

Application number:	21/03622/VAR		
Decision due by	25th March 2022		
Extension of time	1 st July 2022		
Proposal	Variation of condition 2 (Deemed in accordance with approved plans) of planning permission 18/00872/FUL (Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment (amended plans)) to allow an additional level within existing built envelope and without altering roofline following asbestos excavation; internal and external reconfiguration including on landscape, internal layouts, floorspace, and architecture and associated operational and design changes.		
Site address	Helena Kennedy Centre, Headington Hill – see Appendix 1 for site plan		
Ward	Headington Hill And Northway Ward		
Case officer	Michael Kemp		
Agent:	Chris Pattison	Applicant:	Oxford Brookes University
Reason at Committee	The proposals involve significant material amendments to a major development.		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

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

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

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a number of variations to approved planning application 18/00872/FUL. Planning approval was granted in August 2018 for the demolition of the former Helena Kennedy Centre, a large two storey building used by Oxford Brookes University for teaching purposes and its replacement with a new two storey building, which would similarly be used for academic purposes by the University. The amendments involve the provision of an additional basement level to the building, revisions to the façade and fenestration design, surrounding hard and soft landscaping and changes to the car and cycle parking provision, including reduced provision compared with the approved plans.
- 2.2. The principle of providing additional teaching and academic space has been accepted under planning permission 18/00872/FUL and this permission has been commenced. Nevertheless this aligns with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill Campus and Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill Campus. The proposals therefore relate to a wider strategy to rationalise provision of academic floorspace across the wider Brookes estate, rather than to provide additional net academic floorspace. There would therefore not be a conflict with Policy H9 of the Oxford Local Plan, as the proposals should not generate an increase in student numbers. The number of Brookes full time taught course students living in non-university accommodation currently falls significantly below the threshold of 4000 specified in Policy H9 of the Oxford Local Plan, therefore the net increase in teaching academic space equating to 2852sqm, delivered through the provision of an additional storey to the building would not conflict with Policy H9.
- 2.3. The proposed building as revised would be located on the footprint of the approved building and the revised building would fall broadly within the height parameters of the approved building. The general amendments to the design are considered acceptable in accordance with Policy DH1 of the Oxford Local Plan and Policies CIP1 and CIP3 of the Headington Neighbourhood Plan. Notwithstanding this, the addition of the further storey would however increase the presence of the building as experienced within its immediate context, including within the context of the Headington Hill Conservation Area and Grade II* listed Headington Hill Hall. It is considered that the development would result in less than substantial harm to both designated heritage assets, however when considered under the balancing exercise required under Paragraph 202 of the NPPF, the harm would be demonstrably outweighed by the public benefits of the development.
- 2.4. A total of 26 parking spaces are proposed, this equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking compared to previous levels and previously consented levels is considered to be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with the key aims of Policy M1 of the Oxford Local Plan. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. A total of

320 cycle parking spaces are proposed within this application which would comply with Policy M5 of the Oxford Local Plan.

- 2.5. Ecological mitigation and management of surface water drainage would not be substantially altered compared with the consented scheme and subject to details which would be secured by condition, the development is considered to comply with the respective relevant policies G2, RE3 and RE4 of the Oxford Local Plan.
- 2.6. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.
- 2.7. The development is considered to comply with the local and national development framework as a whole and it is recommended that the Committee resolve to grant planning permission for the development proposed. It is recommended that the Committee resolve to grant planning permission for the development proposed.

3. LEGAL AGREEMENT

- 3.1. This application would not be subject of a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for a CIL contribution of £109.116.98

5. SITE AND SURROUNDINGS

- 5.1. The site includes part of the Oxford Brookes Headington Hill Campus which includes the site of the former Helena Kennedy Centre, which was a two storey building constructed in the 1960's formerly used by Pergamon Press and latterly by Oxford Brookes University. The former Helena Kennedy Centre was demolished following the grant of planning permission 18/00872/FUL. The planning permission allowed for the development of a two storey building to be used as academic floor space by Oxford Brookes Faculty of Technology, Design, and Environment. The former building has since been removed from the site and construction works have taken place to remove concrete and tarmac hardstanding located beneath the former building. The excavation works were carried out in order to remove buried asbestos, which has since been removed, resulting in a significant change in topography across the site.
- 5.2. The application site is adjacent to the main entrance of the Headington Hill Campus and vehicular access to the site is provided from London Road. There are a large number of mature trees on the site, some of which are substantial in height and provide a significant contribution in visual amenity terms. Access into the application site is currently restricted as the site is surrounded by hoardings preventing public access. Formerly there were access paths through the site. Access is provided into the Headington Hill site across the pedestrian bridge over London Road to Cheney Walk.

5.3. There is a single storey green pre-fabricated building on the site (Willow Building). This is a temporary structure used for teaching purposes. Temporary planning permission was granted in January 2021, extending the use of the building for a further five years, or until such time as the replacement building approved under application 18/00872/FUL was operational.

5.4. The site is located to the east of Headington Hill Hall, a large Grade II* listed building, which was formerly a private house but is now used by Oxford Brookes University for academic and teaching purposes. The site forms part of the immediate setting of this listed building and also falls within the Headington Hill Conservation Area. The site is also within the setting of the Grade II listed Headington Hill Hall Lodge, which is located at the entrance to the campus site.

