration in the analysis of the impact on the school. It does however state that average daylight factor is unaffected or a "negligible" change.
- 10.101. The shading analysis is rather restricted as it only considers Summer and Winter Solstice at 9am, 12pm, 3pm and 5pm. For the school it indicates that the massing of the building creates additional impact at Winter Solstice in the afternoon. The analysis does not indicate at what point in the year that this impact begins to improve. However it indicates that when the sun is at its lowest in winter that greater shading, coupled with less sunlight hours into certain rooms of the school, there is an impact. To balance this it is indicated that the school does impact upon the light received into the courtyard itself within the school, and it is noted that in the report the daylight factor is unaffected.
- 10.102. The same document also identifies a high impact on light received on the ground floor to 150 London Road, as well as additional shading to this

building in Winter. However as this is a retail unit on the ground floor, it is considered that this is less sensitive to reduced daylight than the occupiers of the school and it is noted that these windows are high level.

- 10.103. Having regard to impact on residential dwellings on Stile Road, the analysis reveals the impact of the building to be negligible. In respect of shading analysis, this reveals that the development would be an improvement as the buildings improve the relationship with 5 and 7 Stile Road, being set further back from the boundary and there being a negligible change to average daylight factor.
- 10.104. It is also necessary to consider the impact of daylight and sunlight of occupiers of the hotel. In respect of shading, it is noted that the bedroom windows onto the central green space will be in shade throughout the day in Winter due to the proximity of the building mass and it being a narrow courtyard space that has been created.
- 10.105. Further there is concern with the use of opaque glass that is relied upon as a means to address amenity. It is not clear in the Daylight and Sunlight Assessment whether it takes into account the use of opaque glass. As discussed above a significant amount of windows are utilising this to address concerns of impact on overlooking and would not let light in so would not contribute as described in the Assessment. In that report it states *All of the habitable areas will benefit from large areas of glazing to increase the amount of daylight within the internal spaces where possible. This is expected to reduce the need for artificial lighting whilst delivering pleasant, healthy spaces for occupants.* The modelling as shown in the Sunlight Daylight Assessment indicates floor to ceiling windows, but this would not be the case if  $\frac{3}{4}$  of the windows are opaque. It is not clear whether the report considers either just the top area of clear glass or the whole pane and accounted for opaque glass. Although the report does appear to state that there would still need to be lighting in some rooms in the internal daylight sunlight conclusion. Certainly for those rooms that utilise opaque glass that the use of opaque glass rather than obscure means that only natural light comes in from the high level window.
- 10.106. Cumulatively, whilst the analysis reveals that the proposed development will not impact on the majority of residential buildings in respect of shading and loss of sunlight or daylight, the school will certainly be impacted upon through additional shading and reduced sunlight hours created by the additional scale and massing of the building. It is accepted that the school day is limited to around 3pm, but in the winter months the impact would be apparent through the day until 3pm. This indicates that the development will be harmful in terms of its impact and this would be to the detriment of school users.
- 10.107. Whilst the report is unclear over whether the use of opaque glass has been considered in its analyses, it is considered that the use of opaque glass and the design of the building will result in substandard accommodation for occupiers of the hotel rooms within the central courtyard area through

shading throughout the day in the winter months, and potentially other times of the year.

- 10.108. It is also considered that the use of opaque glass would have an adverse impact on outlook to those occupiers of the hotel rooms.
- 10.109. In respect of privacy there is an overreliance of opaque glass to prevent overlooking of the school and of 5 and 7 Stile Road. This on its own is not considered an acceptable measure for preventing loss of privacy and would increase the perception of being overlooked.
- 10.110. Finally the building is considered by reason of its scale, height and massing to be overbearing to local residents and occupiers of the school.
- 10.111. For these reasons the application is considered to be contrary to Policy RE7 of the adopted Local Plan.

