

Oxford City Planning Committee

16<sup>th</sup> August 2022

<b>Application number:</b>	21/01405/FUL		
<b>Decision due by</b>	3rd September 2021		
<b>Extension of time</b>	29 <sup>th</sup> July 2022		
<b>Proposal</b>	Demolition of existing carpenters yard buildings, 302, 304 and 312 Marston Road and 1 and 3 Jack Straw's Lane. Erection of residential care home (Use Class C2) with associated landscaping and car parking.		
<b>Site address</b>	1 And 3 Jack Straw's Lane, And 302 304 And 312 Marston Road, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Headington Hill And Northway Ward		
<b>Case officer</b>	Michael Kemp		
<b>Agent:</b>	Mr Steven Roberts	<b>Applicant:</b>	Mr Mansell
<b>Reason at Committee</b>	The proposals are major development		

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## 1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report subject to:-

- The required planning conditions set out in section 12 of this report; and
- The satisfactory completion of a legal agreement and/or unilateral undertaking under Section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and grant planning permission.

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

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

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

- Issue the planning permission after the completion of the legal agreement and/or unilateral undertaking.

## **2. EXECUTIVE SUMMARY**

2.1. This report considers the demolition of buildings associated with a former carpenter's yard and five residential dwellings (Nos. 302, 304 and 312 Marston Road and Nos. 1 and 3 Jack Straws Lane) and the erection of an 80 bed care home, the formation of associated parking and amenity space. The application site is located in a mainly residential area of New Marston, characterised by suburban dwellings, typically two storeys in scale.

2.2. The principle of care accommodation on the site is considered to be acceptable in line with Policy H11 of the Oxford Local Plan, as the site is located within an accessible location and a balanced community within close proximity to a range of existing services and facilities. The proposals represent a departure from the development plan as it would involve the demolition of five residential dwellings and the proposed use would not be in line with any of the exemptions listed under Policy H5 of the Oxford Local Plan. Notwithstanding this, where applying the Government's Housing Delivery Test, the provision of 80 supported living rooms would equate to the 44 homes back into the local housing market, which is considered to outweigh the loss of the five homes on the site. Part of the site has an existing employment use, owing to its former use as a carpenter's yard, though this would be classed as the lowest category of employment use under employment Policy E1 of the Oxford Local Plan. The subtext to Policy E1 suggests that Category 3 employment sites should be considered for housing if these sites become available for development, therefore the proposals are considered to not be in conflict with Policy E1.

2.3. The design of the development has been subject of a number amendments to reduce the height of the third floor and roof sections of the building, particularly as perceived from Marston Road, alongside amendments to the massing of the building reducing the building's scale and prominence. The design has been developed with reference to ensuring the scale and building heights are sensitive to the context of the surrounding built form and to ensure that the building and related development including amenity spaces and parking/accesses relate appropriately to the adjoining street scene in Marston Road and Jack Straws Lane. It is therefore considered that the design approach would be in accordance with Policy DH1 of the Oxford Local Plan. The site, whilst falling within the wider setting of the Headington Hill Conservation Area is considered to not result in harm to the setting of this designated heritage asset, owing to the site's limited visibility in public views and the scale and siting of the proposed development, consequently the proposals are considered to preserve the setting

of the Conservation Area in accordance with Policy DH3 of the Oxford Local Plan.

- 2.4. Future occupiers of the care accommodation would benefit from good standards of amenity, which includes a high standard of external amenity space in accordance with Policy H11 of the Oxford Local Plan, whilst internal spaces would benefit from appropriate levels of natural light and privacy in accordance with Policies H14 and RE7 of the Oxford Local Plan. The submitted Daylight and Sunlight Assessment demonstrates that the scale and siting of the building would preserve the quality of internal and external amenity for existing occupiers in accordance with Policy H14, whilst the scale of the proposed building is not considered to be overbearing in relation to adjoining properties.
- 2.5. The site is considered to be within a sustainable location in terms of public transport access, given the distance to surrounding bus stops benefitting from frequent services. Whilst occupiers would not require parking, there would be a level of operational need for parking for staff and visitors. The submitted Transport Statement is considered to provide adequate justification for the 30 parking spaces proposed on the site, which is considered to be justified in accordance with Policy M3 of the Oxford Local Plan. Cycle parking is also provided for visitors and for staff in accordance with Policy M5 of the Oxford Local Plan. Overall traffic generation would not place unacceptable pressure on the local highway network and the proposals are considered to be acceptable from a highway amenity perspective.
- 2.6. The proposals would result in an overall net loss in biodiversity, when compared with baseline levels, notwithstanding limited on-site enhancement measures. The net loss in biodiversity would need to be off-set through off-site delivery of biodiversity net gain, this would need to be agreed in conjunction with a suitable provider, which has been identified as TOE. Details of the strategy for offsetting will need to be secured as part of an accompanying Section 106 agreement. Subject to offsetting being secured, the development would comply with Policy G2 of the Oxford Local Plan.
- 2.7. It is considered that the development would comply with the Oxford Local Plan 2036, Headington Neighbourhood Plan and NPPF and for the reasons outlined within this report, officers recommend that planning permission be granted, subject to conditions and to section 106 planning obligations to secure the obligations listed in the section below.

### **3. LEGAL AGREEMENT**

- 3.1. It is recommended that if planning permission is granted it is approved subject to the prior completion of a section 106 legal agreement and/or a unilateral undertaking to cover the following matters:
  - Submission of a biodiversity scheme to secure minimum biodiversity net gain of at least 5% through a combination of on-site and off-site measures.

- Financial contribution of £3120 to be paid to Oxfordshire County Council for a Traffic Regulation Order to remove residents parking bays on Jack Straws Lane adjacent to new access to the site.
- Financial contribution of £2,379 towards travel plan monitoring to be paid to Oxfordshire County Council.
- Requirement to enter into a S278 Agreement to secure provision of new vehicular access and tactile paving for pedestrian accesses.

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

4.1. The proposal is liable for a CIL contribution of £811,277.12.

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

5.1. The development site is located within a residential area of New Marston. The site consists of a mix of Class C3 residential uses, namely five residential dwellings and a range of buildings which lie to the rear of Jack Straws Lane and Marston Road, formerly used by a carpentry business.

5.2. The residential dwellings within the application site include Nos.304 and 302 Marston Road, a pair of red brick semi-detached mid-20<sup>th</sup> Century houses which front Marston Road, set back behind relatively large front gardens. The properties also have relatively large back gardens, which extend up to the adjoining land to the rear. No 312 Marston Road also lies within the site, this is a detached two storey rendered house located on the corner of Marston Road and Lynn Close. The front elevation of this property faces Lynn Close, whilst the rear garden extends along the Marston Road frontage. The application site also includes Nos.1 and 3 Jack Straws Lane, which are a semi-detached pair of dwellings faced with white render with large front and rear gardens, characteristic of the design of much of the housing in the local area.

5.3. The rear section of the site includes a collection of single storey light industrial buildings last used by a carpentry and joinery business which vacated the site in 2019. Access to this part of the site is currently via a narrow driveway leading between Nos.3 and 9 Jack Straws Lane. The buildings on the site are vacant and are in a state of disrepair. The remainder of the site surrounding the buildings consists of gravel hardstanding and areas where grass has established since the site has been derelict.

5.4. The surrounding area is suburban in character and typically consists of 20<sup>th</sup> century semi-detached housing and small terraces of red brick and rendered homes. This includes much of the development parallel to Marston Road. Jack Straws Lane features a number of detached houses, though the general character of the houses along the lower sections of Jack Straws Lane is broadly similar to that of the surrounding area. The Church of St Michael and All Angels, which features a prominent tower is a notable building in the area which sits on the corner of Marston Road and Jack Straws Lane and adjoins the southern section of the application site. Milham Ford Nature Park, a large public park is

located to the south of the application site on the opposite side of Jack Straws Lane.

5.5. Lynn Close to the north of the site is of a differing character and consists of five rows of two storey 1960's terraced brick houses arranged in rows with the end gables of the houses facing the road. There are several rows of single storey garages on the southern side of Lynn Close which adjoin the boundary with the site. At the far end of Lynn Close, to the east of the site is a small, early 2000's development of red brick and rendered terraced houses. No.44 Lynn Close which is an end of terrace house adjoins the eastern boundary of the site.

5.6. The access to the site and parking area falls within the Headington Neighbourhood Plan Area, though the remainder of the site, including the proposed care accommodation building falls outside this defined area.