5.5. See block plan below:



6. PROPOSAL

6.1. This application seeks planning approval for variations to approved planning application 18/00872/FUL. Planning approval was granted in August 2018 for the demolition of the former Helena Kennedy Centre, a large two storey building used by Oxford Brookes University for teaching purposes and its replacement with a new two storey building, which would similarly be used for academic purposes by the University.

6.2. The former Helena Kennedy Centre has since been demolished and the site of the former building has been cleared. Work has not commenced on constructing

the replacement building, however the demolition of the former building which was carried out in 2019 would in officer's view constitute commencement of development and implementation of the planning permission. As such the permission is extant in perpetuity and is a legal fallback position.

6.3. Substantive excavation works have also been undertaken on site to remove asbestos, which has altered site levels, through the removal of a plinth which was included on the previous design. Given the changes to the site levels, which has facilitated level access to the building, permission is sought to add an additional storey to the building without altering the building height, footprint and building envelope. 5300sqm of floorspace was approved under planning application 18/00872/FUL. The proposed floorspace within the replacement building would be 8152sqm, which would be an overall increase of 2852sqm of floorspace.

6.4. The list below summarises the changes sought to the extant planning permission 18/00872/FUL:

- Additional basement level added
- Rotation of rooflights to respond to internal circulation.
- Café relocated from first floor to ground floor.
- Landscape levels to perimeter re-graded without affecting relationship to surrounding trees.
- Façade reorganised to suit internal programme over 3 floors.
- Building to be set into ground at Headington Road end to maintain existing levels and massing relationship to the Gatehouse and site entrance.
- First floor balcony removed from NE façade facing Headington Hill Hall.
- Additional cycle shelters to serve the new building.
- Revisions to landscaping.
- Reduction in car parking spaces surrounding the site.

6.5. The proposals have been subject of further design amendments since the variation of conditions application was submitted. This includes changes to the elevational treatment of the building, including alterations to extend the areas of glazing and to simplify the roof structure of the building.

7. RELEVANT PLANNING HISTORY

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

63/13463/A_H - Erection of building for office and storage accommodation. Permitted 11th June 1963.

64/13463/A_H - Erection of building for offices and storage accommodation. Permitted 14th July 1964.

67/19523/A_H - Extension to existing warehouse to provide additional office accommodation on ground floor with store over. For Pergamon Press. Permitted 28th November 1967.

68/20342/A_H - Change of use from warehouse into office accommodation. For Pergamon Press. Permitted 25th June 1968.

68/20396/A_H - Conversion of part of warehouse into multi-purpose flat and staff canteen. Permitted 9th July 1968.

68/20460/A_H - Conversion of part of warehouse into office accommodation and computer room. For Pergamon Press.. Permitted 23rd July 1968.

73/00397/A_H - Extension to provide new reception and toilet facilities. For Pergamon Press. Permitted 18th May 1973.

85/00538/NFH - Extension of existing office accommodation into two pavilion blocks. Permitted 8th November 1989.

90/00078/NFH - Roof modifications to approval NFH/0538/85 (extension of office accommodation into two pavilion blocks). Minor alterations to elevation (amended plans). Permitted 30th October 1990.

92/00540/NFZ - Change of use from residential and business use to use for educational purposes by Oxford Brookes University HEC. Permitted 20th April 1993.

18/00872/FUL - Demolition of existing Helena Kennedy building, and erection of replacement academic building for the Faculty of Technology, Design, and Environment (amended plans). Permitted 24th August 2018.

20/01986/FUL - Temporary retention of half of the Willow Building for a period of 5 years. Permitted 29th January 2021.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan
Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights	CIP1 - Development respect existing local character CIP2 - Protecting locally important views CIP3 - Innovative design
Conservation/Heritage	189-208	DH3 - Designated heritage assets	CIP4 - Protecting important assets

Housing	60-77	H9 - Linking new/used/refurb University	
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GSP3- Conserving and enhancing biodiversity GSP4 - Protection of the setting of the site
Transport	104- 113	M1 - Prioritising walking,cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking	TRP1 - Parking at major employment sites TRP4 - Disabled to use active transport TRP5 - Promotion of cycling
Environmental	119-125; 152-169; 174-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	
Miscellaneous	7-12	S1 - Sustainable development E2 - Teaching and Research SP17 - Headington Hill Hall and Clive Booth Student Village	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th January 2022 and an advertisement was published in The Oxford Times newspaper on 6th January 2022.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways Authority

9.2. Following their initial consultation response dated 18th May 2022, which raised concerns regarding the phased delivery of cycle parking and non-payment of the Travel Plan monitoring fees, the County Council have since accepted a phased approach to the delivery of cycle parking as such an approach had been agreed under planning application 18/00872/FUL. The County Council have further accepted that non-payment of the Travel Plan monitoring fees would not

represent grounds to object to the planning application, as this is dealt with under a separate Unilateral Undertaking between Oxford Brookes and the County Council and the requirement to update the Oxford Brookes Travel Plan would be secured by condition as per the original planning permission.

