

Oxford City Planning Committee

22nd September 2022

Application number:	22/00949/FUL		
Decision due by	29th July 2022		
Extension of time	TBA		
Proposal	Erection of commercial building (use classes E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development.		
Site address	Gas Holder Station, Watlington Road, Cowley, Oxford, Oxfordshire, OX4 6LX– see Appendix 1 for site plan		
Ward	Blackbird Leys		
Case officer	Sarah Orchard		
Agent:	Mr Paul Derry	Applicant:	Buccleuch Property (Oxford) Ltd
Reason at Committee	Major Development		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

- the receipt of 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 Development Management Service Manager to:

- finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager 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 Development Management Service Manager considers reasonably necessary; and

- upon completion of the section 106 legal agreement referred to above issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the erection of commercial building (use classes E(g)(ii), E(g)(iii) and B2 applied flexibly) with associated access, parking, landscaping and ancillary development.

2.2. If approved, the applicant would benefit from Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which would allow an implemented use to change to a further use as approved by the permission at any time within the 10 years.

2.3. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to provide employment space. The proposal is found to be acceptable in principle, would be acceptable in terms of design, archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

3. LEGAL AGREEMENT

3.1. This application would be subject to a legal agreement with Oxfordshire County Council to secure a financial contribution towards public transport infrastructure and a travel plan monitoring fee.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for a CIL amounting to £120,306.56.

5. SITE AND SURROUNDINGS

5.1. The site lies at the junction of Oxford Road and a private access road to Unipart off the Watlington Road, to the south east of the city centre. The site also lies to the east of Blackbird Leys and to the south of the BMW Mini Plant and is surrounded by a mixture of office, storage and distribution, research and development and other commercial units.

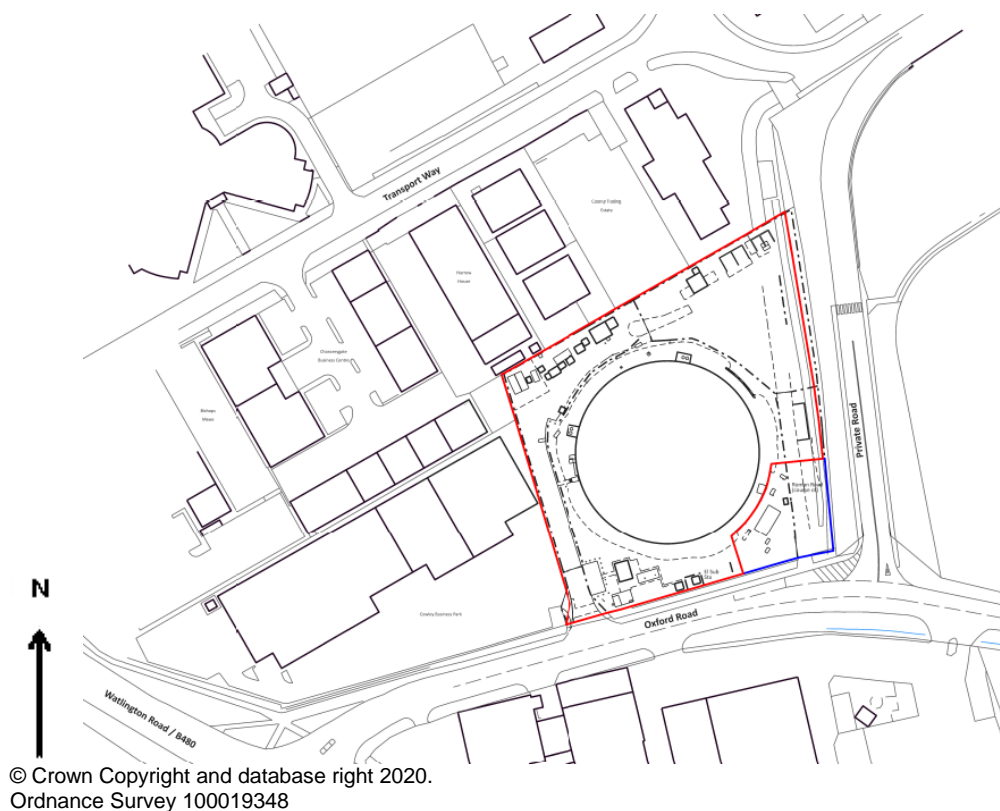
5.2. The site benefits from a vehicular access to the south of the site and was last occupied by a gas holder with associated equipment. The gas holder benefits

