

## Oxford City Planning Committee – 19th July 2022

<b>Application number:</b>	21/03582/FUL
<b>Decision due by</b>	20th April 2022
<b>Extension of time</b>	TBA
<b>Proposal</b>	Conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.
<b>Site address</b>	The Deaf And Hard Of Hearing Centre, 10 Littlegate Street, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan
<b>Ward</b>	Osney And St. Thomas Ward
<b>Case officer</b>	Sarah Orchard
<b>Agent:</b>	Mr Phillip Taylor <b>Applicant:</b> Z Hotels
<b>Reason at Committee</b>	Major Development

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### 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

- finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers a full planning application for the conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a 130 bed hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2 no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.

2.2. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to meet the need for additional short stay tourist accommodation. The proposal is found to be acceptable in principle, would be acceptable in design and heritage terms (with public benefits outweighing less than substantial harm to designated heritage assets), the proposal would also have an acceptable impact on archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

## **3. LEGAL AGREEMENT**

3.1. This application would be subject to a legal agreement to secure the retention of a community facility on the site at an affordable rent. The agreement would also secure that development cannot commence until a S278 agreement is entered into to secure improved pedestrian crossings in Littlegate Street. A separate unilateral undertaking would also be agreed with the County Council to secure a financial contribution as a travel plan monitoring fee.

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

4.1. The proposal is liable for a CIL payment of £39,836.69.

#### **5. SITE AND SURROUNDINGS**

5.1. The site lies at the junction between Littlegate Street and Albion Place within the Central Conservation Area and comprises a 17th Century two storey, three bay, timber framed with rubble stone facing linear cottage with later two-storey gabled outriggers projecting from the east side. Adjoining to the south west is a 19th century former Baptist Chapel building. The latter is historically a single-volume building with facades that express two floors with attic accommodation. To the South-East is a late 19th century single storey former school room.

5.2. The site lies within the southern part of Oxford City Centre within the West End Area of the City which is a focus area for regeneration. There is a mix of uses in the surrounding area; this includes adjacent predominantly low-rise 1980's residential development in Faulkner Street to the West of the Site, as well as more recent flatted development to the north on the corner of Faulkner Street and Albion Place. There is an existing commercial building used as Class B1 office space to the north east of the site. A large four storey residential building is adjacent to the east of the site, which comprises retirement accommodation. The site of the former Lucy Faithfull House homeless hostel is located to the south of the site; the former three storey hostel building has been removed and the site cleared in association with planning permission for residential development comprising 36 apartments (19/03106/FUL) which is currently under construction.

5.3. The original 17th Century Cottage has been subject of a number of historic additions, the largest of which is the 19th century stone Baptist Chapel, which was constructed in the 1820's/1830's adjacent to the cottage, though later additions have attached the Chapel to the cottage. A further extension was added to the Baptist Chapel in 1884, which is referred to as the school room extension; this is a single storey structure which extends off the east elevation of the Baptist Chapel. A further two storey element attaches to the Baptist Chapel which dates between 1873 and 1898 and was likely historically used as a house. The building has also been subject of a number of 20th Century additions including a single storey rendered rear extension to the 17th Century Cottage and large box dormer extension to the rear of the Cottage. The later 20th Century extensions have joined the cottage to the various historic additions including the Baptist Chapel and School Room extension and therefore the building falls under a single entity for the purposes of its existing use.

5.4. The building is vacant and understood to be last used by three organisations, principally the Oxford Deaf Centre and Trinity Church for mix of purposes and a smaller area of the ground floor also used as a commercial photography studio. It is understood that the building was used mainly for office admin purposes and community uses associated with the Deaf Centre and Church, although it is also understood that there was an ancillary residential use in the upper floors of the cottage at some point. However it does not appear to have been a residential dwelling within its own right and is no longer there.

5.5. See site location plan below:



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**6. PROPOSAL**

- 6.1. The application proposes the conversion and partial redevelopment of the Oxford Deaf and Hard of Hearing Centre to create a hotel (Use Class C1) with ancillary community facility venue. The proposal includes the retention, refurbishment and repair of the principal grade II listed building (10 Littlegate Street); conversion, refurbishment and repair of the former Baptist Chapel building; demolition of side and rear extensions (10a and 10b Littlegate Street); erection of a 4-storey side extension and part 2/4 storey rear extension to the rear of the cottage and chapel/hall; provision of hard/soft landscaping; installation of green/blue roofs and green walls; and provision of 2no. accessible car parking spaces (with EV charging points) and staff/guest cycle parking.
- 6.2. The proposals relate to the redevelopment of the site to provide a 130 bedroom hotel. The proposals would involve the erection of a new building of up to four storeys, whilst the existing three storey 17th century cottage would be converted along with the 19th century Baptist chapel. It is proposed that the school room extension and two storey 19th century extensions to the Baptist Chapel would be removed.
- 6.3. The proposed extension would measure a maximum height of 13.9 metres and would extend approximately 32.8 metres from Faulkner Street to Brooks Taylor

Court and a maximum depth of approximately 26 metres from Littlegate Street at the front of the site to Lucy Faithful House at the rear of the site.

6.4. The application is being considered alongside an associated listed building consent application 21/03583/LBC for works affecting the listed cottage.

## **7. RELEVANT PLANNING HISTORY**

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

67/19100/A\_H - Change of use from residential to Deaf and Hard of Hearing Centre and extension to provide canteen, library and Warden's flat (revised). PERMIT. 26th September 1967.

68/19100/A\_H - Alterations to cottage to display Abbey Gateway. PERMIT. 28th May 1968.

68/20409/AA\_H - Garage for private car for temporary use as a shop. TEMPORARY PERMISSION. 10th September 1968.

68/20409/A\_H - Garage for private car. PERMIT. 23rd July 1968.

68/20410/A\_H - Use of garage as shoe repair shop for temporary period only. TEMPORARY PERMISSION. 23rd July 1968.

69/01846/P\_H - Lettering on fascia. PERMIT. 14th October 1969.

71/26425/L\_H - Erection of single storey extension to provide new offices and demolition of existing garage / temporary shop. PERMIT. 21st September 1971.

78/00835/A\_H - Outline application for extension for billiard room. PERMIT. 4th October 1978.

80/00197/NF - Relocation of office accommodation within existing building and provision of external staircase. PERMIT. 20th May 1980.

89/00112/NFH - Disabled access and exit with external ramp and balustrade (Amended plans). PERMIT. 5th May 1989.

94/01058/DFH - Change of use from Wardens Accommodation on 1st and 2nd floor (Residential) to offices for Specialist Deaf Team including use of 4 parking spaces. RAISED NO OBJECTION. 21st October 1994.

21/03583/LBC - Demolition of C19 addition to 10 Littlegate Street and alterations to and refurbishment of the retained building. PENDING CONSIDERATION.