Lead Local Flood Authority

9.3. The County Council have updated their response and have removed their objection subject to a final drainage strategy being prepared prior to the commencement of development.

Historic England

9.4. Content that the revised building design would be of comparable quality and sensitivity to the nearby listed Headington Hall as those granted planning permission 18/00872/FUL and do not wish to raise any concerns.

Natural England

9.5. Do not wish to comment.

Thames Water

9.6. No objection.

Public representations

9.7. A single letter of objection has been received in relation to the planning application, the following matters were raised as concerns:

- Development does not give consideration to the impact on natural springs which are present in the pond at Headington Hill.
- A building of the weight and size proposed immediately upstream may affect natural flows, therefore a full hydrological assessment of the natural groundwater flows and geology is required.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage Impact
- Trees
- Transport
- Neighbouring amenity
- Ecology
- Flood Risk/Drainage

- Land quality
- Air quality

Principle of development

10.2. The principle of development has been established by virtue of planning permission 18/00872/FUL being granted, which has since been implemented. As the existing planning consented has been implemented this represents a legal fall-back position.

10.3. Policy E2 of the Oxford Local Plan is applicable to all developments involving the formation of new academic or administrative floorspace. Policy E2 states that Planning permission will be granted to support the growth of Oxford Brookes University through the redevelopment and intensification of academic and administrative floorspace on their existing sites at Headington Hill and Gypsy Lane. The policy also states that planning permission will only be granted for new or additional academic or administrative floorspace for educational institutions if it can be demonstrated that Policy H9 is met; or, where this policy does not apply, that a suitable form of student accommodation for all students will be provided, with controls in place to ensure that the provision of accommodation is in step with the expansion of student places. Accounting for Policy E2 of the Oxford Local Plan and site Policy SP17, development which would provide additional academic space on the Headington Hall site can be accepted in principle, subject to compliance with Policy H9 of the Oxford Local Plan.

10.4. Policy H9 links the delivery of new academic university facilities to the delivery of university provided residential accommodation in order to prevent unrestricted growth in academic space and consequently student numbers, which places further pressure on local market housing, if this growth in student numbers is not matched through the delivery of purpose built accommodation.

10.5. Specifically for Oxford Brookes University planning permission will only be granted for new/redeveloped or refurbished academic or administrative accommodation for Oxford Brookes University where it can be demonstrated that:

- *The new accommodation would not generate or facilitate any increase in student numbers; or;*
- *The number of their full-time taught course students living in Oxford in non-university- provided accommodation does not exceed 4,000 at the time of the application. This threshold will be increased to 4,500 if:*
 - i) *On 01 April 2023 a scheme delivering a net increase of at least 500 student bedrooms has not been developed at Clive Booth Student Village (Site SP17); and/or Oxford Brookes is able to demonstrate that they are unable to secure additional nomination rights to meet the threshold. This threshold would return to 4,000 once the additional 500 student bedrooms are delivered and/or secured.*
 - ii) *On 01 April 2030 Oxford Brookes is able to demonstrate that they are unable to meet the threshold because they are unable to secure new nomination rights to replace expiring nomination rights.*

- 10.6. The proposed building would house Oxford Brookes School of Engineering, Computing and Mathematics which is currently housed at the Wheatley Campus and is being vacated ahead of potential redevelopment to provide 500 homes accounting for the sites allocation in the South Oxfordshire Local Plan. At the time that the previous application was determined, it was considered that the proposals would not equate to an overall increase in academic floorspace, given that the wider plans in place for Oxford Brookes to reduce academic floorspace across the various campus sites from 125,000sqm to 87,000sqm by consolidating its estate. The decommissioning of the Wheatley Campus will play a significant role in this. The proposals therefore relate to a wider strategy to rationalise provision of academic floorspace across the wider Brookes estate, rather than to provide additional net academic floorspace, so there would not be a conflict with Policy H9 of the Oxford Local Plan, as the proposals should not generate an increase in student numbers. The number of Brookes full time taught course students living in non-university accommodation currently falls significantly below the threshold of 4000 specified in Policy H9 of the Oxford Local Plan.
- 10.7. The development would align with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill site, as the proposals would provide a new academic and teaching facility, whilst also aligning with Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill site. As the proposals would involve the replacement of academic space located elsewhere on the Oxford Brookes estate it is unlikely that the development would directly facilitate an increase in student numbers and in any event the number of students living in non-university accommodation does not currently exceed 4000 students so there would be no conflict with Policy H9 of the Oxford Local Plan.
- 10.8. The Willow Building located to the south of the site is currently used as temporary teaching space. Temporary planning permission was granted in January 2021 for a period of five years, under the condition that the building was removed from the site following the expiry of the temporary planning consent, or within three months of first occupation of the building approved under planning permission 18/00872/FUL. The same condition would be attached to this planning consent requiring that the Willow Building is removed within three months of first occupation of the building approved under this new planning permission, providing this is completed and occupied before the expiry of the temporary planning permission relating to the application to retain the Willow Building, which would otherwise expire in January 2026.