from prior approval for demolition under application 20/03214/DEM and is currently in the process of being demolished.

5.3. To the south east of the application site is an IP-MP regulator and other associated SGN Gas Company which formed part of the gas holder site but would be retained outside of the application site. It would lie adjacent to the application site boundary.

5.4. Large areas of agricultural land lies further east beyond the private access road to Unipart which falls within South Oxfordshire District Council. This land forms part of an allocation for 68 hectares of land for residential and ancillary uses (allocation STRAT 12).

5.5. See site location plan below:



6. PROPOSAL

6.1. The application proposes the erection of commercial building (use classes E(g)(ii) (research and development of products and processes), E(g)(iii) (industrial processes) and B2 (general industrial) applied flexibly) with associated access, parking, landscaping and ancillary development.

6.2. The proposal would be comprised of one main building which would sit to the north/rear of the site. The building would measure approximately 12.8 metres high to the parapet (13.75 metres overall height), approximately 83.65 metres wide (87.38 metres with a projecting canopy) and 56.65 metres deep.

- 6.3. To the front of the building would be 50no. parking spaces with landscaping and a landscaped amenity area to the side/east of the site.
- 6.4. The building would primarily comprise of a large open volume (the use of which would be flexible depending on the end user) with two storey office accommodation located to the eastern side. Two HGV loading bay doors would be located in the front of the building and access to the office would be via a pedestrian entrance to the eastern side of the building.
- 6.5. The proposal seeks a flexible use and no end user has yet been found for the building. If planning permission were to be granted, the final user of the building may need to seek amendments to the layout and design of the building to suit their operational needs.

7. RELEVANT PLANNING HISTORY

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

56/00195/M_H - Erection of a workshop, stores and office block gatehouse welfare and laboratory block and the construction of a work entrance. PERMIT 27th March 1956.
60/01369/M_H - Erection of a building to house anti-freeze boiler. PERMIT 7th December 1960.
67/00327/M_H - Gasholder Station Oxford Road Littlemore - Boiler house to provide anti-freeze for gasholder. PERMIT 24th May 1967.
68/00459/M_H - Fence and gates to be constructed across Garsington Road frontage. PERMIT 26th July 1953.
92/01060/NF - Application for Hazardous Substances Consent for storage of gas. (Gas Holder Station, Watlington Road). PERMIT 12th May 1993.
97/00275/P - Erect 4 GRP kiosks. PERMISSION NOT REQUIRED 15th April 1997.
97/00670/NF - Single storey portable building for use as offices for temporary period during construction and site redevelopment (approval planning permission 96/347/NF). PERMIT 3rd June 1997.
00/01025/WX - Application of continued use for Hazardous Substances Consent for storage of gas. DEEMED CONSENT 21st December 2001.
01/00020/B - Application to determine whether prior approval is required for the erection of a 15m lattice telecommunications mast with 6 antennae & 2 dishes, equipment cabin & ancillary equipment including 2.4 high palisade fence. PRIOR APPROVAL REQUIRED 14th February 2001.
01/00050/NF - Continuation of Hazardous Substances consent for gas holder

(Transco). DEEMED CONSENT 24th December 2001.

15/01499/DEM - Application to determine whether prior approval is required for the method of demolition. PERMISSION REQUIRED 11th June 2015.

20/03214/DEM - Application to determine whether prior approval is required for the method of demolition. PRIOR APPROVAL REQUIRED AND GRANTED 15th January 2021.

