

## Oxford City Planning Committee – 16th August 2022

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

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### PLANNING UPDATE REPORT

This item was deferred at the Oxford City Planning Committee meeting of 19<sup>th</sup> July 2022 to allow further consideration to be given to paragraph 187 of the NPPF and policy V7 of the Oxford Local Plan 2036 to ensure that the community use of the hall including live music events could be retained on the site without causing disturbance to guests in hotel bedrooms. Further consideration is also given to the relevant noise conditions.

This report is to be read as a supplement to the Oxford City Planning Committee Report of 19<sup>th</sup> July 2022 (Appendix 2).

### 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 5 of this report and grant planning permission subject to:

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

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

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

## **2. PLANNING UPDATE**

2.1. This report considers further information requested by Oxford City Planning Committee on 19<sup>th</sup> July 2022. Concern was raised that whilst a section 106 agreement could secure the retention of the hall for community use, there is a risk that it would not be let out for live music events due to potential noise disturbance to guests. Further consideration was asked to be given to paragraph 187 of the NPPF and policy V7 of the Oxford Local Plan 2036.

2.2. Paragraph 187 of the NPPF states:

*‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.’*

- 2.3. Members of the committee raised concerns that the noise from the community hall generated by live music could cause disturbance to hotel guests which in turn could prevent the hall being used for this purpose in the future.
- 2.4. The hall is already in an area adjacent to residential premises directly to the southern boundary of the site at Lucy Faithful House, to the west on Faulkner Street and at Brooks Taylor Court to the east/south-east of the site. Any use of the community hall for live music would therefore already need to be sensitive to surrounding occupiers of the building. It is considered that introducing further residential uses to the area would not impose undue restrictions on the community hall.
- 2.5. The hotel accommodation would be sited adjacent to and directly above the hall. The applicant has sought to demonstrate that adequate insulation and construction of the replacement floor to be inserted into the hall would be sufficient to prevent harmful noise breakout into guest bedrooms.
- 2.6. The submitted 'Noise Breakout Assessment' dated 28<sup>th</sup> July 2022 sets out a strategy to sound insulate the proposed guest rooms to control both airborne and structure borne noise breakout to the adjacent sensitive spaces via internal floors and walls. The proposal is to strip out the hall including the ground and intermediary floors, leaving only the existing walls and windows in place. The walls are understood to be formed of approximately >400 mm thick solid stone and windows timber frame single glazed, assumed to be 4mm thick glass. A new steel frame would be introduced to support an additional two floors of guestrooms above the refurbished community hall. The floors would be of timber joist construction supported off the steelwork. At first floor guestrooms would be installed on an acoustic floating floor and all external flanking walls independently lined. At ground floor, all guestrooms adjoining the hall would be lined independently on both the hall and guestroom side. To address sound transfer out and up the building to guestrooms via weak points in the building envelope, secondary glazing is recommended (where relevant) at ground and first floors and all existing exit/entrance doors to the hall should be replaced with fully sealed 40 dB Rw acoustically rated door-sets. Where penetrations in the ceiling are in place to allow for air diffusers, these should be lagged acoustically (e.g. Rockwool Muftilag or similar and approved). The same applies to all ductwork associated with the fresh air supply and return.
- 2.7. These works would not alter the fabric of the listed building and are solely proposed to the existing community hall and the proposed development.
- 2.8. The report concludes that the modelling of the proposed separating floor and walls using INSUL acoustic modelling software suggest the proposals are capable of achieving a performance of 20 dB above Building Regulations Approved Document E requirements. Using this modelled output data, further room to room calculations (based on a set of stated reasonable assumptions) indicate internal levels in adjacent guestrooms would be compliant with the noise rating 25 (NR25) limit (NR9 in adjoining ground floor rooms and NR24 in rooms above the hall). It acknowledges that workmanship would be key in achieving the best possible performance from the design, therefore sound transfer tests should

be conducted to establish if a limit needs to be placed on noise output levels from the community hall to reach the desired outcome.