Design

- 10.9. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Policy CIP1 of the Headington Neighbourhood Plan similarly requires that development responds to local distinctiveness, whilst Policy CIP3 requires that design is innovative and reflects

local heritage. Due regard has also been given to guidance set out within the National Design Guide and Design Code as specified in Paragraph 134 of the NPPF.

- 10.10. The replacement building consented under the original planning application was designed as a pavilion like building to sit within the mature parkland and to respond to this landscape, nestled within the existing mature trees. The proposals, as revised do not seek to alter the general design principles as consented and are principally driven by changes to the internal layouts of the building, site levels and the addition of the further storey.
- 10.11. The consented building was taller than the former Helena Kennedy Building. The height to the roof ridge varied between 10.6 metres and 12.1 metres to the roof ridge, with the height to the plant equipment measuring between 13 and 13.8 metres. The height, form and massing of the main elements of the building as revised within this application are unchanged from the previously consented design. There are however a number of proposed changes to the façade treatment as a result of the proposed additional storey which is directly related to the change in site levels. There are changes to the proportion of glazing and window openings which have increased accounting for the additional storey, in addition to design and other architectural changes. As a consequence the addition of the further storey would give the building a greater presence within the site, which would impact further on the setting of the Grade II* listed Headington Hill Hall.
- 10.12. The architectural changes to the external skin of the building, in particular the more solid appearance of the west end of the building would somewhat diminish the overall architectural quality of the building's appearance both from immediate views within the parkland of Headington Hill Hall but also in the longer views of the building seen adjacent to and clearly in the setting of Headington Hill Hall looking out of the city. The further amendments submitted under this variation of conditions application have included changes to the north-west end of the building to open up this section of the building to a further degree.
- 10.13. Changes are also sought to the design of the roof plant enclosure and the design of extract flues. The plant enclosure has increased in length, though the height is marginally reduced. The previously proposed rectangular flues have been amended to an angled saw tooth design. This change fits appropriately with the design of the rest of the building and reduces the visual mass of the upper sections of the building, although the increase in length of the rectangular section of plant would add to the overall presence of the building.
- 10.14. A Natural Resource Impact Assessment was submitted in support of the previous planning application as per the requirements of Policy CS9 of the Core Strategy, which was the adopted policy at the time that the application was determined. This included a range of suggested measures to improve the sustainability and energy performance of the building, including:
- Adoption of a fabric first approach.
 - Solar control/glare/daylighting.
 - Prevention of overheating.

- Mixed mode ventilation.
- Energy efficient lighting.
- Smart energy control system.
- Roof mounted PV.
- Air tightness.

10.15. The applicants design and access statement outlines that the insertion of the additional floor would improve the thermal performance of the building, compared with the previously approved plans further reducing carbon emissions. A condition requiring the final details of the sustainability measures to be incorporated into the development was attached to planning permission 18/00872/FUL and would be required under this subsequent variation of conditions application prior to the commencement of above ground works.

10.16. Changes are also proposed to the landscape design, including the provision of additional areas of social space, including the amphitheatre space to the south of the building, which has been enabled through the reduction in on-site parking and the need to provide stepped access to the building. Direct access to and from a level ground or outside landscape and more development of the landscape design to provide a more integrated approach to the building in its immediate context is an improvement over the consented design, and it is understandable that shared/communal/ public access activities should be located where they have immediate access to the outside. The landscape design amendments undertaken since the initial submission of this variation of conditions application gives greater consideration to the movement of students and staff around the site.

Heritage Impact

10.17. The building is located within the Headington Hill Conservation Area and the setting of the Grade II* listed Headington Hill Hall.

10.18. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions for planning permission affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance). Policy CIP4 of the Headington Neighbourhood Plan similarly reflects this requirement.

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

10.20. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or

enhancement of the Conservation Area's architectural or historic significance. Paragraph 199 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

- 10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.22. The application site falls within the historic curtilage of Headington Hall as shown on the second edition OS Map 1899-1900 where the site can be identified as set within the informal gardens and parkland that lay to the east of the house and extended as far north as Cuckoo Lane, an important footpath route from Headington Hill to Marston Road in the west. The formal parkland setting of the Hall which significantly provided it with its "country house" appearance is clearly evident today in spite of the additional buildings and subsequent changes in use that have occurred since James Morrell's original vision.
- 10.23. There is a sense of unplanned use to the land immediately around the house, with it primarily used for car parking and the proposed development together with future campus wide plans for the development and management of the surrounding land offers the opportunity to consider the significance of the landscape, both immediate and wider (the historic estate) significant structures that fall within the curtilage of the listed building or its setting (including the Lodge, and William Wilkinson's bridge over Headington Road) together with the setting of the Hall and seek to enhance these heritage assets based upon an understanding of what is important to preserve.
- 10.24. The approved building has been designed to sit within the position of the former Helena Kennedy Centre to the front of the Hall. The original design comprised a relatively simple building form, with a rectangular plan of two storeys under a flat roof. Although large, the approved building was designed to be sited within the area taken up by the former Helena Kennedy Centre building, thus minimising or removing any further harm to and/or loss of important parkland trees or disturbance of any undisturbed land.
- 10.25. In views from Pullen's Lane the new building would interrupt views of Headington Hill Hall, however this would not be to a significantly greater extent than either the approved building or the former Helena Kennedy Centre. Officers concluded that the building approved under application 18/00872/FUL would be an enhancement on the appearance of the former building and any harm to the setting of the listed building would certainly be no greater than the harm arising from the siting of the former building as the design would be of a much greater standard compared with the existing building. The Hall is a significant feature in long views out of the city toward the east. It is particularly evident in views from