## **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	126-136	DH1, DH2, DH7		
Conservation/ Heritage	194-208	DH3, DH4,		
Housing		H14		
Commercial	83	E1		
Natural environment	153-158, 159-169, 174, 180,	G1, G2, G7, G8		
Social and community	92-97	V5, V8, V9		
Transport	110-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	119-120, 123-124, 183-188	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1, AOC1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 2nd February 2022 and an advertisement was published in The Oxford Times newspaper on 3rd February 2022.

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

#### Oxfordshire County Council (Highways)

9.2. Initial objection due to lack of clarification of how taxi drop offs and servicing would take place. Request if permission is granted for a S106 agreement to secure Travel Plan Monitoring contribution and a section 278 agreement to provide pedestrian and public realm improvements. Further discussions took place and the objection was removed subject to conditions requiring further details of cycle parking areas, a construction traffic management plan and a travel plan.

Oxfordshire County Council (Drainage)

- 9.3. Initial objection requesting detailed drainage calculations, a detailed drainage strategy drawing, public sewer undertaker technical approval, ground investigation report, surface water exceedance plans and restriction of runoff to a greenfield rate. Further discussions took place and the objection was removed subject to a condition requiring a finalised drainage strategy.

Thames Water Utilities Limited

- 9.4. No objection in relation to foul and surface water waste capacity, however Thames Water have identified an inability in of the existing water network infrastructure to accommodate the needs of the development proposal. A condition is recommended that water network upgrades are carried out prior to the occupation of the development.

Oxford Architectural and Historical Society

- 9.5. An associated listed building consent application is required. National amenities societies should be consulted. It does not appear that the Oxfordshire Buildings Record was consulted as part of the preparation of the application. Investigative and recording work should form a condition of part of the application. No historic chimney stacks should be demolished. Original roof timbers should not be lost. Gateway needs to be opened up and made publically legible. Bedrooms should not be on the ground floor of the listed building as this could cover up original features. Buildings should be re-used rather than demolished. Concern with the scale and form of the new building. Concern with the number of hotels appearing in the city centre and what would happen to these if they were no longer required in the future.

Historic England

- 9.6. No comment. Refer to local conservation and archaeological advice.

Natural England

- 9.7. No objection.

Oxford Preservation Trust

- 9.8. Building constitutes one of the last standing remains of the Blackfriars Priory. OPT have some reservation regarding the overall scale, size and massing of the proposed development. Concern this could detract from remaining historic buildings on the site. Concern that the large area of flat roof would include plant which would be prominent in views.

Environment Agency

- 9.9. Do not wish to be consulted on this application.

Thames Valley Police

9.10. No comments received.

### **Public representations**

9.11. 2no. third party comments received (from addresses in Faulkner Street and Church Cowley Road.

9.12. In summary, the main points raised were:

- Too many hotels appearing in Oxford City Centre.
- Loss of privacy for neighbouring residents.
- Loss of a music venue and would welcome if this could be brought back into use.

### **Officer response**

9.13. The national amenities societies were consulted as part of the adjoining listed building consent application and no comments were received.

9.14. All other comments raised above relating to material considerations are addressed in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Archaeology
- Neighbouring amenity
- Transport
- Trees/Landscaping
- Air Quality
- Biodiversity
- Flooding/Drainage
- Land Quality
- Energy

### **a. Principle of development**

#### *Hotel use*

10.2. In terms of the intended use of the site for Class C1 hotel space, Policy V5 acknowledges that there is a deficit of short stay accommodation in the city

centre and states that new hotel accommodation is acceptable providing it meets 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 a residential dwelling; and
- c) it will not result in an unacceptable level of noise and disturbance to nearby residents.

10.3. Whilst there is objection to additional hotel accommodation in the city centre, the principle of providing new hotel accommodation in this location is acceptable in principle subject to the material considerations discussed below.

*Loss of existing uses on the site*

10.4. The building was last shared by three organisations, these being primarily the Deaf and Hard of Hearing Centre, a voluntary organisation; alongside the ancillary use of Trinity Road Church which is understood to have used the hall element of the building; in addition to a photographic studio who use the ground floor space of the school room extension. It is understood that the building was used by the Deaf Centre for general office admin functions ancillary to the main community use and community uses such as group activities and drop-in sessions in the hall. It is understood that the hall is also used by Trinity Church as a place of worship and a meeting space.

10.5. Policy V7 affords protection to community facilities and states that planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

10.6. Policy E1 does not recognise the site as either a category 1 or 2 employment site. Any employment use on the site (photography studio), formerly Use Class B1 (now Use Class E) would be classed as a category 3 employment site. Policy E1 highlights that category 3 employment sites comprise of sites which are not performing well due primarily to their size and location. If the sites become available they can be considered suitable for redevelopment of housing. Whilst the proposal is not for housing, but a hotel use, the Class E use on the site was not the predominant use of the site and should not be seen as an obstacle for redevelopment of the site which would meet the criteria for a hotel development in accordance with other local plan policies.

10.7. Whilst the proposal would result in the loss of some employment uses, the site overall would result in a gain in employment from 4no. full time staff and 1no. part time staff to the potential for up to 25no. full time members of staff, significantly increasing the employment opportunities from the site.

10.8. The Deaf and Hard of Hearing Centre has already vacated the site as they no longer require the premises and the whole site now remains vacant. The proposal would seek to retain the hall on the site for community use. This would be secured through a S106 agreement. There therefore would be no loss of a community use, including the community church. The loss of employment use

would be very minimal would be outweighed by the gain of a more efficient use of the site for a large hotel which would provide greater employment opportunities.

10.9. The proposed loss of existing uses is therefore considered acceptable in principle subject to the material considerations set out below.

#### **b. Design and Heritage**

10.10. Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.11. Special attention also has to be paid to the statutory test of preserving 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 conservation area under sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted are higher duties.

10.12. The site comprises a small plot of land at the southern end of Littlegate Street (a street that runs north-south from St Aldates towards the River Thames) on which three buildings of different date of origin sit. The proposals would involve significant alterations to a Grade II listed building and development of a significant scale within the Central Conservation Area.

10.13. The following buildings presently occupy the site:

- a linear, three bay, two storey building of domestic appearance aligned north south, of ostensibly 17<sup>th</sup> Century origin (vernacular form and surviving elements of a much altered timber frame) with evidence of surviving 12<sup>th</sup> Century monastic fabric and a 19<sup>th</sup> Century addition substantially altered in 20<sup>th</sup> Century on its western flank (Grade II listed).
- a 19<sup>th</sup> Century , two storey former Baptist chapel, attached to the domestic building aligned north- south flanking Faulkner Street as it runs south to Oxpens Road.
- a 19<sup>th</sup> Century former schoolhouse attached to the eastern flank of the former chapel building. The building is visibly a single volume building of brick under a slate roof.