5.7. See block plan below:



## 6. PROPOSAL

6.1. The application proposes the demolition of all of the existing buildings within the application site, including the light industrial buildings on the carpenter's yard site and the residential dwellings (Nos. 312, 304 and 302 Marston Road and Nos 1 and 3 Jack Straws Lane). A new interlinked building is proposed on the site containing a total of 80 en-suite Class C2 residential care accommodation rooms.

6.2. The majority of the building would be three storeys in height, which includes accommodation space within the roof, including along the frontage facing

Marston Road. A small basement is proposed, which would include a plant room, store room and staff changing facilities. The main entrance to the building would be located on the south elevation facing the proposed car park, there would be a separate service entrance adjoining the easternmost wing of the building. The building would be of a contemporary design. The main elevations of the building would be principally constructed from buff-brick, whilst the pitched roof sections of the building would feature profiled metal cladding which would be of a reddish/bronze colour.

- 6.3. The plans have been subject of revisions which were submitted for consideration in February 2022. The principal revision involved alterations to the roof design of the building, resulting in a reduction in the height of the building. The overall height of the building to the roof ridge would measure 11.3 metres and the height to the eaves of the upper floor would measure 8 metres. The building would feature dual pitched roofs along the majority of the key elevations. A largely concealed section of flat roof would sit behind the pitched roofs, visible in part between the gable ends of the building. Other amendments were made to the internal layout of the building, including the repositioning of rooms and minor alterations to the proposed floor plans, no changes were proposed to the overall quantum of rooms proposed.
- 6.4. The internal layout of 80 en-suite rooms is split across three floors. Living accommodation is split into shared 'households' of 4 to 8 rooms, each of which have access to smaller individual sitting rooms. Dining and living space would be located in a central position on each level of the building. Additional shared living space and facilities for residents including a private dining room, treatment room, salon and activity room would be provided at ground floor level. Servicing facilities would also be provided at ground floor level, including a laundry, kitchen and staff space. Outdoor amenity space would be provided to the front (south) of the building and to the east and north of the building, this consists of a mix of hard and soft landscaping.
- 6.5. Vehicular access to the site would be provided from Jack Straws Lane. The southern section area of the site would be used for parking. A total of 30 parking spaces are proposed, this includes two disabled parking bays. A dedicated ambulance parking space would also be provided. Two access points would be provided to Jack Straws Lane with an in/out arrangement consisting of a U shaped access road. A secondary (secured access) would be provided to Marston Road, primarily for staff.

## 7. RELEVANT PLANNING HISTORY

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

14/01772/FUL - Demolition of existing buildings on site. Erection of 5 x 3-bed and 3 x 4-bed houses, together with car parking, landscaping and ancillary works.. Refused 9th September 2014.
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19/00779/FUL - Redevelopment of the site comprising demolition of existing carpenter's yard buildings, 1 and 3 Jack Straw's Lane, and 302, 304, 312 Marston Road, and the erection of six new buildings to provide 5 C3 dwellings (3
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x 1 bed, 2 x 2 bed), 153 student rooms, and 140sqm (Class B1 (a)) office space. – Withdrawn

21/00216/FUL - Proposed demolition of existing light industrial buildings.  
Erection of 4 x 3-bed dwellinghouses and 4 x 4-bed dwelling houses (Use Class C3) – Refused 16<sup>th</sup> April 2021

21/01428/FUL- Proposed demolition of existing light industrial buildings.  
Erection of 4 x 3 bed dwellinghouses and 4 x 4 bed dwelling houses – Refused 15<sup>th</sup> July 2021

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan:
Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores	CIP1 – Development to enhance local character CIP3 – Design
Conservation/Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains	CIP2 – Protecting important views CIP4 – Protecting important assets
Housing	60-67	H1 - Scale of new housing provision H2 - Delivering affordable homes H5 - Development involving loss of dwellings H11 - Older persons and specialist and support H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	81-83	E1 - Employment sites - intensity of uses	
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GSP1 – Conserving Biodiversity
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points	TRP3 – Travel plans TRP5 – Promotion of cycling

		M5 - Bicycle Parking	
<b>Environmental</b>	119-125; 152-169; 183-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	
<b>Miscellaneous</b>	7-12	V8 - Utilities	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 11<sup>th</sup> June 2021 and an advertisement was published in The Oxford Times newspaper on 10<sup>th</sup> June 2021.
- 9.2. Following amendments to the approved plan re-consultation was carried out, which included new site notices which were posted around the site on 24<sup>th</sup> February 2022 and a new advert was published in The Oxford Times newspaper on 23<sup>rd</sup> February 2022.

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

#### Oxfordshire County Council

Highways - No objection – subject to conditions.

- 9.3. The proposals are for an 80 bed care home off Jack Straw Lane, following the demolition of 5 residential dwellings and the existing lumber yard. The proposals include the provision of an additional vehicular access to facilitate an "in" and "out" arrangement. The proposals are in a highly sustainable location with good access to public transport infrastructure. The site has excellent walking and cycling links to the wider city.
- 9.4. Vehicular access will be via an "in" and "out" arrangement. The existing access will form the egress whilst a new access will form the entry to the site. This arrangement is considered acceptable. Pedestrian visibility must be ensured at both vehicular access points. This is particularly true of the egress which offers somewhat constricted pedestrian visibility for eastbound pedestrians. The new access will definitely require that a number of CPZ parking spaces be removed. This is considered acceptable as it will be offset by the loss of 5 residential dwellings.
- 9.5. This will be achieved by requesting a TRO alteration. Pedestrian access will be via a 2 metre wide path from the island in between the two pedestrian



crossings. Given that the proposed use serves the elderly, the pedestrian crossing points along the northern side of Jack Straws Lane should utilise tactile pavement. This will improve the safety of the crossings for vulnerable users and is also why the pedestrian visibility mentioned above is very important.

- 9.6. The site is easy to access via bicycle and is near several major cycling routes well serviced by infrastructure. The site is well connected to important pedestrian/cycle/public transport links. This will result in a higher percentage of staff accessing the site via sustainable means.
- 9.7. The site layout is considered acceptable, adequate space has been provided for access by refuse vehicles and ambulances. The in and out arrangement of the vehicular access will result in less conflict between vehicles.
- 9.8. 30 car parking spaces have been provided. This quantity has been soundly justified and is considered acceptable for this proposal. The car parking spaces are of suitable dimensions.
- 9.9. 44 cycle parking spaces have been provided. This is a very healthy level of provision and will provide anyone who wishes to access the site via bike the opportunity to do so.
- 9.10. The transport statement says that the proposals will result in an additional 86 vehicles per day across a 12 hour period. This is a moderate increase but the AM and PM peaks will remain largely unchanged, at -2 for the AM and +5 in the PM. This is further demonstrated by the proposed shift patterns to be utilised by staff which tend to start or end outside of the AM and PM peak. The figures arrived at in the transport statement are considered sound. The proposals are unlikely to result in a severe increase in traffic at the site.
- 9.11. A full travel plan is required for this development. This should be produced prior to first occupation and then updated within 3 months of occupation of the site. A travel plan monitoring fee of £2,379 is required to enable the travel plan to be monitored for a period of five years.
- 9.12. A Residential Travel Information Pack is required prior to first occupation and then distributed to all residents at the point of occupation.
- 9.13. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including the new access and the tactile paving for each pedestrian access.

#### Drainage

- 9.14. No objection, subject to conditions

#### Thames Water

- 9.15. No objection subject to a condition requiring the submission of further evidence to demonstrate that capacity exists off site, an infrastructure phasing plan has been agreed with Thames Water or wastewater upgrades have been

completed to accommodate the additional water flows from the development. Also recommend conditions specifying that no development takes place within 5 metres of a water main and a piling method statement would be required if piling is to take place on site.

### **Public representations**

9.16. A total of 5 members of the public commented on this application following consultation on the originally submitted plans. In summary, the main points of objection were:

- The development would be out of scale with the surrounding area.
- Present water and sewerage infrastructure is under strain.
- The scale of the building too large in relation to the surrounding buildings.
- The development would generate traffic putting further pressure on Jack Straws Lane.
- Access to the site is unsuitable.
- Car parking is inadequate and could put pressure on surrounding streets.
- The development would affect light to the north side of the church, which would affect its character.
- The development is adjacent to Milham Ford Nature Park which has unusual hydrology, the development could affect this.
- The development would result in the loss of five family homes.