## **VI. Trees**

- 10.112. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.
- 10.113. Policy G8 states development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features such as hedgerow, trees and small public green spaces.
- 10.114. There are three existing trees relevant to the application. A semi mature ash tree (T2) on site; a semi mature scots pine off site and a mature Ailanthus (T1) (tree of heaven) off site.
- 10.115. In respect of the semi mature Ash, this is proposed to be lost to the development. This tree is relatively small and of moderate quality. The stem of this tree has started to grow into the metal guard around it and the species is at future risk of ash dieback disease. Its loss therefore is considered only of minor harm which can be adequately mitigated through replacement tree planting on the site's frontage on London Road.
- 10.116. In respect of the semi mature Scots pine, this is in the adjacent school frontage on London Road. This tree is developing well and is likely to be a significant positive landscape feature for 40+ years (A category), however this has not been included in the application's tree report and is within a few metres of the site's boundary. Officers consider that whilst the tree should not be adversely affected by the proposed scheme, this needs to be considered in tree protection measures through a condition.

- 10.117. In respect of the mature Ailanthus off site, this is in the pavement on Stile Road. The root plate of the tree is causing deformation of the surrounding tree grille and hardsurface, which indicates ground conditions are restricted for tree growth. The scheme proposes to retain this tree and subject to robust measures seems feasible, however it is noted that two disabled parking spaces are proposed to be located immediately adjacent to this tree and there are concerns that the levels in this area are awkward, The impact assessment does indicated that a resin bound gravel is proposed in this area and that the design will take into consideration in the levels however this is not evidence to indicate that this will happen without significant regrading into the trees root protection area.
- 10.118. Additional information has been submitted by the applicant in light of the comments made, but Officer comments on the acceptability of this were not available at the time of writing the report. A verbal update will therefore be given at Committee.
- 10.119. In respect of the previous use of the site, the site was at one time a petrol station and thus there is a need to consider the implications for contamination. Contamination may have potential implications for the treatment of the proposed tree planting along the frontage to the London Road, subject to findings of intrusive investigation and contamination risk assessment, together with any remediation that may be required under Land Quality conditions. Consideration of soil contamination, and its suitability as a growing medium generally, for tree planting is required (a biologically based soil scientist report is required). Adverse findings may potentially necessitate soil replacement, but these elements can be conditioned.
- 10.120. In respect of tree canopy, given the low amount of existing canopy cover on the site, and extent of new tree planting proposals, a net increase in canopy cover over 25 years as per the policy requirement of G7, for Major developments, can be anticipated. However, the application does not include a tree Canopy Cover Assessment study to demonstrate and quantify compliance.
- 10.121. Overall, whilst there are no tree objections in principle, there are some concerns that exist in relation to impact on the existing Ailanthus off site and in respect of the quality of the soil to the front of the site. Additional information was required of the applicant and was received by Officers. A verbal update at Committee will be provided as to whether the concerns from officers are addressed.

## **VII. Flooding and Drainage**

- 10.122. The site is located in Flood Zone 1. A drainage strategy and SUDS maintenance and management plan has been submitted. Oxfordshire County Council Lead Local Flood Authority have considered the strategy and have raised no objections to the proposal.
- 10.123. The Stantec report accompanying the application states that the redevelopment will not change the impermeable area of the site, which is

effectively all of it. The site currently discharges at unrestricted brown field rates to a sewer. However green roofs are proposed to provide treatment and attenuation storage before discharge. This will result in a betterment of 97%

- 10.124. In the event of flooding from rainfall, the strategy seeks to not increase the risk of flooding to neighbouring properties for events up to 1 in 100 year plus 40% climate change.
- 10.125. Objections have been received from residents in respect of the capacity of the Thames Water sewerage network for foul waste. The Strategy advises that foul water will be discharged to the Thames Water sewer in Stile Road via a new connection. A consultation with Thames Water advises that they will need to undertake modelling work to establish capacity but that this does not mean that planning permission should be refused on this basis, but that this work can only be undertaken if permission has been approved as Thames Water would be required to do this only if planning permission is granted.
- 10.126. Thames Water advise in respect of surface water and water capacity, that the proposals are acceptable.
- 10.127. Concerns have also been received from third parties in respect of impact on the Lye Valley SSSI, from increased surface and ground water flows, but this has not been identified as a concern and the County as Local Lead Flood Authority have not raised any objection on this.
- 10.128. Subject to conditions there is no objection to the proposal on flood risk or drainage grounds, compliant with policies RE3 and RE4 of the Local Plan.