10.14. All the buildings are linked together by a collection of late 19<sup>th</sup> Century and 20<sup>th</sup> Century built elements. A small courtyard in the north–east part of the site onto which the apparently domestic building faces and in which there are two trees whose canopies contribute to the character and appearance of the site as it is seen in views looking south down Littlegate Street.

#### *Significance of the heritage assets*

- 10.15. 10 Littlegate Street is a Grade II listed building. The significance of the building is primarily derived from its surviving 17<sup>th</sup> Century structure and plan form however there are earlier elements surviving within the building fabric that give both historical value from the structure's evident association with the 12<sup>th</sup> Century Blackfriars monastery which occupied this area of the city until its dissolution in the 16<sup>th</sup> Century and aesthetic value deriving from the architectural qualities of these elements. Additionally the building has a cultural value that derives from association with the former monastery given the significance of these religious institutions and their role in the development of Oxford during the medieval period. The 17<sup>th</sup> Century building has been subjected to substantial alteration with truncation and loss of elements of the timber frame structure but it is still possible to discern the form and nature of the 17<sup>th</sup> Century domestic building from the exterior of the building. The existence of a 12<sup>th</sup> Century structure also gives the building a high level of significance.
- 10.16. The former Addullam Chapel is considered a non-designated heritage asset. The building dates from 1832 and was built as a Baptist chapel. The external appearance, the form, architecture and arrangement of elements within the building's facades defines its original function and contributes to its significance. The interior of the building has been partially altered but the fundamental elements of single volume central space with upper gallery are still discernible within its surviving fabric and these make a significant contribution to its importance. Overall the building has a moderate level of local significance. There is nothing particularly rare in its internal arrangement or detail or in its historical background.
- 10.17. The former Victorian school building sits to the rear of the site and is one of a number of such buildings which survive across Oxford and was associated with the Baptist chapel. The building has been substantially altered internally and although it retains some original external features such as a window and door that identify its former function there are no substantial conservation values that would raise its level of significance higher than a low level of local significance.
- 10.18. The site falls into the 'Western fringe' chapter of the Central Conservation Area character appraisal; the 'Medieval and Commercial Core' chapter provides the setting for this site and does inform its character. The former St Ebbe's housing surrounding the site has been cleared and has been replaced with small pockets of later 20<sup>th</sup> Century rebuilding. These are small scale domestic buildings of mostly two storeys. There are some surviving elements of medieval street pattern both inside and outside the medieval city wall (Brewer Street/Pembroke College) of which St Ebbes which runs into Littlegate Street is one. The area is also characterised by 20<sup>th</sup> Century Court buildings and buildings associated with the judiciary including associated office buildings to the south and east of the site. These fall outside the conservation area. These comprise essentially large floor plate three and four storey buildings with open yards (car parks) between them. The site falls onto land that was part of the Blackfriars monastery from the late 12<sup>th</sup> and 13<sup>th</sup> Centuries through to the Dissolution of Monasteries Act in 1536. The monastery grounds are thought to have extended along what is now Rose Lane (probably then the open Trill Mill Stream to the western end of Clarks Row), running south to the banks of the River Thames and its tributary streams, extending west along the northern bank of the river and then north along the

western bank of the bifurcated stream to a northern boundary that ran back to the Gatehouse or Priests House, the remains of which survive buried within No.10 Littlegate Street. The monastery buildings lie to the south of No.10 Littlegate Street within the southern part of the application site and then to the south and east of that point.

#### *Views*

10.19. The site forms a stop-end to views down St Ebbe's leading into Littlegate Street. Elements of the medieval city wall, medieval and post-medieval buildings, Holy Trinity Vicarage (No.15 Littlegate Street) and the western building ranges of Pembroke College frame the views up and down Littlegate Street providing some historical reference to the earlier form and pattern of this area. The area is now dominated to the west by the Westgate shopping centre (outside the conservation area boundary) whose second floor terraces offer important views over this part of the city and notably of the application site and its immediate surroundings.

#### *The proposal*

10.20. It is a requirement that special regard is had to the statutory test of preserving 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 or appearance of the conservation area under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Decision makers must give considerable importance and weight to the desirability of preserving listed buildings and their settings 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.

10.21. Due weight must be given to Paragraph 199 of the NPPF, which states 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). The proposals involve a number of direct interventions which would impact on the significance of the listed building, some positively others negatively.

10.22. The application proposes the alteration and refurbishment of No.10 Littlegate and the former chapel building with the removal of the former school building and later extensions to the south of the chapel. The proposal to add a four storey hotel building in the southern portion of the site changes the present built scale and mass and the building hierarchy (in terms of size) from that which exists at present. The buildings to be removed have at most a low level of local significance and their loss would cause a low level of less-than-substantial harm to the character and appearance of the conservation area, removing an element of the 19<sup>th</sup> Century social history of this part of the city.

10.23. The replacement building would represent a very different size of building which would be reinforced by the relative scale of elements of the building's

facades. For example, windows which would be of a very different scale to those of the listed building, although more comparable to the scale of the primary windows of the former chapel, which are proposed to be retained. The strong contrast in size between the buildings would enable the observer to see them as individual elements each with their own character. The design of the new building has evolved through engagement with Officers resulting in facades that address the different contexts that present to the site at each aspect but with an overall consistency of materials and detailing that allow the building to be seen as a single entity. The proposed extension would measure a maximum height of 13.9 metres and would extend approximately 32.8 metres from Faulkner Street to Brooks Taylor Court and a maximum depth of approximately 26 metres from Littlegate Street at the front of the site to Lucy Faithful House at the rear of the site. The proposed extension/building would be finished with mainly with brick, the exact colour and finish would be secured by condition. This is designed to be subtle and not compete with the listed building on the site. The massing of the building would also be broken up with elements of glass and a proud timber frame to accentuate the height of the existing buildings on the site to attract attention to their level which more simplistic detailing above. The massing would also be broken up with climbing plants.

10.24. The north façade of the new building would address the courtyard (to be retained as an open courtyard) and be seen in the important views down St Ebbes and Littlegate Street as a backdrop to No.10 (listed building). The façade has gone through a number of design changes through a pre-application process in response to both officers' comments and the advice of the Oxford Design Review Panel. The present iteration breaks down into three parts with more restrained unbroken sections at each end and a central section that would sit directly behind and adjacent to the listed building and that has been designed as a tight rhythm of glazed elements and frames, the pitch or size of sections changing at each floor or level of the building to provide variation, much as a classical façade might do. Key horizontals within the façade have been placed to respond to and reflect significant elements of the 17<sup>th</sup> Century which would be seen in profile against the new building in the key view down St Ebbes. A larger element of glazing at ground floor would provide a strong contrast with the solidity of the 17<sup>th</sup> Century building's principal east facing façade and indicate or define the entrance to the hotel.