9.17. Following submission of amended plans a further two responses were received from members of the public in objection to the application, this is summarised below:

- The development is overcrowded.
- Insufficient outside space and facilities are offered for residents.
- The proposals would involve the removal of family sized housing on the site.
- Concern with regard to increase in parking and traffic generation.
- Preference for family sized housing on the site.
- Question suitability of location adjacent to main road due to noise.
- Concern regarding the scale of the proposed building.

9.18. Oxford Preservation Trust commented following the submission of amended plans, their comments are as follows:

- OPT acknowledges that amendments have been made to the scheme which includes a reduction of height of the proposed buildings by some 978mm. OPT do not have any in-principle objections to the redevelopment of the site and acknowledge a reduction in height has been made which is a step towards mitigating any potential impact on the views. However, the buildings will still sit above the existing adjoining buildings, which are all predominantly two storey dwellings with the exception of St Michael and All Angels Church.

- OPT feel that insufficient weight has been placed on the potential impacts that the proposed development could have on this view, and the protected view cone, and a full assessment needs to be carried out before any decision is made
- OPT therefore ask Officers to fully assess the potential impacts of the proposed buildings on the foreground of the views from the Doris Field Memorial Field. These views have been identified as important viewing points which encompass and afford the opportunity to view Oxford's historic skyline, it would be contrary to policy to permit development which would harm these specially protected views. OPT are concerned that the impact of the development as proposed could be harmful and detrimental to the wider setting of this important, and fragile protected view.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development
- II. Design
- III. Neighbouring amenity
- IV. Transport
- V. Trees
- VI. Ecology
- VII. Sustainability
- VIII. Land Quality
- IX. Flooding/drainage

### I. Principle of development

#### Care Accommodation

10.2. Policy H11 of the Oxford Local Plan is permissive in principle of elderly-persons and specialist care accommodation. The Oxfordshire SHMA acknowledges that there is little additional need for additional specialist older persons or care accommodation at present, though there is still expected to be a need for additional provision of care accommodation during the Plan period. A needs assessment has been provided in support of the planning application, which identifies that by 2023 there would be a shortfall of 434 wet room specialist care rooms. It is accepted therefore that there would be a future need for accommodation of this nature and delivery of accommodation on this site would make a significant contribution in terms of addressing the need for specialist care accommodation. Policy H11 requires that care accommodation must align with the following criteria.

*a) (The development) is located with good access to local facilities and services including public transport, shops and healthcare facilities; and b) is*

*located close to or as part of a mixed community and will contribute positively to the creation and maintenance of mixed and balanced communities; and c) is appropriate for its intended residents and the neighbourhood in terms of form, scale and design; and d) Includes gardens and amenity space of appropriate size and quality; and e) Meets the affordable housing requirements of Policy H2.*

- 10.3. The site is in a sustainable location in terms of access to public transport. Given the nature of care offered it is anticipated that residents would not be using local shopping services, or at least on a regular basis. Nevertheless the site is within 500 metres of the Marston Neighbourhood Centre on Cherwell Drive, whilst there is also a Costcutter/Post Office and small Co-op store within 350 metres of the site on Old Marston Road. The site is in an area well served by healthcare facilities, given its proximity to the John Radcliffe Hospital and a local pharmacy and clinic on Old Marston Road. The site is within a balanced residential community and it is considered the proposed use could be integrated into the area without causing disturbance to local residents and likewise the residential nature of the surrounding area would be amenable for future residents. The provision of care accommodation on this site is therefore considered to align with Policy H11 of the Oxford Local Plan.

#### Affordable Housing

- 10.4. Policy H2 of the Oxford Local Plan states that on self-contained residential developments (C2 and C3, including retirement homes and sheltered housing) a minimum of 50% of units on a site should be provided as affordable homes. This requirement however applies only to self-contained accommodation and, as noted under the subtext to Policy H11, care accommodation may be self-contained or non-self-contained. The glossary within the Oxford Local Plan defines self-contained accommodation as an independent unit of accommodation with kitchen, bathroom and toilet facilities. The floor plans provided show that the living accommodation for residents would consist of bedrooms and a small bathroom. Residents would be dependent on shared communal areas for dining, whilst there would be a centralised kitchen area and other communal lounge spaces. The residents' health and care needs mean that accommodation cannot be self-contained. As the accommodation would be non-self-contained, there would not be a requirement to provide on-site affordable housing, or a financial contribution towards off-site delivery of affordable housing.

#### Loss of Residential Dwellings

- 10.5. Policy H5 of the Oxford Local Plan specifies that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site except in specific circumstances including where essential modernisation is proposed to make living accommodation acceptable and it can be shown that loss of a unit is essential for operational reasons or to secure space standards; or where this involves the change of use to non-self-contained Class C2 care, specialist or supported housing; or a change of use to a primary health care facility, children's nursery or community hub.

- 10.6. It is noted that the wording of Policy H5 allows for the loss of residential dwellings in the case where there is a change of use of existing C3 housing to Class C2 care accommodation, providing that this is not self-contained accommodation. As the proposals involve the demolition of the existing Class C3 houses and the development of new Class C2 accommodation rather than the re-use of an existing building it is considered that the proposed development would not represent an exemption under Policy H5, whereby the loss of the five houses on the site would be policy compliant. The proposals would represent a departure from the development plan in this regard.
- 10.7. It is important nevertheless to consider the trade-off of the C3 accommodation (5 units in total) compared with the number of care accommodation rooms proposed (80 rooms). The Government's Housing Delivery Test for communal spaces (other than student accommodation), which includes Class C2 care accommodation assumes that the provision of 1.8 rooms would equate to the release of one Class C3 dwelling. The provision of 80 rooms within this development would, when applying this principle, equate to the release of 44 homes back into the local housing supply, a net increase of 39 units overall.
- 10.8. The provision of the care accommodation would make more effective use of the site, in line with Policy RE2 of the Oxford Local Plan and overall accounting for the trade-off in the specific nature of the accommodation there would be a net gain in residential accommodation which would be beneficial in terms of addressing local housing need which in officers' view justifies departure from Policy H5 of the Oxford Local Plan.

#### Loss of Employment Uses

- 10.9. The site has been the subject of three previous planning applications in 2014, 2019 and 2021, the former and latter of these applications were refused, whilst the 2019 application was withdrawn. The 2014 planning application was refused partially on the basis that it had not been demonstrated that the site has created environmental problems in the past, and no marketing of the site or evaluation of employment on the site had been undertaken to help assess its role in, and value to the local economy.
- 10.10. The most recent application on the site submitted in 2021 (21/00216/FUL) for a residential development of 8 units concluded that the loss of the employment uses on the site would be acceptable. The Oxford Local Plan 2016-2036 has been adopted since the refusal of the planning application in 2014 and consequently the planning policy context has altered greatly, particularly in terms of applications involving the redevelopment of employment sites.
- 10.11. The site is classed as a Category 3 (lowest category) employment site in line with Policy E1 of the Oxford Local Plan. This designation covers all employment sites in the city, which are not specifically designated or afforded protection for the purposes of retaining employment use on site, or other uses directly related to the employment use of the site. Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

*f) the desirability of meeting as much housing need as possible in sustainable locations within the city; g) the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses; h) the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; i) the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents.*

10.12. The subtext to Policy E1 recognises that category 3 sites do not perform such an important economic function compared to Category 1 and 2 employment sites. It is also specified that these sites should be considered for housing if these sites become available for development.

10.13. The site is currently derelict and consists of an uncoordinated arrangement of single storey timber and pre-fabricated structures several of which are in a very poor physical condition. The site would likely require comprehensive redevelopment to be brought up to a reasonable standard whereby it could be reused for employment purposes. Policy E1 of the Oxford Local Plan specifically recognises that housing uses should be considered if category 3 employment sites become available for redevelopment.

10.14. The site lies directly to the rear of several residential dwellings in Jack Straws Lane, Marston Road and Lynn Close. Given the proximity to these residential dwellings a residential use of the site would be more compatible in amenity terms, compared with the site's existing light industrial use which has the potential to cause greater issues in terms of noise disturbance and pollution which may adversely affect the living conditions of adjacent occupiers. There would also be potential biodiversity and environmental gains from a residential redevelopment of the site in securing ecological enhancements and remediation.

10.15. Policy RE2 of the Oxford Local Plan, alongside Paragraphs 119 and 120 of the NPPF promotes the reuse of previously developed land, including for the purposes of providing housing therefore the redevelopment of this site for the purposes of providing additional housing should be supported in line with local and national planning policy.