2.9. Officers agree with the strategy and consider that the construction design should seek to achieve an airborne sound reduction of 20 dB above Building Regulations (Approved Document E) and that in turn a level of entertainment noise inside the adjacent guestrooms should not exceed NR25. Whilst workmanship is an area of risk, given that the whole building (hotel and hall) would be within the same ownership, it is considered that if the expected levels were not achieved then further mitigation measures could be installed. Therefore a condition is recommended that insulation is installed in accordance with the submitted Strategy details and testing is carried out prior to occupation of the development to demonstrate compliance with the above requirements (see condition 13 at Section 5 below). Should the testing demonstrate non-compliance then the Applicant would need to install the further mitigation insulation and occupation or use would not be allowed until such time that compliance is satisfactorily demonstrated.

2.10. Policy V7 of the Oxford Local Plan 2036 states:

*'The City Council will work with service providers to improve access to social and community infrastructure and in particular from new development.*

*The City Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport. In principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites will be supported.*

*Planning permission will be granted for the alteration and expansion of existing schools, primary healthcare facilities and community centres. Planning permission will be granted for new schools, primary healthcare facilities and community centres where the City Council is satisfied that the following criteria are satisfied:*

- a) the location is easily accessible by walking, cycling and public transport; and*
- b) the proposal will meet an existing deficiency in provision or access, or the proposal will support regeneration or new development; and*
- c) the proposal will not result in an unacceptable environmental impact.'*

2.11. The proposed development seeks to improve access to a community facility which has been empty and disused for two years as the premises was no longer financially viable. The Deaf and Hard of Hearing Centre decided to let out the hall for community use to gain further financial income but this did not go far enough to ensure that they could financially retain the site. The redevelopment of the site with a hotel would be subject to a S106 agreement to retain the hall for community use which would enable the hall to be brought back into use.

2.12. The proposal seeks to retain a community facility on the site therefore it is not a requirement of policy V7 for new facilities to be provided elsewhere.

2.13. Therefore, subject to conditions, the proposals are considered to comply with the requirements of policy V7 of the Oxford Local Plan 2036 and paragraph 187 of the NPPF.

### **3. Public Consultation**

3.1. Since the publication of the committee report for Oxford City Planning Committee on 19<sup>th</sup> July 2022, 19no. public representations have been received objecting to the lack of consultation from the applicant with the Oxford Music Community who were one of users of the hall before it closed.

3.2. Pre-application consultation with the community is encouraged, especially for 'major development'. The Council's Statement of Community Involvement in Planning June 2021, paragraph 6.2 states:

*'All applicants (or their agents) are strongly encouraged to discuss development proposals with the City Council before applying for planning permission. Applicants are also encouraged, especially for major applications, to engage with the community and relevant stakeholders, to a degree proportionate to the nature of the proposal, at the earliest appropriate opportunity.'*

*'Whilst there is no legal obligation for applicants to undertake consultation at the preapplication stage, failure to consult properly is likely to lead to objections being made by interested parties (such as neighbouring residents) later on in the process...'*

3.3. Whilst it appears that the Oxford Music Community were not specifically approached during the pre-application consultation held by the developer, given that there is no legal obligation to carry out pre-application consultation which is an advisory process, this does not render the current planning application invalid. The application has been advertised in the correct manner by the Local Planning Authority during the course of the planning application. This included being published on the weekly list of applications registered, a newspaper advert in the Oxford Times and site notices being displayed around the site.

### **4. CONCLUSION**

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

4.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

- 4.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 4.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. It would retain a community facility on the site in accordance with policy V7 of the Oxford Local Plan 2036. The proposals are suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would be acceptable in relation to neighbouring amenity and amenity of future hotel occupants in compliance with policy RE7 of the Oxford Local Plan 2036 and paragraph 187 of the NPPF. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. In relation to designated and non-designated heritage assets, although the proposal would result in harm, this would be less than substantial and would be outweighed by the public benefits of the scheme which include making a more efficient use of the site and heritage benefits to the existing listed building including removal of the existing rear extension and box dormer in accordance with the test identified under paragraph 202 of the NPPF. Special regard has also been had to the statutory tests in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas ) Act 1990 which are the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character and appearance of the conservation area.
- 4.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the imposition of conditions and the prior completion of an agreement under section 106 of the Town and Country Planning Act 1990.
- 4.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 4.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

- 4.8. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 4.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 5 of this report and the prior satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **5. CONDITIONS**

### *1. Time Limit*

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

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

### *2. Develop in accordance with the approved plans*

Subject to conditions 12 and 16, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