10.25. The other façade of the building that would be seen against and in the context of the existing buildings is the west façade. This is altogether a much shorter, visible façade as much of this part of the new building wraps around the back of and is screened by the former chapel building. The junction between the southern end of the chapel and the new building has been designed as a primarily glazed element to provide a visual distinction or break between new and old. This would enable the existing former chapel building to be preserved in form and architectural detail and is a considered response to the context in which the new building would sit. This façade has been designed to repeat the larger, less articulated or apparently blank elements of the northern façade with windows limited to the connecting section and to the southern end of the façade where it will sit adjacent to the new buildings on the site immediately to the south. Although the scale of individual elements of the building's west façade are relatively large, their pared back or muted appearance would be such that they

would not dominate or overwhelm the more domestic scale of the 20<sup>th</sup> Century houses that sit on the opposite side of the street, which is again an important and considered response to the immediate context of the building.

- 10.26. The other two facades of the new building would be primarily screened by existing apartment buildings to the south and east of the site. Any elements of the façade that may be visible from viewpoints, either at high level from the Westgate or in longer views at street level would be in glimpsed views and have been designed to be part of the architectural language of the building as a whole.
- 10.27. Paragraph 203 of the NPPF states that the effect on non-heritage assets should be taken into account when determining an application. A balanced judgement is required having regard to the scale of any harm or loss of the significance of the heritage asset. The loss of the former Victorian School building (a non-designated heritage asset) would result in substantial harm to an asset of low, local significance. Given its significance is very low, the loss of considered justified to allow the development of the site.
- 10.28. The alterations to the former chapel building comprising the loss of the upper level of the main part of the building through complete alteration and the intervention within its roofspace to create an additional floor of hotel rooms would result in a moderate level of less-than-substantial harm to an asset of moderate local significance. The overall level of harm would be mitigated through retention of the overall building envelope as well as principal elements of the building's facades as a distinct element within the overall development of the site so as to preserve the fundamental appearance of the building, as well as retention of the ground floor of the building as a single volume space much as it is at present. This would retain the ability for it to be used by the local community and community groups, again much as it is presently used. This would preserve, in part, the cultural and social values that contribute to the significance of the building thus reducing the overall level of harm to a low level of less-than-substantial harm to a local heritage asset.
- 10.29. The siting of a large new building immediately adjacent to the 17<sup>th</sup> Century listed building would result in a degree of harm to the setting of the building. The harm would be less-than-substantial and the setting of the building has been severely damaged through recent alterations and interventions in both the immediate as well as the wider surroundings. The present setting is therefore not considered to make an enormous contribution to the significance of the listed building and the level of harm needs to be assessed in that context. It is therefore considered that the overall harm to the significance of the listed building that would be caused by the siting and design of the new building would be a low level of less-than-substantial harm in relation to paragraph 202 of the NPPF.
- 10.30. The present use of the site is apparently not sufficiently economically sound to be able to maintain the existing buildings.
- 10.31. The applicant presents a clear and convincing justification for the proposed additions, the new building, the loss of the former school building and the alteration of the former chapel as well as the changes to the listed building (covered in the report for the listed building consent application) in terms of

preserving those parts of the 17<sup>th</sup> Century building that are important and of revealing earlier elements of building that have substantial historical, architectural and social values and that have been buried in the later building fabric.

10.32. Additionally the applicant proposes to remove some of the harmful, more recent interventions to the fabric of the listed building, in particular those in the roof and to provide some explanation of the exposed, early building fabric and the historical significance of the site for public benefit.

10.33. Overall it is considered that there would be a weight of public benefit that would arise directly from the interventions in the buildings that would outweigh both the low level of less-than-substantial harm that would be caused to the listed building by the siting of the new building adjacent to it, and the low to moderate level of less- than-substantial harm that would be caused to the significance of the other heritage assets, the conservation area and the locally listed former chapel building.

10.34. As such the proposal is therefore considered acceptable in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036 and paragraphs 199-203 of the NPPF and the higher duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **c. Archaeology**

10.35. The application site sits on the site of the Oxford Blackfriars, although this site is not scheduled, it can be assessed as of national significance and of equivalent status to a scheduled monument. This is because it was an unusually large friary that served as a Studium Generale (college) for the Dominican order attracting an international intake and playing a significant role in the evolution of the University town and also in national affairs (i.e. was the location for the signing of the Provisions of Oxford in 1258).

10.36. The friary was heavily robbed in the post-Dissolution period and the archaeological interest can be identified as follows:

- The architectural detail that may be preserved in pits and robber trenches (e.g. distinctive use of decorative tiles, architectural fragments, building materials, plaster detail etc.), along and other aspects of the material culture of the friary (for example the hour glass base previously recovered from the site).
- The faunal and environmental information that may be preserved in waste pits/channel deposits.
- The layout of the friary as preserved by wall lines/robber trenches and floor make up/surfaces.
- The scientific information regarding origins, lifeways, diet and health that may be preserved in the burial assemblages.

10.37. In recent years an evaluation and excavation have been undertaken on the site directly to the south of the application site (Lucy Faithfull House) by Museum

of London Archaeology. Furthermore, two phases of archaeological evaluation have been undertaken on the application site by Oxford Archaeology (2020 & 2022). These investigations have clearly identified the depth and character of remains relating to the Blackfriars church, cemetery and a possible masons yard as well as post medieval activity at the site including 18th century tanning activity.

10.38. It has not been possible to evaluate the area currently covered by standing buildings of the Deaf Centre complex, however it is believed to lie within the north-west extent of the friary precinct adjacent to the gatehouse (the upstanding remains of the gate belonging to the gatehouse is encased within the 17th Century cottage at No 10 Littlegate Street). Parts of the gatehouse structure may survive below ground directly to the west of the cottage.

10.39. The phased evaluation work undertaken by Oxford Archaeology has allowed the identification of the presumed extent of the cemetery and has identified locations free from burials that are suitable for piling. The pile cap and beam foundation grid has been designed to sit on top of the medieval archaeological horizon (with a small amount of cross over) and above any burials. The piling impact through medieval horizons is calculated at 1%. Thus substantial preservation in situ has been designed in, with foul sewer impacts raised above the level of the burials.

10.40. The foundation grid would cut through post-medieval archaeology and into the top of the medieval horizon and with therefore requires strip, map and sample archaeological excavation (following the foundation lines). This needs to be carefully programmed to precede the laying of the pile mat (which must sit at an appropriate level above the medieval horizon).

10.41. Burials previously recovered from this site in the 1970s have been repatriated to the Oxford Blackfriars for re-internment and are therefore not easily accessible for academic study. Therefore in the event that unforeseen human remains are encountered at this site the expectation would be that full analysis of the remains would be undertaken (i.e. isotopic/ DNA analysis) because of the strong likelihood that long term retention by the museum would not be possible.

#### *Burials Act*

10.42. The applicant has been advised to contact the Ministry of Justice (MoJ) for formal guidance on the appropriateness of development and the treatment of human remains in this location bearing in mind Section 25 of the Burial Act 1857 provides it is an offence to remove human remains which have been interred in a place of burial unless certain conditions are complied with. Officers understanding is that the MoJ have no objection to the proposed approach.