10.16. Taking the above factors into consideration, officers consider that the loss of the employment uses on the site and the redevelopment of the site for the purposes of providing housing would be justified in line with Policy E1 of the Oxford Local Plan.

### **Design and Heritage**

10.17. The site does not fall within a Conservation Area, though the Headington Hill Conservation Area extends up to the edge of Doris Field Close, around 150

metres to the east of the site. Given the site's close proximity to the Conservation Area, development on the site has the potential to impact on the setting and the significance of the Conservation Area within views from, within and into the Conservation Area from Jack Straws Lane and in slightly longer distance views from Doris Field to the north east. It is therefore important that the development is assessed in line with the relevant national and local policies relevant to developments which may impact on the setting of Conservation Areas

- 10.18. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), and responds positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance.
- 10.19. Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset, either designated or non-designated, would be affected by a development proposal, that development proposal will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.
- 10.20. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 199 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.21. The site lies to the rear of an existing row of buildings fronting Jack Straws Lane and the proposed buildings on the site would be of a relatively low height, therefore it is unlikely that the development would be seen, or would appear prominent in views from within the Conservation Area from this particular viewpoint.
- 10.22. The site falls within the Doris Field View Cone, which also lies within the Headington Hill Conservation Area and offers views of the historic skyline of the city. The viewpoint itself is within 250 metres of the site to the north east. Verified views have been prepared showing the outline of the proposed development and indicative visibility from the Doris Field View Cone, this includes winter and summer views. The site firstly lies at a much lower level compared with Doris Field Close. The presence of dense vegetation cover and the backs of several properties blocks views of the vast majority of the development site from Doris Field Close. Currently only the upper part of St

Michael's Church Tower is visible from this viewpoint. Whilst the building would have some visual presence in Marston Road accounting for its cumulative scale, the building is not particularly high at 11.3 metres to the roof ridge. The combination of existing buildings in the foreground of the view, vegetation cover and the site's lower topography relative to the Doris Field view cone would mean that the development would either not be visible, or visible to such a minor extent that the impact would be negligible in this view and would not break the roof line of the houses in Lynn Close, which are low and do not interrupt views of the historic skyline of Oxford. Accounting for the site's lack of visibility in public views from within the Conservation Area it is considered that the development would not result in harm to the setting of either the Headington Hill Conservation Area or the Central Conservation Area, therefore preserving the setting of both designated heritage assets in accordance with Policy DH3 of the Oxford Local Plan.

- 10.23. The development would be sited on an extensive band of Oxford mudstone geology that has not been subject to previous archaeological investigation and that has general potential to preserve remains of prehistoric and Roman remains within the wider context of dispersed rural settlement and Roman pottery manufacturing activity across east Oxford. An archaeological Desk Based Assessment has been prepared in support of the planning application. In the 19th century the site was brickworks and the remains of related infrastructure including a tile kiln and cottages are likely to be preserved within the site, with the western part of the site previously truncated by clay extraction work. The date that the establishment of the brick works is not known. Given the character of the site, the Council's archaeologist has recommended a condition requiring that an archaeological evaluation of the site is carried out in accordance with a written scheme of investigation to ensure that the development does not result in harm to archaeology in accordance with Policy DH3 of the Oxford Local Plan.
- 10.24. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all developments should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Policy CIP1 of the Headington Neighbourhood Plan, outlines that new development respond to and enhance the distinctive local character of Headington; whilst Policy CIP3 supports development of an innovative and/or a contemporary design; whilst Policy CIP2 requires that development should protect important views within Headington itself, and out of the Headington Neighbourhood Plan Area. Paragraph 129 of the NPPF also requires that all developments are considered in line with the National Design Guide and Model Code.
- 10.25. The immediate area is characterised by development of a suburban character, consisting principally of two storey houses, typically brick and render arranged in a linear manner fronting Marston Road, typically set back behind front gardens and driveways. Boundary treatments typically consist of a mix of low boundary walls or hedging. There are other larger buildings on the eastern side of Marston Road, this includes St Michael and All Angels Church on the corner of Marston Road and Jack Straws Lane, which is constructed from buff



brick. Further south of the site is Marston Court, which is also a care accommodation building operated by the applicants (Order of St John). There is also a four storey student accommodation building located on the corner of Marston Road and John Garne Way.

- 10.26. The building would be most prominent in public views from Marston Road along the site frontage and from the north and south between the junction with Nicholson Road and Croft Road, particularly from the junction with Croft Road as the building would occupy a prominent position on the corner of Marston Road and Lynn Close. The proposed building would be three storeys, compared with the existing two storey, semi-detached properties on the site. Significant amendments have been made to the roof pitch of the building along the Marston Road frontage. This included significant lowering of the steep roof pitch, which added to the prominence of the building when viewed within the street scene in Marston Road. The pitched element of the roof has been reduced in terms of depth and has also been amended to a hipped design, which aligns with the typical roof form of the other housing in Marston Road. There would be sections of flat roof, though these would be largely concealed behind the adjoining dual pitched sections of roof. The amendments to the roof design assists in reducing the bulk and prominence of the third floor of the building when viewed from Marston Road, whilst the reduction in the height of the building would ensure that the building would achieve a more comfortable visual relationship with the adjoining property to the south of the site. The functional requirements of care accommodation buildings necessitate that all internal spaces are interlinked, however the design of the massing of the building on all elevations has been broken up through variation in terms of the roof height and design. Furthermore the front elevation of the building facing Marston Road has been broken into three elements, which serves to lessen the presence of the building in the street scene so this reads as three separate buildings, as opposed to a single continuous building.
- 10.27. Whilst the scale of the building would exceed that of the existing two storey semi-detached dwellings, officers consider that the building would not appear uncomfortable within the context of the street scene, particularly as there is some precedent for larger buildings in the context of the site, including St Michael and All Angels Church. A low wall, railings and low level boundary planting is proposed which would be in keeping with the typical boundary treatments fronting Marston Road.
- 10.28. It is proposed that Nos.1 and 3 Jack Straws Lane would be demolished, this is to facilitate access into the site and to provide car park parking. Whilst it would be preferable for the site layout to retain a frontage to Jack Straws Lane, the site geometry; site constraints, particularly the relationship with adjoining residential dwellings; and the nature of the proposed use and need for the accommodation and associated facilities to be interlinked restricts the ability to provide an effective frontage to Jack Straws Lane. Furthermore in accessibility terms there is the need to create a new access, in addition to parking provision as the existing access serving the site is narrow and of a poor standard. The provision of significant tree planting to the front of the site assists in mitigating the impact of this relatively large area of surface parking.

This new planting would tie in with tree planting on the southern side of Jack Straws Lane and would be an enhancement in terms of the overall character of the street scene.

- 10.29. The principal materials used on the external elevations of the building would be buff brick. There is no strict uniformity in terms of the overall use of materials in Marston Road and the surrounding streets including Jack Straws Lane, typically materials consist of render of varying colour and texture and red brick. St Michael and All Angels Church, which is a prominent building in the street scene and is constructed from buff brick. The proposed roof materials have been amended from grey to a reddish/bronze based colour as this was considered to tie in more comfortably with the red/brown roof materials more commonly used within the immediate context of the site. It is considered that the proposed use of materials would be appropriate within the context of surrounding development in the vicinity of the site.
- 10.30. In summary officers consider that the design approach responds positively to the site context and it represents a high standard of design in accordance with Policy DH1 of the Oxford Local Plan; Policies CIP1, CIP2 and CIP3 of the Headington Neighbourhood Plan; as well as the National Design Guide and Model Code.

## **Residential Amenity**

### Existing Occupiers

- 10.31. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. A Daylight and Sunlight Report has been submitted alongside the planning application in order to assess the impact of the development on natural light to the internal and external amenity areas of surrounding properties.
- 10.32. The site is in close proximity to a number of residential properties in Marston Road, Lynn Close and Jack Straws Lane. No.300 Marston Road is a two storey residential dwelling. There would be a separation distance of 4 metres between the side elevation of the westernmost three storey wing of the proposed building and the side elevation of No.300 Marston Road. There are no side windows in the north facing elevation of No.300 Marston Road. Although there is a secondary first floor window serving bedroom No. 28 (second floor) of the building which faces the garden area of No.300 Marston Road. It is considered necessary to condition that this window is fitted with obscure glazing to prevent overlooking of the adjoining garden. The Daylight and Sunlight Report concludes that loss of light to the rear facing windows serving No.300 Marston Road would be minimal and would comply with BRE guidelines. With regards to the rear facing amenity space serving No.300 Marston Road the Daylight and Sunlight Report concludes that there would be no loss of light to the rear garden of this property.
- 10.33. No 314 Marston Road is located to the north of the site on the corner of Marston Road and Lynn Close. There are no windows in the south facing

gable of No.14, which faces the north elevation of one of the three storey wings of the building. There would be a very minor reduction in sunlight (according to the submitted statement) to the rear garden serving this property (1.5%) whilst there would be no reduction in sunlight to the garden area of No.1 Lynn Close and a minor reduction in sunlight to the garden areas of Nos.2 and 3 Lynn Close. There would not be a significant loss of light to any of the windows serving these properties. There are no windows in the south facing gable end of No.314 Marston Road. To prevent overlooking of the garden of No.314 Marston Road it is considered necessary that the side facing section of the balcony within the first floor living room shall be fitted with privacy screening.