St Mary's Tower. In these views the former building sat primarily behind the Hall and was deemed recessive or negative when considering the siting of the approved replacement building in terms of its architectural contribution that it makes to the panoramic view of the eastern hillside. The former parkland trees, in particular the highly distinctive conifer trees make an important contribution to the whole picture of the hillside and the new building would be partially visible from this important view point. The revised design would not be higher, although the revisions add additional presence to the building. Much of the proposed building would sit discretely behind the Hall however it is intended that the northern end of the new building should have its own vantage over the city and consequently it would itself be seen in long views from the city extending beyond the northern end of the Hall's garden façade. The new landscape surrounding the proposed building has been designed to both reinforce existing planting as well as to create a good setting for the new building.

10.26. The application site lies in the south western part of the Headington Hill Conservation Area. At ground level, the area immediately around the site is characterised by the institutional colonisation of the latter part of the space of the formal parkland that primarily belonged to Headington Hill Hall. In considering the approved application, officers considered that the replacement of the former building with a single large building of limited architectural merit that does not respect its context with a single large building that has been designed to respect the character and appearance of the setting informed by a heritage assessment would enhance the character of the Headington Hill Conservation Area.

10.27. It is considered that the proposed development by virtue of the scale, intervisibility of the building and its siting in relation to the Grade II* listed Headington Hill Hall would result in a low level of less than substantial harm to the setting of both the listed building and the setting of the Conservation Headington Hill Conservation Area. The addition of the further storey would increase the presence of the building in relation to the setting of the Grade II* listed building and within the Conservation Area, as experienced from views within the Headington Hill site, which in turn would amount to a low level of

10.28. Decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations powerful enough to do so. In the context of Paragraph 202 of the NPPF, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. There are a range of public benefits associated with the proposed development, this includes the benefits arising from the removal of the former building and its replacement with a building of an enhanced design, which respects to a greater degree the setting of Headington Hill Hall, both in terms of the architectural treatment and landscaping. The proposals would provide a new purpose built facility for the Faculty of Technology Design and Engineering. The proposals form part of a wider strategy to relocate existing academic space from the Wheatley Campus to Headington Hill. The provision of high quality, additional purpose built academic

space on the site has economic benefits given the interlinked research advantages. It is considered that the public benefits of the development would outweigh the identified level of less than substantial harm arising from the addition of the building, as amended. The proposals are therefore considered to comply with Policy DH3 of the Oxford Local Plan and Policy CIP4 of the Headington Neighbourhood Plan. Great weight has been given to the heritage asset's conservation and it is considered that the development would accord with Policy DH3 of the Oxford Local Plan; NPPF 199 and 202 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbouring Amenity

10.29. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. Policy RE7 of the Oxford Local Plan also requires that applications for development protect the amenity of neighbouring uses, this is applicable to non-residential as well as residential uses.

10.30. The nearest surrounding residential buildings to the east of the site are located on the opposite side of London Road, in excess of 80 metres from the proposed building. There are also buildings housing student accommodation located to the south west at Cheney Student Village, which is operated by Oxford Brookes. Due to the separation distance between the proposed building and the nearest surrounding residential properties, officers consider that the development would not have an overbearing impact in terms of its scale and siting and would not result in overshadowing or loss of light which would otherwise impact on the amenity of the occupiers of these residential uses. Likewise taking into account the relative separation distance to these nearest uses, it is considered that the new plant equipment which would be installed within the replacement building would not result in significant noise disturbance in accordance with Policy RE8 of the Oxford Local Plan.

Trees

10.31. Policy G7 of the Oxford Local Plan specifies that planning permission will not be granted for development proposals which include the removal of trees, hedgerows and other valuable landscape features that form part of a development site, where this would have a significant adverse impact upon public amenity or ecological interest.

10.32. It was proposed that the design and layout of the approved building, which was sited on the footprint of the former Helena Kennedy Centre, would reduce the amount of tree removals required, albeit that the removal of 2 mature and moderate quality and value trees (Category B); and a number of lower quality trees would be required.

10.33. Though the revised building footprint would cover the area of the approved building, accounting for several variations to the landscaping, areas of hardstanding and parking and new features including the amphitheatre, a new

Arboricultural Impact Assessment (AIA) has been prepared and submitted in support of this planning application. The revised AIA also accounts for works which have taken place on the site already, in particular the excavation works to remove asbestos, some of which have taken place within the Root Protection Areas (RPA's) of several trees.

- 10.34. No further trees are scheduled for removal compared with the approved plans. The submitted AIA confirms that the alignment of the replacement building, proposed amphitheatre and footpaths would encroach into the RPA's of retained trees. Subject to the provision of an Arboricultural Method Statement (AMS) and Tree Protection Plan, both of which would be secured before the commencement of further works, officers are satisfied that the development would not compromise the future integrity of retained trees. The indicative landscaping scheme for the site also includes the planting of additional trees in order to mitigate for the trees which would be removed to facilitate the development.
- 10.35. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.