#### *Impact of the scheme and significance*

10.43. The impact of the development is likely to result in harm to the significance of the asset which can be assessed as nationally significant as a well-studied Dominican friary and Studium General. The harm would be localised and less-than-substantial and is weighed against the public benefits and merits of the application. In this case, the proposal makes a more efficient use of the site,

seeks to improve the quality of the listed buildings and their landscape setting on the site and reveal the archaeological importance of the site through public art. As such it is considered that the public benefits would outweigh the less-the-substantial harm.

10.44. The proposal is therefore considered acceptable in relation to policy DH4 of the Oxford Local Plan and paragraph 202 NPPF subject to conditions requiring a method statement for demolition, a foundation design sensitive to archaeological preservation, historic building recording, a written scheme of investigation and a finalised scheme of public art.

**d. Impact on neighbouring amenity**

10.45. Policies RE7 and H14 of the Oxford Local Plan 2036 require consideration to be given to the amenities of neighbouring occupiers during the course of construction and post completion of the development in relation to privacy, daylight and sunlight and sense of enclosure.

10.46. Whilst policies focus on ensuring new residential homes are built with adequate privacy, daylight and sunlight, there is no requirement for hotel rooms to have access to daylight, sunlight or outlook. Whilst all the proposed hotel rooms do not have a window. The Z Hotel model is to provide high quality affordable rooms for short stay accommodation. This is achieved by providing small rooms, just designed for sleeping, so without a window. Given the lack of policy requirement for windows and that hotel rooms are solely used for short stay sleeping accommodation, this is considered acceptable.

10.47. The site is adjacent to a number of residential buildings of varying scale. To the west of the site is a row of two storey houses which face the site on the opposite side of Faulkner Street. A building of four storeys is proposed and there would be an obvious difference in the scale of the proposed building, compared with the modest two storey houses opposite.

10.48. Brooks Taylor Court to the West of the site is a residential retirement apartment building. There are a number of windows serving rooms which overlook the site at No.10 Littlegate Street. The gable end of Brooks Taylor Court closest to the boundary with Lucy Faithfull House is blank; however there is a range of rear facing windows along the west elevation of Brooks Taylor Court which faces the site.

*Privacy*

10.49. The proposed development would introduce new windows in the extension which would face to the west over Faulkner Street, south over the Lucy Faithful House development, east towards Brooks Taylor Court and the Salvation Army building and north towards Littlegate Street. To the west the proposal would include the conversion of the chapel building to hotel rooms utilising existing windows, approximately 16 metres from houses opposite in Faulkner Street. The new build windows would be kept to a minimum, small in scale and would be sited between approximately 13.5 and 17.7 and 21.8 metres between properties in Faulkner Street. Windows in the south elevation would be kept to a minimum

to safeguard the privacy of Lucy Faithful House residents and have been primarily sited in a staggered east elevation with adequate distance of 20 metres or more west facing windows of Brooks Taylor Court. To the front/north elevation the proposal would overlook Littlegate Street.

- 10.50. The scale of the bedrooms proposed are very small and therefore are unlikely to lend themselves to be used for any other purpose than sleeping accommodation at night. Given the context of the site in an urban environment and relationship between existing properties in the surrounding area the proposal is therefore considered acceptable and adequate regard has been given to privacy in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

#### *Daylight/Sunlight*

- 10.51. The application has been accompanied by a daylight/sunlight assessment as well as the drawings giving consideration to 45/25 degree guidelines under policy H14 of the Oxford Local Plan 2036. Officers consider that the assessment and design of the development ensure that the nearest neighbouring occupiers primarily in Brooks Taylor Court, Lucy Faithful House (under construction) and Faulkner Street would still receive an acceptable level of daylight and sunlight and due to the design of the building stepping away from neighbouring windows would not have an unacceptable sense of enclosure or overbearing impact.

- 10.52. The proposed development would sit directly adjacent to north facing windows in the Lucy Faithful House development which is currently under construction. These are secondary windows to the main living area in the flats and the development would still benefit from adequate light and outlook to the west. The proposal is therefore considered not detrimental to the amenity of these flats and the side facing windows onto the site should not be viewed as an obstruction to the proposed development.

#### *Noise*

- 10.53. The site is bounded by Littlegate Street and Albion Place to the north, Faulkner Street to the west, Brooks Taylor Court and the Salvation Army Building to the east. It is understood that the proposed plant would be installed in a dedicated plant area to the south-east corner of the new building.

- 10.54. The closest noise sensitive receiver to the proposed plant area to the south-east corner of the building has been identified as being a first-floor residential window on Brooks Taylor Court. The closest noise sensitive receiver to the proposed rooftop plant has been identified as being a top floor residential window of the future building Lucy Faithful House to the south.

- 10.55. An Acoustic Noise Assessment has been submitted with the application and appropriate noise guidelines have been followed such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), Planning Practice Guidance on Noise, BS 8233:2014 and BS 4142:2014. The plant noise levels have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building.

- 10.56. Calculations show that noise emissions from the proposed plant would be sufficiently low as to cause no negative impact on nearby noise sensitive residential receivers, providing that the mitigation measures stipulated in submitted acoustic assessment are implemented.
- 10.57. An appropriate façade design strategy has been outlined in the assessment which would meet current guidelines and give users protection from any excessive external noise.
- 10.58. Officers offer no objections to the application subject to conditions to ensure that the design and structure of the development would be of a standard that would protect residents within it from existing external noise and are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night. In respect of any proposed air conditioning, mechanical ventilation or associated plant, a condition should be imposed to ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this, the plant would need to be designed/ selected or the noise attenuated so that it is 10dB below the existing background level and would require the details of the plant and revised acoustic calculations to be submitted which would maintain the existing noise climate and prevent ‘ambient noise creep’, again secured by condition.
- 10.59. Also in the interests of the amenity of neighbouring occupiers a condition is recommended that a demolition method statement and construction management plan are submitted to and approved in writing before works take place on site which would control dust, noise, vibration, lighting delivery location and hours of construction.
- 10.60. Subject to these conditions the proposal is considered to comply with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

#### **e. Transport**

##### *Transport sustainability*

- 10.61. Policy M3 of the Oxford Local Plan 2036 states that parking for non-residential development will be assessed on a case by case basis through the submission of a transport assessment or travel plan, however parking should always be sought to be kept to a minimum. The application site is located in a sustainable location within the city centre of the Oxford. The site is within easy walking and cycle distance of the rest of the city centre and bus and rail connections. Given this location it is considered acceptable that the development is car-free except for the provision of 2no. disabled parking spaces within the existing car park area. Members of staff and residents would be expected to travel to the site by public transport and the level of parking proposed is considered acceptable in accordance with policy M3.