10.34. There would be a distance of 33.1 metres between the two storey east wing of the proposed building and the rear elevation of No. 9 Jack Straws Lane which would be a substantial distance that should ensure that the rear windows serving this property are not unacceptably overlooked. This property has a deep rear garden and there would be an increase in overlooking of the end sections of this property given the proximity of the south eastern section of the main H plan of the proposed building and the east wing. The proposed floor plans have been amended to exclude one of the rooms within the care accommodation building with a stair access proposed in place of the room, therefore limiting overlooking of the adjoining garden. In terms of the other west facing bedrooms at first and second floor level there would be a distance of at least 7.6 metres between the windows and the adjoining garden. Given that the windows face the end section of the garden it is considered that this would not result in unacceptable overlooking of this property. Bedroom 20 on the first and second floor of the building both include two south facing windows which face the garden of No.9 Jack Straws Lane at a distance of between 4.5 and 5.5 distance. The windows serve bathrooms and as secondary windows serving bedrooms. Given the separation distance and direct nature of overlooking from these bedrooms it is conditioned that the windows would be obscured glazed in order to protect the privacy of the occupiers of this property. One of the windows in each of these rooms serves a bathroom, whilst the other is a small secondary window. Loss of light to the rear facing windows of No.9 Jack Straws Lane would be minor and complies with BRE requirements. The vehicular access serving the parking area of the building would adjoin the side elevation of this building, this would have an impact in terms of noise generation and disturbance from vehicle movements, though it must be noted that the vehicle access serving the existing carpenters yard site adjoins this property in the same position and given the relatively limited number of vehicle movements it is considered that this would not be unacceptable.

10.35. The two storey eastern wing of the building is located 8.1 metres from boundary with No.44 Lynn Close, which is a two storey house located at a slightly higher level compared with the application site. The two storey wing of the proposed building extends forward of the front (south) elevation of No.44 Lynn Close. The siting of this wing of the building combined with relative separation distance would ensure that there would not be a loss of light to either the west (side facing) windows in No.44 Lynn Close or the front, south facing windows. There would be a distance of 17.3 metres between the three

storey section of the main H plan section of the building and the boundary of No.44 Lynn Close. The building is positioned in such a way that overlooking of the amenity space of No.44 would be largely avoided. There would be a separation distance of at least 17.3 metres between the first and second floor windows facing this property which is considered adequate in terms of preventing overlooking No.44 Lynn Close.

- 10.36. There would be a distance of 20 metres between the east facing gable of the proposed building and the west facing ground floor windows of No.44 Lynn Close. The Daylight and Sunlight Report submitted alongside the planning application concludes that there would be a minor loss of light to the rear facing gardens of Nos.44 and 43 Lynn Close resulting from the siting of the proposed building, this would equate to a 5.4% and 13.9% reduction respectively. The daylight analysis concludes that there would be a reduction in light to the side facing window of No.44 Lynn Close, which serves a living room area in addition to four rear facing windows also serving the living room. This varies to different degrees according to the specific windows and the four BRE tests used to assess daylight to the ground floor internal living spaces, however it can be concluded that the overall reduction in light to these windows would be minor (less than 20%) when assessed against the BRE tests, with the expectation of Annual Probable Sunlight assessed in relation to one of the four rear facing ground floor windows. The first floor side facing window of No.44 Lynn Close would serve a bathroom and is not therefore assessed.
- 10.37. One of the public representations received states that development would affect natural light to St Michael and All Angels Church. Whilst this is not a residential property, the impact on the general amenity and function of this building should be assessed in accordance with Policy RE7 of the Oxford Local Plan, which requires that the amenity of surrounding land uses should be preserved. There is a distance of approximately 22 metres between the north elevation of the church and the south boundary of the site. The Daylight and Sunlight report concludes that any reduction in light to the north facing windows would be very minor and all of the windows would comply with the four BRE tests applied in relation to acceptable levels of light. In the case of the windows in the east elevation of the church, the removal of the adjoining buildings (Nos.1 and 3 Jack Straws Lane) would actually improve natural light to the church.
- 10.38. Policy RE8 of the Oxford Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.39. The submitted acoustic assessment of the facade sound insulation performance for all elevations of the development have been sufficiently

provided. Adequate glazing sound reduction specifications have been suggested within the submission.

- 10.40. Noise emissions from any building services plant associated with the proposed development will need to be controlled in order to achieve acceptable levels of environmental noise. Plant noise will need to be limited at all neighbouring properties.
- 10.41. The exact details of any operational plant associated with the development are not confirmed as yet; consequently, noise predictions and the subsequent BS 4142 assessment cannot not be fully undertaken. Noise limits have been reasonably set at the nearest noise-sensitive receptors based on the measured baseline background sound levels. For a worst-case assessment, the lowest measured background sound level measured during the day and night-time period has been used.
- 10.42. The initial assessment of the proposed plant items associated with the development has been carried out and as long as the recommended mitigation measures are incorporated within the design, the proposed plant items are expected to comply with the relevant noise limits.
- 10.43. In order to protect the amenity of surrounding residential dwellings relevant conditions have been applied in order to control timings of construction activity, to protect future occupiers from unacceptable levels of noise and to limit noise associated with plant equipment. Subject to these conditions being satisfied, officers consider that the development would comply with Policy RE8 of the Oxford Local Plan.

#### Future Occupiers

- 10.44. Policy H15 of the Oxford Local Plan, which relates to internal space standards for residential housing is not specifically applicable to care accommodation, though Policy H14 and RE7 of the Oxford Local Plan each outline the need for development to preserve the amenity of occupiers, this includes ensuring that occupiers are afforded adequate privacy and standards of natural light.
- 10.45. The submitted Daylight and Sunlight Assessment includes analysis of 103 rooms within the existing building, of which 100 achieve Average Daylight Factor (ADF). A communal ground floor living room does not strictly adhere to BRE guidance, though as 97% of the rooms tested achieve compliance, which is considered to be good in terms of overall daylight standards. Future occupiers are also considered to be afforded an adequate standard of privacy.
- 10.46. Policy H11 of the Oxford Plan, which relates to care accommodation requires that developments include gardens and amenity space of appropriate size and quality. There are several outdoor amenity spaces surrounding the building, this includes external gardens and other spaces, which are landscaped and include spaces for socialising and outdoor activities. The Daylight and Sunlight Assessment outlines that external areas typically benefit from high standards of sunlight with exception to spaces to the north of the proposed building.

10.47. It is considered that future occupiers would benefit from high standards of internal and external amenity in compliance with Policies H11, H14 and RE7 of the Oxford.

### **Transport**

10.48. Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. This is to align with the wider aims of Policy M1 of the Oxford Local Plan, which seeks to prioritise sustainable modes of travel, including walking, cycling and public transport and to encourage a modal shift away from private car use.

10.49. The site and surrounding streets all fall within a Controlled Parking Zone (Marston South) and are within 150 metres of bus stops on Marston Road which benefit from regular services to the City Centre. The site is within walking distance of several supermarkets, including the Co-operative, Old Marston Road (540 metres) and the larger Co-operative store on Cherwell Drive (740 metres) which lies within the Marston Neighbourhood Centre, which benefits from a range of other local shops.

10.50. Whilst the development is residential in use as the housing would be care accommodation, residents would not require parking. The nature of the accommodation, however means that a level of operational parking would be required for certain staff, particularly those working irregular shift patterns. There would also be visitor parking required for medical professionals and for members of the public visiting residents. A Transport Assessment has been submitted in relation to the proposals as required under Policy M2 of the Oxford Local Plan.