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

### *3. Samples*

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

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

### *4. Junction details*

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

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

5. *Method statement - demolition*

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

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

6. *Foundation design*

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

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

7. *Historic building recording*

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

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

## 8. *WSI*

No below ground works shall take place until a written scheme of investigation (WSI) for archaeological recording (encompassing a programme of archaeological excavation, watching brief and related programme of public outreach) has been first submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development relating to each phase shall take place other than in accordance with the agreed WSI for that phase unless otherwise first agreed by the Local Planning Authority in writing. Each WSI shall include the statement of significance and research objectives, and

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

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

## 9. *Archaeological interpretation/public art*

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

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

## 10. *External noise*

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime (07:00-22:00) and of more than 30 dB LAeq 8hrs in bedrooms at night (22:00-07:00).

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

#### 11. *Plant noise restriction*

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

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

#### 12. *Revised plant and machinery*

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

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

#### 13. *Internal noise insulation*

No occupation or use shall take place until a report has been submitted to and approved in writing by the Local Planning Authority that demonstrates that the sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  is enhanced by at least 20dB above the Building Regulations value and the additional mitigation measures to contain entertainment noise within the entertainment space and to achieve at least NR25 Noise Rating Level within the noise sensitive rooms in accordance with the recommendations made in NOISE BREAKOUT ASSESSMENT Z HOTELS OXFORD Ref: 6169\_001R\_1-0\_JB have been achieved and implemented.

The report shall include results of testing to be carried out after completion but prior to occupation to show the above requirements have been met.

The mitigation measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of hotel accommodation in accordance with policy RE7 of the Oxford Local Plan 2036.

#### 14. *CTMP*

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

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

#### 15. *Cycle parking*

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

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

#### 16. *Travel plan*

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

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

#### 17. *Landscape plan*

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

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

#### 18. *Landscape implementation*

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.

#### 19. *Landscape – replacement planting*

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

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

#### 20. *Landscape - hardsurfacing*

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

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

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

#### 21. *Landscaping – underground services*

No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to

avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

## 22. *TPP and AMS*

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

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

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

## 23. *AMP*

Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved AMP which shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the Local Planning Authority at scheduled intervals in accordance with the approved AMP.

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

#### 24. *CEMP*

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

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

#### 25. *EV charging*

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

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

#### 26. *CEMP - biodiversity*

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

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

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

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

#### 27. *Biodiversity enhancement*

Prior to the commencement of the development, details of biodiversity enhancement measures including at least 5 x bird nesting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be constructed under the guidance of a suitably-qualified ecologist prior to completion of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

#### 28. *LEMP*

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

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

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

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

The approved plan shall be implemented prior to the development being brought into use in accordance with the approved details.

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

#### 29. *Surface water drainage strategy*

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

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

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

#### 30. *Record of SuDs*

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

- (a) As built plans in both .pdf and .shp file format;

(b) Photographs to document each key stage of the drainage system when installed on site;

(c) Photographs to document the completed installation of the drainage structures on site;

(d) The name and contact details of any appointed management company information.

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

### 31. *Water network capacity*

The development shall not be occupied until confirmation has been provided to the Local Planning Authority that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

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

### 32. *Phased risk assessment*

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

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

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

### 33. Remedial works

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.

### 34. Watching brief - contamination

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

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

### 35. Energy and water efficiency

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

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

### Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant

national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

2. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
3. Scope of recording and outreach

The archaeological recording should consist of 1) historic building recording of the standing buildings - the Victorian buildings to Level 3 standard and No 10 Littlegate Street to Level 4 standard- with a detailed watching brief to be undertaken during stripping out works and any significant fabric interventions and provision for dendrochronology dating within the cottage. 2) archaeologically controlled ground reduction within a staged demolition process (internal floor reductions and to top of pile mat formation) and strip and record excavation of areas of significant ground work (the foundation grid etc). Full excavation and assessment of any unforeseen burials that are exposed during works. 3) archaeologically controlled watching brief on associated groundworks with adequate contingency for unforeseen areas of survival (i.e. service runs). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.

#### Scope of outreach

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

## **6. APPENDICES**

**Appendix 1 – Site plan**

**Appendix 2 – Oxford City Planning Committee Report – 19<sup>th</sup> July 2022.**

## **7. HUMAN RIGHTS ACT 1998**

- 7.1. 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.

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

8.1. 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.

Appendix 1 – Site Plan



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