##### *Cycle parking*

10.62. Policy M5 of the Oxford Local Plan sets out that hotels and guest houses are expected to provide a minimum of 1 cycle parking space per 5 non-resident staff, plus 1 space per resident staff. Given that 25 full time staff are proposed, resulting in a requirement of 5no. spaces, the proposal exceeds these standards and seeks to provide 8no. internal spaces at the hotel entrance for guests or staff and 10no. external short stay spaces in the car park. The proposal is therefore considered acceptable in accordance with policy M5.

*Servicing and deliveries*

10.63. Oxfordshire County Council, as the Local Highway Authority, raised concerns with the proposal in relation to servicing, deliveries and taxi drop offs/collections. Following this concern being raised further information was provided about the scale of deliveries and traffic movements expected to and from the site. It was agreed that servicing would be at a low level and could take place on the street or within the car park area to the front of the site without having a harmful impact on the highway network.

*Construction management*

10.64. The Local Highway Authority has raised no concerns in relation to the development subject to a construction traffic management plan being provided by condition.

*Section 278 agreement*

10.65. The development site is located on a key north-south cycle route as identified in the County's Local Cycling and Walking Infrastructure Plan. Given the minimal provision for cars, access to and from the site by walk and cycle modes will be all the more important. It is expected that there would be significant movement of pedestrians and cyclists between the site and Queen Street. Current provision to support pedestrians and cyclists on this desire line is far from optimal and the developer is required to provide pedestrian and public realm improvements. An obligation to enter into a S278 Agreement would be required to secure mitigation/improvement works, comprising the following:

- Footway crossover treatment on Littlegate Street at its junction with Brewer Street.
- Footway crossover treatment on Littlegate Street at its junction with Turn Again Lane.
- Active Travel and highway improvements on Littlegate Street and Albion Place to the area of its frontage on Littlegate Street and Albion Place at the frontage of the development.

10.66. The precise form and design of these works would be the subject of consultation with Oxfordshire County Council.

10.67. This agreement would be secured by means of S106 restriction not to implement development until a S278 agreement has been entered into. The

trigger by which time S278 works are to be completed would also be included in the S106 agreement.

**f. Trees/Landscaping**

10.68. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible, however where their loss is justified then a suitable replacement should be found. Enhanced green landscaping features should also be sought wherever possible.

10.69. There are two prominent, mature trees located to the front of the site (hornbeam and cherry) and a self-seeded Goat Willow located along the eastern boundary of the car park. The frontage trees are not subject of a Tree Preservation Order but the trees are in a Conservation Area and are therefore afforded statutory protection. The trees are important in terms of public views and amenity and provide a green backdrop within an area characterised by a fairly hard, densely developed urban area and form part of a grouping of street trees along Littlegate Street and Faulkner Street.

10.70. The proposals show that the cherry and hornbeam are to be retained. The willow is poorly situated and is proposed to be removed which is considered to be reasonable and acceptable. Whilst there is no tree canopy cover assessment study provided, a suitable replacement for the willow tree of similar canopy could be secured through landscape details condition and as such the canopy would be replaced. On this basis therefore officers consider that this is sufficient in this case.

10.71. The existing tarmac car park is within the Root Protection Area (RPA) of the retained trees and proposals here will need careful detailed design. The existing car park tarmac top is proposed to be removed and replaced with a resin bonded gravel surface; this is considered acceptable in principle, but further detail is required to show existing and proposed finished levels within the RPAs and an acceptable design, which avoids regrading and provides permeability to the RPA. This is recommended to be secured and approved through conditions.

10.72. The drainage plan design appears to be supportive of a tree-friendly treatment of the RPA in the car park area, however full details are recommended to be secured in detail by condition.

10.73. Subject to conditions requiring a finalised landscaping plan, implementation of the landscaping plan, reinstatement of any tree of planting which fails to establish, a landscaping management plan, landscape surface design in relation to tree roots, the location of underground services in relation to tree roots, a tree protection plan, arboricultural method statement and arboricultural monitoring programme the proposal is considered acceptable in relation to policies G2, G7 and G8 of the Oxford Local Plan 2036.

**g. Air Quality**

10.74. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This

should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

- 10.75. 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 surrounding area of the application Site, show air pollutant concentrations to be below their relevant air quality objectives and the application site is therefore considered suitable for its intended use without the inclusion of mitigation measures.
- 10.76. According to the site's energy statement, the hotel will be provided with heating, cooling and hot water via an electric Variable Refrigerant Flow (VRF) system, with the potential for further provision from solar panels located on the roof of the building. As such, there will be no on-site combustion sources.
- 10.77. Standard car parking is not proposed on-site due to the spatial limitations of the site and potential impact on the listed cottage. It is proposed that two disabled bays would be provided on-site for use by disabled hotel guests. These would both be provided with electric vehicle charging facilities, with one delivered as active and the other passive, suitable for future implementation as necessary. The current number of electric charging spaces is consistent with Oxford's local plan policy M4 which could be secured by condition.
- 10.78. The proposed trip generation for the re-development would result in 42 two-way total person trips during the AM peak hour and 35 two-way total person trips during the PM peak hour. The primary focus of trips is around active and sustainable travel, with it also expected that 21 two-way and 8 two-way private car trips will occur during the AM and PM peak hours respectively, with up to 115 two-way car trips associated with the hotel throughout the day.
- 10.79. These daily trip rates are below the screening thresholds recommended for use within an AQMA in the EPUK/IAQM guidance. Therefore, there is no requirement for a detailed assessment of road traffic impacts at existing receptors; it can thus be concluded that the proposed development would not have a significant impact on local roadside air quality.
- 10.80. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, and the risk of dust causing a loss of local amenity and increased exposure to PM<sub>10</sub> concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. This would be secured by condition.
- 10.81. The site is located in an area with excellent pedestrian, cycling and public transport access therefore there is good opportunity to promote travelling by sustainable modes. A Travel Plan has been prepared and submitted with the

application. The overarching purpose of the Travel Plan is to limit the number of journeys by private motor car in accordance with Oxford Local Plan policies.

10.82. Subject to conditions, the proposal is considered to comply with policy RE6 of the Oxford Local Plan 2036 and the NPPF.

#### **h. Biodiversity**

##### *Protected Species*

10.83. Oxford Local Plan policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator.

10.84. 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.

10.85. 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.

10.86. The proposal includes substantial demolition of existing buildings on the site and alterations to the roof of the listed cottage which is to be retained. The application was accompanied by a preliminary bat roof assessment (PRA) which was carried out in October and November 2021.

10.87. Potential roosting features (PRFs) were identified on building B1, including missing soffit boarding, raised tiles and a gap under lead flashing. If any roosting bats are utilising these features they would be impacted under the proposal to reinstate the original profile of the clay tile roof. A potential access point was also identified into the inaccessible void of B2. Another void in building B3 was also inaccessible but no access points were identified. The immediate surroundings of the building do not provide suitable foraging or commuting habitat for bats, as identified in the report. However, the River Thames is located less than 200m south of the application site. Therefore a single bat roost survey of these features was requested and required prior to determination of this application.