10.51. Access to the development would be provided from Jack Straws Lane, this would include an in/out arrangement providing a one-directional access route which would circumnavigate the proposed parking area. This has been designed to enable larger vehicles such as ambulances and service vehicles to manoeuvre within the site. The County Council have advised that the access arrangements would be adequate for these larger vehicles. A new segregated pedestrian route would be provided from Jack Straws Lane which will pass between the two central sections of parking bays.

10.52. The development would result in the removal of five residents parking bays located on Jack Straws Lane to the south of the site. Oxfordshire County Council have advised that this would be acceptable in principle as the development would result in the loss of five dwellings, therefore reducing the requirement for on street parking. Nos. 1 and 3 Jack Straws Lane, which do not benefit from off street parking would be demolished, whilst it is noted that the majority of the other properties in Jack Straws Lane benefit from some provision of off-street parking. Removal of the parking bays would require a

TRO, a financial contribution would be required for this, which would be secured separately with Oxfordshire County Council under a Unilateral Undertaking. A Section 278 agreement would be required to be entered into in order to form the access onto Jack Straws Lane.

- 10.53. A total of 30 car parking spaces are proposed, this includes two disabled parking spaces and an ambulance parking bay. The submitted Transport Assessment indicates that parking is calculated on the basis that 18 spaces would be required for staff use and 12 spaces for visitor use. A nearby care accommodation development at Marston Court, located 350 metres to the south of the site is cited as an evidence base for the justification of operational need for on-site parking, although this it should be noted that this is not a recent development.
- 10.54. The site is in a good location in terms of accessibility by public transport as the two bus stops, both located within 100 metres of the site on Marston Road benefit from regular services to the City Centre, Headington, Barton and Abingdon. The site is also accessible by cycling from large parts of the City, particularly north and east Oxford as well as the City Centre. It is therefore feasible that a significant number of staff who live within Oxford would be in a position to walk, cycle or use public transport as a means of travelling to work. The provision of a high number of cycle parking bays would facilitate this.
- 10.55. In terms of staff travel it is accepted that a number of staff would be working irregular shift patterns which involve either night shift work or work that would start early in the morning (7am) or at 10pm at night at which time travel by public transport would be limited. The Transport Statement suggests that approximately 22 members of staff would start before 7am and 15 members of staff would finish at 10pm or later. In total the Transport Assessment indicates that there would be 36 members of staff on site at any one time. The travel survey carried out at Marston Court, which is used as an evidence base in support of the parking provision suggests that 19% of staff lived outside of Oxford City, whilst 33% of staff lived in areas south of Oxford City Centre. With the exception of services to Abingdon, the bus stops adjoining the site do not serve any other areas outside of Oxford, although it is noted that the bus stops adjacent to Cherwell Drive around 600 metres from the site provide half hourly and hourly services to Kidlington, Witney and Carterton. No bus stops within 800 metres of the site would be served by park and ride services which limits accessibility for staff travelling from outside of the city.
- 10.56. It is proposed that 12 of the parking spaces would be provided for visitors, of which approximately 4 of the spaces would be used by medical staff, contractors and visitors hosting activities or entertainment. Medical staff would be required to visit regularly and would need operational parking. There would be a remaining 8 spaces to be used by visiting relatives. It is estimated in the Transport Assessment that 20% of the residents would receive at least one visitor per day, at weekends this would be around 50% of the residents equating to 16 visitors per day in the week and 20 at weekends. The Transport Statement states that of prospective residents, approximately 50% will live more than 3 miles from the site and a further 25% would live between 1 and 3 miles from the site, with 25% living within 1 mile of the site. As is the

case for staff, for visitors living outside of the city active travel or use of public transport may not be feasible therefore a level of operational parking for visitors would be justified.

- 10.57. The transport assessment estimates that the proposed use would generate an approximate 167 vehicle movements per day. Traffic surveys carried out whilst the former carpenters yard was operational indicated an average of 56 trips per day, whilst the existing five residential dwellings would generate an approximate 25 movements per day. The transport statement says that the proposals will result in an additional 86 vehicles per day across a 12 hour period. This is a moderate increase but the AM and PM peaks will remain largely unchanged, at -2 for the AM and +5 in the PM. This is further demonstrated by the proposed shift patterns to be utilised by staff which tend to start or end outside of the AM and PM peak. The County Council have advised that the figures arrived at in the transport statement are considered sound. The County Council have advised that the proposals are unlikely to result in a severe increase in traffic.
- 10.58. In accordance with Policy M4 of the Oxford Local Plan, 25% of the all parking spaces should be provided with electric vehicle charging points. Details of EV charging covering at least 25% of all spaces will be required by condition.
- 10.59. A total of 44 cycle parking spaces are proposed within this development, this is calculated on the basis that 40 spaces would be provided for staff, 36 of which would be on site at any one time. A total of four cycle parking spaces are proposed for visitors, this was calculated on the basis that one cycle parking space would be provided for every five visitors. Cycle parking is shown on the submitted site plan within two stores adjacent to the car park area. The proposed cycle parking is considered adequate and would comply with Policy M5 of the Oxford Local Plan.
- 10.60. The County Council have advised that a full Travel Plan would be required before occupation of the development in order to promote sustainable means of travel for residents and members of staff in accordance with Policy M2 of the Oxford Local Plan.
- 10.61. In summary officers are satisfied that the proposals would not have an unacceptable impact on highway safety and amenity and that the proposals would not, by way of traffic generation have a severe cumulative residual impact and do not conflict with Paragraph 111 of the NPPF. Car parking provision is accepted given the operational needs outlined within the accompanying transport statement, whilst cycle parking provision is considered acceptable. The development is therefore considered to comply with Policies M1, M2, M3, M4 and M5 of the Oxford Local Plan.

### **Trees**

- 10.62. Policy G7 of the Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse



impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

- 10.63. There are a total of 39 trees located on the application site. The removal or partial removal of 31 trees is proposed. The majority of the trees are located in the rear gardens of the houses in Jack Straws Lane and Marston Road which form part of the application site. There are also a row of trees located along the northern site boundary adjoining the Lynn Close garages. The majority of the trees that would be removed are located on the footprint of the proposed building, or their removal would be required in order to facilitate access to the site, or for the purposes of providing parking.
- 10.64. Tree planting is proposed on the site to mitigate for the loss of existing trees and to enhance the visual appearance of the development, particularly in key views from Jack Straws Lane and Marston Road. The Council's Green Spaces Technical Advice Note (TAN9) sets out the requirement for a detailed Tree Canopy Cover Assessment to be provided where tree cover would be lost demonstrating net gain (compared with baseline + 25 years).
- 10.65. In total 76 replacement trees are proposed within the development, this includes significant planting within the car parking areas adjacent to Jack Straws Lane, as well as along the Marston Road frontage, as well as within the new outdoor amenity areas surrounding the building. The row of trees along the northern boundary of the site adjoining Lynn Close would be retained and require protection during the proposed works. The canopy cover assessment prepared demonstrates a significant net gain in canopy cover after 20 years. It is therefore considered that the loss of trees on the site would be acceptable as their loss will be adequately mitigated through substantial replacement planting and the proposals are considered to comply with Policy G7 of the Oxford Local Plan.

## **Ecology**

- 10.66. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.
- 10.67. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of European Protected Species (Bats, Great Crested Newts) 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.

10.68. 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.

10.69. The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Survey. At the request of officers, an Ecological Mitigation Strategy has also been prepared.

10.70. The Bat Survey found evidence of two common pipistrelle day roosts: one in building 302/304 Marston Road, the other in 1/3 Jack Straw's Lane. The development would result in the destruction of all roosts and would therefore only be able to proceed under licence from Natural England. Therefore, the Planning Committee must consider the likelihood of a licence being granted, and consider the three tests. The 2017 Regulations set out three tests for Natural England to apply to decide whether to grant a licence to a person carrying out an activity which would harm a European Protected Species. This licence is usually obtained after planning permission has been granted for a development. The three tests are: (1) preserving public health or public safety or other imperative reasons of overriding public interest; (2) there must be no satisfactory alternative; and (3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status of the species in their natural range.

10.71. There is overriding public interest in the allowing the development to proceed, as the proposals would deliver the provision of 80 rooms within the care accommodation development, which would release 44 homes back into the local housing market, this would make an important contribution towards meeting Oxford's housing need. The development cannot proceed without the removal of both buildings, where the bat roosts would be located, as the buildings fall within the site of the primary means of access and in the location of the footprint of the western wing of the proposed building. A comprehensive development of the site could not be carried out whilst retaining the buildings and therefore the bat roosts. The roosts are of low conservation status and suitable compensation and enhancement measures are proposed. The proposed development would not therefore affect the favourable conservation status of the bat population.