Transport

- 10.36. Policy M3 of the Oxford Local Plan outlines that for non-residential developments relating to the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.
- 10.37. There were previously 40 staff parking spaces on site for employees of Oxford Brookes University which were adjacent to the Helena Kennedy Centre. Planning application 18/00872/FUL sought to retain all of these spaces within spaces to the east, south and south east of the building. The asbestos remediation works and associated changes to the proposed landscaping include a reduction in the number of proposed parking bays and associated areas of access and hardstanding.
- 10.38. The amended proposals submitted under this application make provision for a total of 26 parking spaces, this equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking compared to previous levels and previously consented levels is considered to be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with the key aims of Policy M1 of the Oxford Local Plan. The site is in a very sustainable location in terms of accessibility by bus, given the frequency and range of services nearby on London Road. The central location of the site means that it is accessible by cycling from much of the city. Officers therefore consider that the proposed reduction in on-site parking would comply with Policy M3 of the Oxford Local Plan.

- 10.39. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. This can be secured by condition.
- 10.40. Policy M5 of the Oxford Local Plan requires the provision of cycle parking within new non-residential developments in line with the specific standards outlined in Appendix 7.4 of the Oxford Local Plan. For non-residential further educational uses, the standards require that a minimum of one cycle parking spaces shall be provided for every 2 students and 1 space for every 5 members of staff.
- 10.41. The submitted transport statement outlines that the building is expected to house 600 students and 45 members of staff and a total of 320 cycle parking spaces are proposed within this application. The previous planning permission made provision for 206 cycle parking spaces. The number of spaces has increased due to the addition of further floorspace within the building which generates a requirement to provide further cycle parking. The location of the cycle parking is shown on the submitted site plan and includes spaces to the north of the building and further spaces to the south of the building. It is proposed that delivery of the cycle parking spaces would be phased as proposed within the previous planning application. A condition was attached to the original permission to secure the provision of the cycle parking and an acceptable strategy in respect of how this would be phased and this condition would be repeated here. The proposed number of cycle parking spaces would comply with the requirements outlined under Policy M5 of the Oxford Local Plan and is considered acceptable.
- 10.42. A construction traffic management plan (CTMP) was agreed and discharged under planning application 18/00872/FUL prior to the demolition of the Helena Kennedy Centre. Taking into account the changes to the plans, revised timescales and other external factors, a new CTMP would be required by planning condition.
- 10.43. Oxford Brookes University had a Travel Plan (2016-2018) in place at the time the previous planning application was approved which provided an overarching strategy for sustainable travel across each of its campus sites. In addition a planning condition was also imposed requiring an individual Travel Plan specifically relating to this site. Taking into account the need for an overarching strategy to promote sustainable travel and achieve a modal shift away from private car use and the increase in proposed floorspace, it is recommended that this condition is also applied under this permission.
- 10.44. Access paths are provided through the site providing permeability from the main entrance to the Headington Hill Campus to the north east from London Road to Headington Hall, and access to the student accommodation to the south on the opposite side of London Road across the pedestrian footbridge. This remains acceptable.
- 10.45. It is considered that the proposals are acceptable in highway and transport sustainability terms and comply with Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan.

Ecology

- 10.46. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.
- 10.47. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.
- 10.48. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 4. Damage or destruction of an EPS breeding site or resting place.
- 10.49. The previous planning application was accompanied by a Preliminary Ecological Assessment (PEA). This identified that the undeveloped parts of the site would be classed as species-rich meadow grassland and amenity grassland. These areas of the site have changed considerably since following the construction works undertaken to excavate the site and remove asbestos.
- 10.50. The former Helena Kennedy Centre which was identified as offering low potential for roosting bats has been demolished. Trees which are identified as offering potential for roosting bats are unlikely to be impacted by the proposed works. An updated Ecology Statement has been submitted alongside this variation of conditions application in order to assess baseline changes which may have occurred following the approval of the previous planning application.
- 10.51. The updated Ecology Statement identifies that an area to the south west corner would be classed as semi-improved grassland, due to a relaxation of mowing on site. The report states that the revised landscape proposals would

result in the loss of small areas of poor semi-improved grassland and amenity grassland to realign the footpath and to construct the external amphitheatre in the south-west of the Site. However, amenity grassland that was proposed for removal to create a new footpath to the north of the Site would now be retained and an existing footpath in this area utilised instead. Two sections of the footpath in the north of the Site would be removed and replaced with grassland and understory planting. The updated Ecology Statement recognises that the landscaping proposals include enhancement of retained habitats and creation of new habitats through woodland understory planting, embankment planting and new tree and shrub planting. It also identifies one additional tree with low suitability for roosting bats was identified during the update Phase 1 habitat survey, located to the south-west of the construction area, though no further risk of harm to protected species is identified, or habitat loss compared with the baseline approved planning application.