10.88. A bat emergence survey was carried out on 10<sup>th</sup> May 2022 which concluded that buildings B1 (Cottage) and B2 (School Room) do not support roosting bats and the works to the buildings can be undertaken without further consideration for roosting bats. No evidence of roosting bats was recorded within the remaining buildings (B3 and B4 – former Baptist Chapel and garage respectively) and these buildings are not considered suitable for roosting bats and do not support any potential roosting features.

10.89. Officers are satisfied that due consideration has been given to the potential presence of protected habitats and species has been given due regard and they would not be harmed as a result of the application in accordance with the NPPF and policy G2 of the Oxford Local Plan 2036. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### *Biodiversity Net Gain*

10.90. Policy G2 of the Oxford Local Plan relates to protection of biodiversity and geo-diversity. This policy requires a biodiversity net gain of 5% on all major developments where there is existing vegetation on site. Given that the site currently benefits from a number of trees a biodiversity net gain was requested to be included as part of the application.

10.91. As part of the proposal it is recommended to install integrated bird boxes and this approach is welcomed. Officers have also reviewed the submitted biodiversity metric which shows a significant net gain (improving on a very low baseline). Whilst insufficient information has been provided to determine whether the proposed intensive green roof has been accurately categorised/assessed; this is a very minor point in the context of the proposals and would not materially affect the score. It is considered that the proposal therefore demonstrates a clear biodiversity net gain above 5% on site and the proposals exceed the aims of policy G2.

#### *Landscaping*

10.92. The application has been accompanied by landscaping proposals for the flat roof of the new build and at ground floor around the existing buildings which are proposed to be retained. Whilst the green roof and additional landscaping is strongly encouraged and supported, concerns were raised during the course of the application that the proposed landscaping was dominated by non-native

species. The majority of the proposed trees, shrubs and ground cover plants should be native species. It was therefore requested that the proposed landscaping was reviewed and approved by the project ecologist. *Lonicera japonica* is an invasive species and it was requested that it be removed from the proposed planting list. A revised planting scheme was received which addressed these issues and the proposals are therefore considered acceptable in accordance with Policies G2 and G9 of the Oxford Local Plan.

#### **i. Flooding and Drainage**

##### *Flooding*

- 10.93. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.
- 10.94. The south west corner of the site is located within Environment Agency Flood Zone 2. The corner is currently occupied by a structure which is to be lost by the proposed development and replaced. The proposed development is therefore considered to not reduce capacity for flood water storage on site.
- 10.95. Due to the sites position on the very edge of flood zone 2, the proposed development sits above flood levels and is therefore considered not to be at a high risk of flooding. The main entrance to the hotel is also located to the north of the site within flood zone 1. In the event of a flood, there is likely to be safe access and egress of the building.
- 10.96. The proposal is therefore considered acceptable in relation to policy RE3 of the Oxford Local Plan 2036.

##### *Drainage*

- 10.97. The application site is a constrained site with existing buildings and an existing car park. Concerns were raised during the course of the application that more could be done to restrict the run off rate from the entire site to 2l/s in line with greenfield run off rates. Whilst this has been achieved from the new building through the use of green and blue roofs, this has not been achievable from the existing buildings and car park. The car park area is also constrained with tree roots of the protected trees therefore it is difficult to provide further attenuation in this area. Given this the Lead Local Flood Authority agreed that the drainage strategy is acceptable and in some areas an improvement on the existing situation achieved, and therefore the proposal is acceptable subject to a condition for a final drainage design including drainage calculations.
- 10.98. Subject to this condition the proposal is considered to accord with policy RE4 of the Oxford Local Plan 2036.

##### *Thames Water*

- 10.99. Whilst there is capacity in the network for surface and foul water drainage, following initial investigations, Thames Water has identified an inability of the

existing water network infrastructure to accommodate the needs of the development proposal. Therefore a condition is recommended that any necessary amendments and upgrades to the network are agreed with Thames Water prior to the occupation of the development to ensure that there is sufficient water supply. Subject to the condition, the development accords with RE4.

#### **j. Land Quality**

10.100. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The following planning legislation and policies apply:

- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.101. The former uses of the land includes use as a Baptist Chapel and Hall, with some evidence of warehousing to the northeast of the site. Although significant contamination risks are not expected to be present on site due to the lack of historical industrial use, there may be areas of made ground present which could present potential contamination risks to construction workers and future site end-users. In this regard it is considered necessary that an intrusive site investigation is carried out at the site to determine potential contamination risks and what remedial actions may be necessary to ensure that the site is made suitable for the proposed use.

10.102. The submitted Phase 1 Preliminary Risk Assessment report is considered acceptable however, conditions are recommended for a Phase 2 survey to be completed, any remediation required and a watching brief to be carried out during construction.

10.103. Subject to these conditions the proposal is considered to comply with policy RE9 of the Oxford Local Plan 2036.

#### **k. Energy**

10.104. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and requires that new commercial development meets BREEAM excellent standard and achieves a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. In this case the proposal meets these requirements with a fabric first approach to reduce energy demand (with good building insulation) and also through the use of solar PV panels on the roof and a heat recovery system. Furthermore the proposal seeks to use sustainable materials and minimise waste during construction and operation. A compliance condition is recommended that the proposed development is built to comply with the commitments of the energy strategy. This would also ensure that the proposed development reaches a minimum of four credits under BREEAM assessment in relation to water efficiency given that Oxford is located in an area of water stress.

10.105. Given the above and subject to compliance conditions, the proposal is considered to meet the requirements of policy RE1.

## **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 in conclusion 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 would be an acceptable development and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. In relation to heritage assets, although the proposal would result in harm, this would be less than substantial and outweighed by the public benefits of the scheme which include making a more efficient use of the site and heritage benefits to the existing listed building including removal of the existing rear extension and box dormer in accordance with the statutory test identified under paragraph 202 of the NPPF.

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of conditions.

11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse

impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report and the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

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

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

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

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

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands and the setting of the listed building in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

4. Prior to the commencement of development (except for demolition), details of the junctions between existing buildings and the extension shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: In the interests of the visual appearance of the Central Conservation Area in which it stands and the setting of the listed building in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

5. No demolition shall take place until a detailed method statement for staged demolition works, involving stage one demolition to slab level only without grubbing out of foundations, designed to facilitate controlled archaeological recording of the proposed floor demolition within the chapel and to facilitate strip map and record excavation of the foundation grid has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that demolition works avoid unnecessary disturbance to in-situ archaeological remains and facilitate a programme of archaeological (Oxford Local Plan Policies DH3 and DH4).