10.72. Nos. 1 and 3 Jack Straws Lane and No.312 Marston Road, alongside a residential outbuilding and 7 of the buildings on the carpenter's yard site are

identified as having moderate potential to support use for roosting bats, though no roosting features were identified. Three further outbuildings located in the curtilage of the residential properties, alongside two buildings located in the former carpenter's yard site are identified as having negligible potential to support roosting bats. A mature apple tree adjacent to the southern boundary of No.302 was identified as having high potential for roosting bats, though no bat roosts were identified in this tree. The remaining trees were identified as having negligible potential for roosting bats. The number and type of proposed bat boxes in the Ecological Mitigation Strategy is satisfactory as mitigation and enhancement and would need to be secured by planning condition. The Ecological Mitigation Strategy states that no lighting should be installed within the application site that illuminates commuting routes or the proposed bat boxes. A lighting strategy will be required demonstrating that this will be delivered.

- 10.73. A reptile survey undertaken in May and June 2018 recorded a slow worm on the site and the site is identified within the PEA as having potential to support reptiles, particularly slow worm although any population is likely to be low. Natural England's guidance on Reptiles: advice for making planning decisions, is a material consideration to take into account when making planning decisions. The Wildlife and Countryside Act 1981 provides it is an offence to kill or injure slow worms. The Local Planning Authority must have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). Slow worms and great crested newts are on the Secretary of State's published list of living organisms (under section 41) that are of principal importance for the purpose of conserving biodiversity.
- 10.74. At the request of officers a Great Crested Newt Habitat Suitability Survey was carried out, this is due to the presence of two ponds within the application site, which is in the garden of two of the houses proposed for demolition. The ponds were observed within the survey as lacking in standing water during the newt breeding season and therefore the conclusion was that it would be unlikely that newts are present on the site. Natural England's guidance provides that the Local Planning Authority need to consider if the Developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on reptiles in their development proposal. Mitigation is however addressed within the submitted Ecological Mitigation Strategy, this includes a targeted strategy for site clearance and supervised drainage of the ponds on the site if water is present. The adjacent Milham Ford nature park is identified as a potentially suitable site for translocation of slow worm, the details of which will be outlined within a Landscape and Ecological Management Plan (LEMP) that will be secured by planning condition. Officers are therefore satisfied that there would not be harm to amphibians or reptiles as a result of the proposed works and appropriate mitigation is set out within the Ecological Mitigation Strategy and will be further secured through the LEMP.
- 10.75. Japanese Knotweed has been identified as growing on the site, which will require targeted removal. The Ecological Mitigation Strategy proposes a methodology for the removal of the Japanese Knotweed identified on the

eastern boundary of the application site. A condition is attached requiring that a management and eradication plan is submitted outlining steps to remove the Japanese Knotweed during the construction phase of development.

10.76. The proposals would result in a net habitat loss of 0.86 units, which would equate to a 67.77% overall net loss in habitat. This is due to the size of the site and the nature of the development, which allows limited opportunity for substantial on-site habitat creation. The planting of new hedgerows on site would equate to a net hedgerow gain of 2.05 units, a 432.92% net gain. Accounting for the overall net loss in habitat, off-site habitat enhancement or creation will be required in order to achieve a 5% net gain in biodiversity as required under Policy G2 of the Oxford Local Plan. The Applicant has identified Trust for Oxfordshire Environment (TOE) as a suitable offsetting partner. Written evidence has been provided from TOE confirming an in principle agreement to providing off-site BNG at a suitable site within the Oxfordshire area. The selection of sites for offsetting, and the specific details of offsetting, including the offsetting provider, as well as future maintenance and management of new habitats created would be detailed within a biodiversity scheme secured under the Section 106 agreement. Should an agreement not be reached with TOE or another local offsetting provider then the applicants could agree offsetting to be delivered through the Environment Bank, a national offsetting provider of biodiversity net gain credits. This approach aligns with the Environment Act 2021 (though certain sections on biodiversity and credits are not yet in force) and Policy G2 of the Oxford Local Plan in terms of securing biodiversity net gain through offsetting, giving priority to local biodiversity projects.

### **Sustainability**

10.77. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

In accordance with the requirements of Policy RE1 the applicants have provided an Energy Statement. The submitted Energy Statement outlines that the following energy efficiency measures will be incorporated into the development:

- High efficiency lighting
- Air source heat pumps
- Sensor controlled heating
- High performance insulation.

- Provision of 260sqm solar PV panels to be provided on flat roof sections of the building.

10.78. The Energy Strategy calculates that the proposed measures would achieve a 42.76% reduction below the Building Regulations Part L 2013 baseline and therefore complies with the requirements of Policy RE1 of the Oxford Local Plan. Though not required under Policy RE1, as the development would be a residential use, the Energy Strategy also states that the predicted carbon dioxide emissions, energy demands, and primary energy use of the development can achieve the minimum energy credits required for BREEAM excellent standard.

### **Contamination**

10.79. The application is accompanied by a Phase 1 Geoenvironmental Desk Study Report, which assesses potential risks arising from land contamination.

10.80. The site was a former brick works, coal yard and was more recently part of the site was used as a builder's yard. Consequently there is the potential for contamination to exist on site that may present a significant risk to future occupiers or the surrounding environment. As such, an intrusive site investigation and contamination risk assessment will be required to identify any potentially significant contamination risks that may be present and remediate as necessary to ensure that the site is suitable for the proposed use after development.

10.81. To ensure compliance with Policy RE9 of the Oxford Local Plan, a phased risk assessment should be carried out, this will include a comprehensive intrusive investigation and a remediation/validation strategy.

### **Flooding/Drainage**

10.82. Policy RE4 of the Oxford Local Plan states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.83. The application site is in Flood Zone 1 and is therefore considered to be at a low risk of flooding.

10.84. A Flood Risk Assessment and Drainage Strategy has been prepared in support of the proposals, this outlines measures to manage surface water run-off including the provision of permeable paving and bio retention within the central courtyard of the site.

10.85. Oxfordshire County Council, as Lead Local Flood Authority has advised that the proposed drainage strategy is acceptable in principle and has raised no objection to the development subject to the provision of a detailed surface water drainage scheme which would be required by condition.

10.86. Thames Water have advised that they do not object to the development subject to further evidence being provided to demonstrate that water capacity

exists off site, or an infrastructure phasing plan has been agreed with Thames Water or wastewater upgrades have been completed to accommodate the additional water flows from the development.

- 10.87. A culvert has been identified below the site, this will require diversion as the care accommodation building would pass above the position of the culvert. Officers are satisfied that the diversion would be feasible, however a method statement will be required outlining how the diversion works should be undertaken will be required prior to below ground works taking place.
- 10.88. It is concluded that the proposed measures incorporated into the development allow for appropriate drainage of the site, in accordance with Policies RE3 and RE4 of the Oxford Local Plan.

## 11. CONCLUSION

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The principle of care accommodation on the site is considered to be acceptable in line with Policy H11 of the Oxford Local Plan, as the site is located within an accessible location and a balanced community within close proximity to a range of existing services and facilities. The proposals represent a departure from the development plan as it would involve the demolition of five residential dwellings and the proposed use would not be in line with any of the exemptions listed under Policy H5 of the Oxford Local Plan. Notwithstanding this, where applying the Government's Housing Delivery Test, the provision of 80 supported living rooms would equate to the 44 homes back into the local housing market, which is considered to outweigh the loss of the five homes on the site. Part of the site has an existing employment use, owing to its former use as a carpenter's yard, though this would be classed as the lowest category of employment use under employment Policy E1 of the Oxford Local Plan. The subtext to Policy E1 suggests that Category 3

employment sites should be considered for housing if these sites become available for development.