21/03007/FUL - Installation of GRP acoustic kiosk. PERMIT 18th January 2022.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	126-136	DH1, DH2, DH7		
Commercial	83	E1		
Natural environment	153-158, 159-169, 174, 180,	G1, G2, G7, G8		
Transport	110-113	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	119-120, 123-124, 183-188	RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE9	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1,		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th May 2022 and an advertisement was published in The Oxford Times newspaper on 19th May 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highway Authority)

9.2. Initial objection due to concerns with the proposed level of parking and lack of junction capacity assessment due to predicted 74 vehicular trips an hour. Further discussions took place between the Local Highway Authority and the applicant.

Further to this and the submission of further information and justification the objection was removed.

Oxfordshire County Council (Lead Local Flood Authority)

9.3. Initial objection requesting a surface water catchment plan, surface water flood exceedance plan, clarification on how the surface water strategy follows the SuDS treatment hierarchy, SuDS maintenance regime, calculations for the permeable paving and construction details of the SuDS and drainage infrastructure to be provided. Further information was provided but a second objection requested calculations to be provided for the permeable paving and construction details of the SuDS and drainage infrastructure again. Further information was provided and the objection was removed.

Thames Water Utilities Limited

9.4. No objection.

Health and Safety Executive (HSE)

9.5. No comments received.

Public representations

9.6. No third party comments received.

Officer response

9.7. Consultee comments are addressed in the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

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

a. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) and Oxford Local Plan 2036 Policy RE2 encourage development proposals to make an efficient and appropriate use of previously developed land in a manner that suits the capacity of the site.
- 10.3. The NPPF encourages weight to be placed on the need to support economic growth and productivity, and in particular in areas with high levels of productivity which should be able to capitalise on their performance and potential (paragraph 80). Decisions should recognise the specific locational requirements of different sectors, including making provision for clusters or networks of knowledge industries (paragraph 82).
- 10.4. The Oxford Local Plan 2036 sets out Oxford's employment strategy which recognises the importance of the city particularly in the knowledge economy but also seeks to achieve sustainable growth by balancing the supply of labour, housing and infrastructure.
- 10.5. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make an efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford.
- 10.6. It is understood that the gas holder was disconnected from the mains gas network in 2013 as it was no longer required for SGN's storage strategy. In recent years the site has provided no employment use and when it was in use supported a very low level of employment. The site is not identified as a category 1 or 2 employment site and would therefore be considered category 3. Policy E1 states that planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects. On this basis, the proposed redevelopment of the site for an employment use is supported in principle subject to material considerations. It is expected that any proposed employment use would generate a greater employment density than the existing use of the site.

Proposed uses

E(g)(ii) – Research and Development of Products or Processes

- 10.7. This use would formerly have fallen within Use Class B1(b), and as such is supported in principle by policy E1.

E(g)(iii) – Industrial Process (which can be carried out in any residential area without causing detriment to the amenity of the area)

- 10.8. This use would formerly have fallen within Use Class B1(c), and as such is supported in principle by policy E1.

10.9. However, other uses falling within Class E, particularly retail, restaurant, and non-residential institutions would be contrary to policy E1, and therefore any planning permission granted would be subject to a condition limiting the permitted Class E uses to those falling within Class E(g)(ii) and Class E(g) (iii) specifically, to allow the Local Planning Authority to give consideration to any other Class E uses.

B2 - General Industrial

10.10. This use would be supported in principle by policy E1. It is noted that uses falling within this class would have the potential to give rise to environmental impacts, particularly in terms of noise and emissions; this use would be acceptable in principle subject to material considerations, which are addressed in the report below.

10.11. In summary, the proposed re-development of the site is therefore considered acceptable in principle subject to the material considerations set out below.

b. Design

10.12. Policy DH1 of the Oxford Local Plan 2036 requires development to be of high quality design that creates or enhances local distinctiveness. Proposals must meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1 of the Plan.