### **VIII. Energy and Sustainability**

- 10.129. Policy RE1 of the Oxford Local Plan states planning permission will only be granted where it can be demonstrated that the building complies with sustainable design and construction principles. In addition, an Energy Statement must be submitted that demonstrates a 40% carbon reduction in carbon emissions, as well as evidence that for non residential development of over 1000sqm, the development will meet BREEAM Excellent standard.
- 10.130. In terms of sustainable design and construction principles, this is mostly covered in the submitted statement, albeit it is noted that the proposed Air Source Heat Pumps are not shown on the plan and it does not state how it will create a building that is flexible and adaptable to future occupier needs (principle f. of policy RE1). The statement also sets out that in terms of assessing overheating risk, 'the majority' of areas have passed the criterion for limiting solar gains, however does not explain which areas did not.
- 10.131. Had the above reasons for refusal not been raised, further information would have been sought.
- 10.132. An Energy Statement has been submitted with the application which sets out how the proposal has been designed in respect of sustainability, carbon

emissions, renewable energy and environmental impact, against policy RE1 of the Local Plan.

10.133. The Energy Statement demonstrates that the building complies with Part L 2013 of the Building Regulations. It goes on to state that the fabric performance of the building has been assessed to reduce energy consumption, looking at fabric first measures of higher levels of insulation and high performance glazing beyond Building Regulations requirements. Low zero carbon air source heat pumps will provide the heating system and provide hot water. This will provide 33.39% reduction in carbon emissions. A further 7.3% carbon reduction will come from the incorporation of photovoltaic panels on the roof of the building. Cumulatively the air source heat pumps and the PV panels will deliver an overall reduction of 40.7% reduction in carbon emissions which accords with the policy target of 40% reduction against Part L 2013 Building Regulations compliant with policy RE1 of the Local Plan.

10.134. However the policy also requires that the application for non-residential developments over 1000 sqm, that the proposal demonstrates compliance with BREEAM excellent. A hotel falls under C1 which is non-residential development, and is clearly not an apart hotel. To comply with policy RE1 it states that for this building type, it must be demonstrated that the scheme falls within BREEAM excellent standard. In that regard the Energy Statement does not address that component of the policy and therefore compliance with policy RE1 has not been demonstrated.

10.135. Therefore the application is contrary to Policy RE1 of the Oxford Local Plan 2036.

## **IX. Biodiversity**

10.136. Policy G2 of the Local Plan states development that results in a net loss of sites and species of ecological values will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity.

10.137. In this instance, the application seeks the removal of the existing Co-Op building. To support the application a protected species survey report has been submitted and indicates that the building was surveyed for bats. The building is assessed as being negligible potential for shelter for roosting bats, and no bats or evidence of bats were found.

10.138. In light of this, officers are satisfied that the existing ecological value of the site is low, and that that a condition requiring ecological enhancements to ensure a net gain for biodiversity can be achieved and can be secured to any permission.

10.139. Objections have been received regarding the lack of opportunities for biodiversity enhancements to be provided as part of the application. In response, it is considered that the proposal offers landscape opportunities, green walls and green roofs. This in addition to requiring a scheme for

ecological enhancements is considered to provide opportunities for biodiversity in accordance with Policy G2 of the Local Plan.

## **X. Archaeology**

- 10.140. Policy DH4 of the Local Plan has regard to archaeology and the historic environment.
- 10.141. Officers have determined this site is of interest because it involves groundworks in a location that has potential for late medieval and post-medieval remains in the form of a historic trackway of unknown antiquity that linked Old Headington with the medieval settlement at Headington Quarry. The site is located in an area that has not been subject to significant archaeological investigation. The desk based assessment includes an assessment of low to moderate potential for Saxon and medieval remains.
- 10.142. Having regard to the NPPF and policy DH4 and the contents of the desk based assessment, any consent granted should be subject to a condition to secure archaeology trial trenching followed by further mitigation as appropriate.
- 10.143. Subject to a condition it is considered the application is acceptable against Policy DH4 of the Local Plan.