- 11.4. The design of the development has been subject of a number of amendments to reduce the height of the third floor and roof sections of the building, particularly as perceived from Marston Road, alongside amendments to the massing of the building reducing the building's scale and prominence. The design has been developed with reference to ensuring the scale and building heights are sensitive to the context of the surrounding built form and to ensure that the building and related development including amenity spaces and parking/accesses relate appropriately to the adjoining street scene in Marston Road and Jack Straws Lane. It is therefore considered that the design approach would be in accordance with Policy DH1 of the Oxford Local Plan. The site, whilst falling within the wider setting of the Headington Hill Conservation Area is not considered to result in harm to the setting of this designated heritage asset, owing to the site's limited visibility in public views and the scale and siting of the proposed development, consequently the proposals are considered to preserve the setting of the Conservation Area in accordance with Policy DH3 of the Oxford Local Plan.
- 11.5. Future occupiers of the care accommodation would benefit from good standards of amenity, which includes a high standard of external amenity space in accordance with Policy H11 of the Oxford Local Plan, whilst internal spaces would benefit from appropriate levels of natural light and privacy in accordance with Policies H14 and RE7 of the Oxford Local Plan. The submitted Daylight and Sunlight Assessment demonstrates that the scale and siting of the building would preserve the quality of internal and external amenity for existing occupiers in accordance with Policy H14, whilst the scale of the proposed building is not considered to be overbearing in relation to adjoining properties.
- 11.6. The site is considered to be within a sustainable location in terms of public transport access, given the distance to surrounding bus stops benefitting from frequent services. Whilst occupiers would not require parking, there would be a level of operational need for parking for staff and visitors. The submitted Transport Statement is considered to provide adequate justification for the 30 parking spaces proposed on the site, which is considered to be justified in accordance with Policy M3 of the Oxford Local Plan. Cycle parking is also provided for visitors and for staff in accordance with Policy M5 of the Oxford Local Plan. Overall traffic generation would not place unacceptable pressure on the local highway network and the proposals are considered to be acceptable from a highway amenity perspective.
- 11.7. The proposals would result in an overall net loss in biodiversity, when compared with baseline levels, notwithstanding limited on-site enhancement measures. The net loss in biodiversity would need to be off-set through off-site delivery of biodiversity net gain, this would need to be agreed in conjunction with a suitable provider, which has been identified as TOE. Details of the strategy for offsetting will need to be secured as part of an accompanying Section 106 agreement. Subject to offsetting being secured, the development would comply with Policy G2 of the Oxford Local Plan.

- 11.8. It is considered that the development would comply with the Oxford Local Plan 2036, Headington Neighbourhood Plan and NPPF. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the prior satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement and/or a unilateral undertaking under section 106 of the Town and Country Planning Act 1990.

## 12. CONDITIONS

### *Time Limit*

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.

### *Approved Plans*

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

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

### *Materials*

3. Prior to the commencement of above ground works samples of the exterior materials to be used shall be submitted to, and approved in writing by the Local Planning Authority. Only the approved materials shall be used.

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

### *Highways/Transport*

4. Prior to the commencement of works above first floor level and prior to the formation of the means of access between the development and the highway as shown on plan numbers MA.3196.1000 P02 and 35026-A-02-101 Rev B, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed prior to first occupation of the development and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework



5. Prior to the first occupation of the development hereby approved, vision splays measuring 2m x 2m shall be provided to each side of the access and shall be retained thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a Travel Information Pack, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Information Pack shall be implemented and operated in accordance with the approved details and distributed to all employees and occupiers of the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework

8. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP must include:

- The CTMP must be appropriately titled, include the site and planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.

- Details of and approval of any road closures needed during construction.

- Details of and approval of any traffic management needed during construction.

- Details of wheel cleaning/wash facilities.

- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.

- The erection and maintenance of security hoarding / scaffolding if required.

- A regime to inspect and maintain all signing, barriers etc.

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.

- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

#### *Contamination*

9. 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 to and approved in writing by the local planning authority.

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

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

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

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

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

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

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

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

#### *Archaeology*

12. No development (excluding demolition and site clearance) shall commence until the developer has:
1. Carried out an archaeological evaluation of the site in accordance with a written scheme of investigation approved in writing by the planning authority and;
  2. Secured the implementation of a scheme of mitigation of any significant archaeological impact, which may be achieved by redesign, or by archaeological recording action in accordance with a supplementary written scheme of investigation, to be approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written schemes of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and Victorian remains (Local Plan Policy DH4).

#### *Drainage*

13. No development (excluding demolition and site clearance) shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be subsequently 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 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, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Consent for any connections into third party drainage system.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

14. Prior to the commencement of development (excluding demolition and site clearance) a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

15. Prior to the commencement of development (excluding demolition and site clearance) a method statement demonstrating how diversion works to the culvert on site shall be undertaken without increasing flood risk shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details outlining how future maintenance of the diverted culvert will be managed. The approved measures shall be implemented before first occupation of the development and shall be adhered to thereafter.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### *Air Quality*

16. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on pages 23-25 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 the development shall be carried out in accordance with the approved details.

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.

17. Prior to the first occupation of the development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

Location of EV charging points;

The amount of electric car charging points should cover at least 25% of the amount of permitted parking within the development.

Appropriate cable provision to prepare for increased demand in future years.

The electric vehicle infrastructure shall be formed, and laid out in accordance with the approved details before the development is first in operation and shall remain in place thereafter.

Reason - To contribute to improving local air quality in accordance with policy M4 of the Oxford Local Plan 2016-2036 and enable the provision of low emission vehicle infrastructure.

#### *Noise*

18. Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local planning Authority. 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. The approved details shall be implemented throughout the project period.

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

19. Prior to the first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. This will maintain the existing noise climate and prevent ‘ambient noise creep’. Machinery, plant or equipment at the development shall be mounted with

proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced

The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with Policy RE8 of the Oxford Local Plan.

20. 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  $L_{Aeq\ 16hrs}$  daytime and of more than 30dB  $L_{Aeq\ 8hrs}$  in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with Policy RE8 of the Oxford Local Plan.

#### *Energy Strategy Compliance*

21. The development shall be carried out in accordance with the recommendations of the Energy and Sustainability Statement prepared by SLR, reference 425.06594.00019 dated May 2021.

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

#### *Landscaping/Trees*

22. Prior to first occupation or use of the development hereby approved a Landscape Plan shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

23. 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.

24. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after

first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

25. Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

Reason: In the interests of amenity and the appearance of the area in accordance with Policy G7 of the Oxford Local Plan.

26. No development (excluding demolition and site clearance) 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 Policy G7 of the Oxford Local Plan.

27. No development shall take place (excluding demolition and site clearance) 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.

28. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate

for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: “Trees in Relation to Design, Demolition and Construction – Recommendations” unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones 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.

29. Prior to the commencement of the development (excluding demolition and site clearance) a Japanese Knotweed Management and Eradication Plan shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, this plan shall detail how the presence of Japanese knotweed, and associated soils, will be managed throughout the construction phase and ultimately result in eradication of Japanese knotweed from the site, in accordance with best practice guidance. The development shall be implemented strictly in accordance with the approved details.

Reason: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

30. No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees. 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 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.

#### *Obscure Glazing*

31. Prior to the first occupation of the development, the following windows in the development shall be fitted with obscured glazing and shall be retained in that condition thereafter:

- First Floor Bedroom 01.A.28 – South Elevation
- First Floor Sitting Room 01.A.01 – South Elevation
- First Floor Bedroom 01.B.20 – South Elevation
- Second Floor Bedroom 02.A.28 – South Elevation
- Second Floor Sitting Room 02.A.01 – South Elevation
- Second Floor Bedroom 02.B.20 – South Elevation

The north elevation of the easternmost balcony serving first floor sitting room 01.A.11 shall be fitted with privacy screening up to a minimum height of 1.8 metres prior to the first occupation of the development and shall be retained in that condition thereafter.

Reason: In the interests of preserving the amenity of existing and future occupiers in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

#### *Water Infrastructure*

32. No development shall be occupied until confirmation has been provided that either: 1. Wastewater capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. 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, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Policies RE4 and V8 of the Oxford Local Plan.

33. No construction shall take place within 5m of any water main. Information detailing how the developer intends to divert the asset/align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and approved in writing by the local planning authority after consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

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

underground water utility infrastructure, which will require protection during the course of works in accordance with Policies RE4 and V8 of the Oxford Local Plan.

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

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure which will require protection during the course of works in accordance with Policies RE4 and V8 of the Oxford Local Plan.

#### *Ecology*

35. All works shall be carried out in accordance with the details contained in the Ecological Mitigation Strategy (RT-MME-154067-07 Rev A, produced by Middlemarch Environmental and dated June 2022) and Outline Construction Ecological Management Plan (RT-MME-154067-08, produced by Middlemarch Environmental and dated December 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

36. Prior to occupation of the development, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

37. Prior to occupation of the development a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. 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 measures outlined within the LEMP shall be implemented upon first occupation of the development and shall be adhered to thereafter.

Reason: To comply with the Wildlife and Countryside Act 1981 and Policy G2 of the Oxford Local Plan.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

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

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

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

- 15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In

reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.