- 10.52. A condition requiring the submission of a scheme of ecological enhancements was attached to the original planning permission. Details have not been discharged at this time, therefore officers require a similar condition to be also attached to this variation of conditions permission, in order to ensure appropriate provision is made to secure biodiversity enhancement is secured in accordance with Policy G2 of the Oxford Local Plan.

Flood Risk and Drainage

- 10.53. The approved application was accompanied by a Flood Risk Assessment and Drainage Assessment (Doc: HK-ARUP-RP-C-0001 | 02 | 29 March 2018) which set out a preliminary drainage strategy based on infiltration, with the results of soakage tests confirming this is feasible. The strategy was based on a permeable paving carpark, rainwater harvesting, and an infiltration tank allowing surface water to be infiltrated on site. The strategy also suggested further implementation of integrated Sustainable Urban Drainage at the next stage.
- 10.54. The applicants have submitted an updated drainage design note based on the amendments to the planning application as sought within this variation of conditions application. This takes account of the amendments to the landscaping and considers the amendments in relation to the feasibility of implementing the drainage scheme accompanying the original planning approval. The updated drainage note states that the surface water drainage strategy described in the original Flood Risk Assessment and Drainage Assessment can be maintained in the new scheme with surface water from roofs and impermeable hardstandings (stone paving) collected and piped to a buried crate soakaway.
- 10.55. The approved development was subject to a condition to secure submission of a detailed drainage strategy prior to the commencement of work, other than demolition and site clearance (both of which have taken place) as requested by the Lead Local Flood Authority. A similarly worded condition should be attached to this planning permission which also accounts for the amended layout of the scheme. Subject to the provision of a detailed drainage scheme to be secured by condition, officers consider that the proposals would comply with Policies DH3 and DH4 of the Oxford Local Plan.

10.56. A public comment submitted for this application notes that there is no evidence that natural springs have been considered. Concern was expressed that a building of this weight and size immediately upstream may affect the natural flows by rupture of the underlying strata and therefore a full hydrological assessment of the natural groundwater flows and geology should be provided. The applicant's consultants have responded that the weight of an additional floor and subsequent increase in size of foundations would be offset by the weight of the contaminated Made Ground that has been removed. The response also states that all building foundations are specifically designed to avoid rupture of the underlying strata, because if rupture were to occur it would result in subsidence and cracking of the building. A detailed site investigation on this site has been undertaken which has determined the allowable foundation loads the underlying strata (taking depth into account) can withstand. The response provides an explanation as to the reasons why a hydrological and geological assessment was not required or provided, which the Council concur with.

Land Quality

10.57. The original planning application was subject to a planning condition requiring that a phased risk assessment was submitted for approval before the commencement of development. Work has since commenced on site to remove asbestos buried beneath the slab level of the former building. Accounting for the work which has taken place on site, it is considered necessary that a condition is attached to this planning application requiring that remedial work to remove potential contamination risks from asbestos containing materials at the site has been carried out and a full validation report has been submitted to and approved by the local planning authority before occupation of the building. Subject to satisfactory remediation being carried out, officers are satisfied that the development would not present a significant environmental risk and would not conflict with Policy RE9 of the Oxford Local Plan.

11. CONCLUSION

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

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. The principle of providing additional teaching and academic space has been accepted under planning permission 18/00872/FUL. This aligns with Site Policy SP17 of the Oxford Local Plan relating to the Headington Hill site and Policy E2 which allows for the intensification and redevelopment of academic floor space at Oxford Brookes Headington Hill site.
- 11.4. The proposed building as revised would be located on the footprint of the approved building and the revised building would be within the height parameters of the approved building. The general amendments to the design are considered acceptable in design terms in accordance with Policy DH1 of the Oxford Local Plan and Policies CIP1 and CIP3 of the Headington Neighbourhood Plan. Notwithstanding this, the addition of the further storey would however increase the presence of the building as experienced within its immediate context, including within the context of the Headington Hill Conservation Area and Grade II* listed Headington Hill Hall. It is considered that the development would result in less than substantial harm to both designated heritage assets, however when considered under the balancing exercise required under Paragraph 202 of the NPPF, the harm would be demonstrably outweighed by the public benefits of the development.
- 11.5. A total of 26 parking spaces are proposed, which equates to an overall reduction of 14 parking spaces compared with what was previously located on site and what was approved under application 18/00872/FUL. The reduction in parking would be beneficial in terms of reducing staff travel by private car and encouraging a modal shift towards more sustainable modes of travel, including walking, cycling and use of public transport. This is in line with Policy M1 of the Oxford Local Plan. It is proposed that all 26 of the parking spaces would be fitted with EV charging points. This exceeds the requirement that EV charging shall be installed for 25% of all parking bays in non-residential developments. A total of 320 cycle parking spaces are proposed within this application which would comply with Policy M5 of the Oxford Local Plan.
- 11.6. The strategy in terms of ecological mitigation and managing surface water drainage would not be substantially altered compared with the consented scheme and subject to details which would be secured by condition, the development is considered to comply with the respective relevant policies G2, RE3 and RE4 of the Oxford Local Plan.
- 11.7. Subject to relevant conditions to secure the protection of existing trees through the duration of the works and subject to the submission of a final acceptable landscaping plan, officers are satisfied that the development would comply with Policy G2 of the Oxford Local Plan.
- 11.8. The development is considered to comply with the local and national development framework as a whole and it is recommended that the Committee resolve to grant planning permission for the development proposed. It is recommended that the Committee resolve to grant planning permission for the development proposed.