## **XI. Air Quality**

- 10.144. Policy RE6 of the Oxford Local Plan has regard to air quality and states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced.
- 10.145. The baseline assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO<sub>2</sub> air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the area of the application site, show that current air quality levels are below all relevant air quality limit values.
- 10.146. According to the site's energy statement, no gas-fired boilers or combustion plant are proposed within the site. The proposed development will be covering its heating demands with the installation of highly efficient Air Source Heat Pump in the majority of the building spaces and the PV technology, and as such there will be no negative impacts on local air quality from the use of these systems.
- 10.147. According to the site's transport and air quality assessments, the development will result in the loss of four parking spaces, and the demand to access the site is expected to decrease from the current food retail site to the proposed mixed-use development of a smaller store and a hotel. No car parking will be provided on site for either the hotel or retail unit.

- 10.148. All surrounding streets are covered by area wide CPZ which will prevent overspill parking being hazardous or a nuisance. Limited waiting/high turnover on-street parking bays adjacent provide opportunity for hotel drop-off and convenience store customers. The site's highly sustainable location will also encourage use of alternative modes of transport and therefore fully complies with all Transport Assessment requirements of the Local Plan.
- 10.149. A quantitative assessment of the potential impacts on local air quality arising from the proposed development during the operational phase has been undertaken using the detailed dispersion model ADMS Roads. The model was used to predict the changes in NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations that would occur at nearby sensitive (human) receptors due to traffic generated by the proposed development. The assessment was completed in line with published methodologies and technical guidance and using several conservative approaches. The results of the assessment showed that the proposed development will have a negligible impact on air quality at all assessment receptors considered, once operational.
- 10.150. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment. The site was identified as 'low risk' during the demolition, earthworks and construction phases. These different risk levels were used to identify appropriate site specific dust mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. In the event that planning permission is granted then it is considered that the necessary air quality measures described above can be required by condition to ensure that the proposals are acceptable in the context of Policy RE6 of the Oxford Local Plan 2036.

## **XII. Land Quality**

- 10.151. Policy RE9 seeks to ensure that development proposals adequately assess contamination and their risks on the surrounding environment.
- 10.152. The former uses of the land includes use as a garage and fuel filling station. Underground fuel/oil storage tanks are confirmed to be present on site in the submitted Ground Condition Assessment report. Contamination risks are therefore considered likely based on this and historical information and an intrusive site investigation of the site is considered necessary to quantify potential contamination risks to groundwater, construction workers and future end users to include assessment of volatile vapour risks.
- 10.153. The submitted Phase 1 Ground Condition Assessment Report is approved and planning conditions are required to secure the recommended intrusive investigation and contamination risk assessment at the site, together with any remediation that may be required.
- 10.154. Subject to conditions being imposed, it is considered that the application would be acceptable in land quality terms and would meet the requirements of Policy RE9 of the Oxford Local Plan 2036.

### **XIII. Health Impact Assessment**

- 10.155. Policy RE5 of the Oxford Local Plan states that Oxford will seek to promote strong vibrant and healthy communities. For major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include details of implementation, and monitoring.
- 10.156. A Health Impact Assessment (HIA) has been submitted, however, Officers are concerned with the limited detail set out in the document. This limited detail relates to the details of implementation and monitoring, which is necessary for ensuring that where measures have been incorporated into a proposal to address health and wellbeing issues, their performance is monitored and a system in places for correction where they are not effective. In this instance, this level of detail is limited.
- 10.157. Had the above reasons for refusal not applied, Officers would have sought an amended HIA from the applicant to address the requirements of the policy. Without this the application is contrary to policy RE5 of the Oxford Local Plan.

## **11 CONCLUSION**

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development is not considered acceptable for the reasons set out within this report and would not accord with the relevant policies of the Oxford Local Plan 2036 and the Headington Neighbourhood Plan.

*Material consideration*

- 11.5. The principal material considerations which arise have been addressed in earlier sections of this report.
- 11.6. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.7. NPPF paragraph 11 states that proposals that accord with the development plan should be approved 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.
- 11.8. Officers consider that the proposal would not accord with the overall aims and objectives of the NPPF for the reasons set out within the report.
- 11.9. Officers would advise members that, having considered the application carefully, the proposal is not considered acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.10. It is recommended that the Committee resolve to refuse planning permission for the development for the reasons given in section 1.1.3.

## **12 HUMAN RIGHTS ACT 1998**

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to 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.

## **13 SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 13.1. 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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