6. No development shall take place until a detailed design for ground works and foundations and a method statement for the construction of foundations in areas of archaeological potential have been submitted to and approved in writing by the Local Planning Authority. The method statement shall set out a methodology for piling that shall avoid the need for pile probing or grubbing out of obstructions (i.e. pre drilling if required). All works shall be carried out and completed in accordance with the approved design for ground works and foundations and method statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To secure a foundation design that minimises the harm to important below ground archaeological remains (Oxford Local Plan Policies DH3 and DH4).

7. No development shall take place until the applicant, owner, or their respective agents or successors in title, have secured the implementation of a programme of historic building recording to level 4 standard (Historic England 2016 Understanding Historic Buildings) encompassing provision for dendrochronology dating, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure public benefit in mitigation of harm to above ground archaeological remains in accordance with Oxford Local Plan Policies DH3 and DH4.

8. No below ground works shall take place until a written scheme of investigation (WSI) for archaeological recording (encompassing a programme of archaeological excavation, watching brief and related programme of public outreach) has been first submitted to and approved in writing by the local planning authority. For land that is included within the

WSI, no development relating to each phase shall take place other than in accordance with the agreed WSI for that phase unless otherwise first agreed by the Local Planning Authority in writing. Each WSI shall include the statement of significance and research objectives, and

- A programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- A programme of public archaeology and outreach and the nomination of a competent person(s) or organisation to undertake the agreed works.
- A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To secure public benefit in mitigation of harm to below ground archaeological remains (Oxford Local Plan Policies DH3 and DH4).

9. Prior to the commencement of landscaping works a method statement for on-site archaeological interpretation using signage, floor design, incorporation of exposed fabric or a combination of one or more of these shall be submitted to and approved in writing by the local planning authority. The interpretation shall facilitate the public appreciation of significance of the Oxford Blackfriars and the significance of the Provisions of Oxford in 1258 to the development of British democracy. The development shall be carried out in accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including, medieval and post-medieval remains (Oxford Local Plan Policies DH3 and DH4).

10. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime (06:00-22:00) and of more than 30 dB LAeq 8hrs in bedrooms at night (22:00-06:00).

Reason: To ensure that the amenity of occupiers of the premises is not adversely affected by noise from external sources to the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

11. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation at all times.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from sources at the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

12. Notwithstanding the submitted details of plant and machinery, prior to the commencement of development, revised details of any plant and machinery shall be submitted to and approved in writing by the local planning authority to demonstrate that plant will be designed/ selected or the noise attenuated so that it is 10dB below the existing background level to maintain the existing noise climate and prevent 'ambient noise creep'. Only the approved plant and machinery shall be installed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from sources at the site in accordance with policy RE7 and RE8 of the Oxford Local Plan 2036.

13. Prior to commencement of the development hereby approved, a demolition method statement and a construction traffic management plan, prepared in accordance with Oxfordshire County Council's checklist, shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the requirements of policies RE7 and RE8 of the Oxford Local Plan 2036.

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

Reason: In the interests of sustainable modes of transport in accordance with policy M5 of the Oxford Local Plan 2036.

15. Notwithstanding any submitted Travel Plan, prior to first occupation of the hotel a Travel Plan should be submitted to and approved in writing by the Local Planning Authority. The hotel shall be occupied and operated in accordance with the Travel Plan at all times thereafter.

Reason: In the interests of sustainable modes of transport in accordance with policy M1 of the Oxford Local Plan 2036.

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

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

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

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

18. 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.

19. No development shall take place until details of the design of all new hard surfaces and a method statement for their construction shall first have been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G1 and G7 of the Oxford Local Plan 2036.

20. No development shall take place until details of the location of all

underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details 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.

21. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), produced in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations", has been submitted to, and approved in writing by, the Local Planning Authority.

The TPP & AMS shall include such details as are appropriate to the circumstances, for the protection during development of retained tree, and any areas of ground identified for new tree planting (the areas to be equal to the calculated Root Protection Area of proposed trees at their eventual state of maturity (i.e. 25 years). The TPP & AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved TPP & AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

22. 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 development shall be carried out in accordance with the approved AMP which 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. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the Local Planning Authority at scheduled intervals 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.

23. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Annex A4 (pages 50-52) of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority and adhered to and implemented throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

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

24. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure to be installed on-site shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle infrastructure shall be formed and laid out before the development is first in operation and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the new Oxford Local Plan 2016- 2036.

25. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities affecting bats.
- b) Sensitive working practices to avoid impacts on roosting bats during construction (may be provided as a method statement).
- c) The times during construction when specialist ecologists need to be present on site to oversee works.
- d) Responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

26. Prior to the commencement of the development, details of biodiversity enhancement measures including at least 5 x bird nesting devices shall be submitted to and approved in writing by the local planning authority. The

approved measures shall be constructed under the guidance of a suitably-qualified ecologist prior to completion of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of improving the biodiversity of the City in accordance with the National Planning Policy Framework.

27. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure compliance with Policies DH1, G2 and G8 of the Oxford Local Plan 2036.

28. Prior to commencement of development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The

scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the Sustainable Drainage Scheme (SuDS) proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details; and
- Consent for any connections into third party drainage systems.

Reason: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

29. Prior to first occupation, a record of the installed Sustainable Drainage Scheme (SuDS) and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: In the interests of flooding and sustainable drainage in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

30. The development shall not be occupied until confirmation has been provided to the Local Planning Authority that either:- all water network

upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

31. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination. Each phase shall be submitted in writing and approved by the local planning authority.

A Phase 1 (desk study and preliminary risk assessment) has been completed and approved. A Phase 2 shall be completed to include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use.

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

32. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

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

33. Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. 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.

34. The development shall be carried out in accordance with the energy and water efficiency measures set out in the 'We Design For Ltd. Sustainability and Energy Statement' dated December 2001 and the measures shall be retained in place thereafter.

Reason: In the interests of energy efficiency in accordance with the requirements of policy RE1 of the Oxford Local Plan 2036.

### Informatives

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

The archaeological recording should consist of 1) historic building recording of the standing buildings - the Victorian buildings to Level 3 standard and No 10 Littlegate Street to Level 4 standard- with a detailed watching brief to be undertaken during stripping out works and any significant fabric interventions and provision for dendrochronology dating within the cottage. 2) archaeologically controlled ground reduction within a

staged demolition process (internal floor reductions and to top of pile mat formation) and strip and record excavation of areas of significant ground work (the foundation grid etc). Full excavation and assessment of any unforeseen burials that are exposed during works. 3) archaeologically controlled watching brief on associated groundworks with adequate contingency for unforeseen areas of survival (i.e. service runs). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

#### Scope of outreach

The project outreach should include on site temporary information boards, a 500 copy print run public information leaflet (and pdf) with an artist reconstruction of the friary, a handling session in the Museum of Oxford, social media posts and a press release.

### **13. APPENDICES**

#### **Appendix 1 – Site plan**

### **14. HUMAN RIGHTS ACT 1998**

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

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

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