12. CONDITIONS

Approved Plans

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

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

Materials

2. Samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of construction works above ground level (excluding demolition or site clearance) and only the approved materials shall be used.

Reason: In the interests of the visual appearance of the Headington Hill Conservation Area in which it stands in accordance with policies CP1, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016.

Lighting

3. The development hereby permitted shall not be brought into use until a detailed Lighting Strategy with technical specifications and lighting contour plans has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following:

- Details of the external lighting of the development in particular architectural lighting of the buildings
- Details of the impact of the lighting upon views into the site from within the city

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without prior written consent from the local planning authority.

Reason: In the interests of amenity and in the absence of information, in accordance with policies DH1, DH2 and DH3 of the Oxford Local Plan.

Landscape Plan and Trees

4. A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of construction works above ground level (excluding demolition of existing site structures). The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be

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

Reason: In the interests of visual amenity in accordance with policies DH1 and G7 of the Oxford Local Plan.

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

Reason: To avoid damage to the roots of retained trees. In accordance with policies DH1 and G7 of the Oxford Local Plan.

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

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

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within Chapter 5 of the Tree Survey, Arboricultural Impact Assessment Preliminary Method Statement and Tree Protection Plan dated 25 May 2022 unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

8. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate

Arboricultural Clerk of Works (ACoW) who has been appointed to conduct such monitoring and supervision. A written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall be carried out in accordance with the approved AMP.

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

Cycle Parking

9. Prior to use or occupation of the development hereby permitted, details of the phasing strategy for the provision of covered and secure cycle parking for a minimum of 320 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with this approved strategy and be retained in place thereafter.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy M5 of the Oxford Local Plan.

CTMP

10. A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed prior to commencement of the further phases of work (i.e. demolition / site clearance, above ground works) on site begin. This shall identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works, - Travel initiatives for site related worker vehicles, - Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with other academic institutions in the vicinity.

The development shall be carried out in accordance with the approved CTMP

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policy M2 of the Oxford Local Plan.

Travel Plan

11. Prior to first occupation an updated Oxford Brookes University Travel Plan which meets Oxfordshire County Council criteria should be submitted to an approved in writing by the Local Planning Authority. The approved measures outlined in the updated Travel Plan shall be implemented upon first occupation of the development.

Reason: To promote sustainable modes of transport in accordance with Policy M2 of the Oxford Local Plan.

Drainage

12. No work other than demolition and site clearance shall commence until a final drainage strategy has been submitted to and approved in writing by the Local Planning Authority, in accordance with the principles of the drainage strategy as detailed within the submitted Flood Risk and Drainage Assessment (Doc: HK-ARUP-RP-C-0001 | 02 | 29 March 2018). The drainage strategy shall ensure that infiltration should be based on the soakage rates obtained, and each of the SuDS components should be designed to control surface water up to and including a 1 in 100y + 40% Climate Change allowance storm event. The development shall be carried out in accordance with the approved drainage strategy.

Reason: To ensure that provision is made for the sustainable drainage of surface water in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

13. The development shall not be brought into use until a SuDS maintenance plan has been submitted to and approved by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall be operated in accordance with the approved SuDS maintenance plan.

Reason: To ensure that provision is made for the sustainable drainage of surface water in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

Archaeology - WSI

14. All works shall be carried out and completed in accordance with the written scheme of investigation for archaeology as approved under discharge of conditions application 18/00872/CND4.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and

their visitors, including prehistoric and early Saxon remains (Local Plan Policy DH3).

Sustainability – Energy Statement Compliance

15. No above ground construction work other than demolition and site clearance shall commence until details of the sustainability measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall align with the design measures specified with the Energy Statement accompanying planning application 18/00872/FUL and the Design and Access Statement accompanying this variation of conditions application. The approved energy efficiency measures shall be implemented and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise carbon emissions in accordance with Policy RE1 of the Oxford Local Plan.

Ecological Enhancements

16. Prior to the commencement of above ground works, details of biodiversity enhancement measures including bat and bird boxes and nectar rich planting shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved building and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and Policy G2 of the Oxford Local Plan.

Land Contamination

17. The development shall not be occupied until remedial work to remove potential contamination risks from asbestos containing materials at the site has been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

18. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and

approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

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

Removal of Willow Building

19. The 'Willow Building' benefitting from temporary planning permission under planning application reference 20/01986/FUL shall be removed within three months of first occupation of the building approved under the planning permission hereby granted.

Reason: The proposed building is of a prefabricated design that does not appropriately respond to the existing surrounding development and results in a degree of harm to the setting of the listed Headington Hill Hall and removal of the building is required in accordance with Policy DH3 of the Oxford Local Plan. Furthermore, the building is required for a temporary period only, until such time as the building permitted under planning permission.

13. APPENDICES

- **Appendix 1** – Site location plan

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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