10.13. Policy DH2 of the Oxford Local Plan 2036 states that planning permission will be granted for developments of appropriate height or massing in accordance with the criteria identified in the policy.

10.14. The site comprises a plot of land of 0.62 hectares on Oxford Road and the following buildings last occupied the site:

- A 1960s gas holder.
- Ancillary buildings, cabins, containers and plant.
- The south east part of the wider former gas holder site (which is excluded from the red line of the application) would remain within SGNs ownership and an IP-MP regulator and some ancillary equipment would be retained.

10.15. The gas holder was very prominent on the site (at 14.5 metres high, up to 59 metres at full capacity and over 2,800m² footprint) and occupied the majority of the plot. It sat forward of the building line of existing units to the west of the site.

The proposal

10.16. It is proposed to redevelop the site with a building which is designed to house flexible uses consisting of light industry, general industry and research and development. The building is designed to reflect the character of the surrounding area and the proposed uses.

- 10.17. The building would consist of a fairly simple design clad in micro-ribbed composite insulated panelling and steel cladding. It would be anthracite grey in colour. The building would have largely blank facades however this has been broken up with a two storey glazed entrance to the east of the site with further windows to the east and north. To further break up the massing and to add interest to the building a projecting canopy would wrap around the south eastern corner of the site with steel louvres, supported by timber columns.
- 10.18. This design approach is considered acceptable in relation to the intended users of the site and the character of the surrounding area.
- 10.19. Plant would be located in a plant deck within the building and to the rear of the building and it is therefore considered that reasonable efforts have been taken to make this as discrete as possible in accordance with the requirements of policy DH7 of the Oxford Local Plan 2036.
- 10.20. As such the proposal is therefore considered acceptable in accordance with policy DH1 and DH7 of the Oxford Local Plan 2036.

Views

- 10.21. The site sits on the edge of Oxford adjacent to open fields to the east. These fields, Oxford Road and the village of Garsington in South Oxfordshire offer views of the site. Despite the height of the former gas holder, views of the site are fairly limited to the junction of Oxford Road with Watlington Road to the west of the site and from Transport Way to the north of the site.
- 10.22. The scale of the building has been dictated by the intended end users of the site. The building would be largely a single volume space with office accommodation and a reception set over two floors to the east of the building.
- 10.23. The building would sit slightly higher than the adjacent units to the west of the application site but would be fairly comparable to the height of the former gas holder (when empty and at its lowest height of 14.5 metres). When it was full of gas it had the ability to be four times this height (approximately 59 metres).
- 10.24. The proposal would sit to the rear of the plot and would be no more visually prominent than the former gas holder (less when it was in full capacity). The form and shape of the proposal would also be more in keeping with the form and design of buildings in the surrounding area. Whilst the building would appear in views from Garsington, it would not be the dominant feature due to larger scale buildings at the BMW Mini and Unipart House. It would be more visually appropriate in relation to the surrounding context than the gas holder. The proposal would include additional landscape screening to the site and would not interrupt any views to the historic core of Oxford which are limited in this area. The proposed use of dark anthracite grey materials would also help blend the building into the surrounding context.
- 10.25. The proposal is therefore considered acceptable in relation to policy DH2 of the Oxford Local Plan 2036.

c. Archaeology

- 10.26. Policy DH4 of the Oxford Local Plan 2036 requires that where application sites have a likelihood of archaeological deposits or features, they should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical.
- 10.27. The 1960's gas holder is of interest as industrial archaeology. Therefore it would have been of value to have had a historic building photographic record of the gas holder, however it is unfortunately already under demolition.
- 10.28. The submitted desk based assessment by Dalcour Maclaren has assessed the site as having very low archaeological potential despite its proximity to the Roman Road because of past quarrying, dumping and contamination issues. Therefore no below ground archaeological recording is considered necessary in relation to this site.
- 10.29. The proposal is therefore acceptable in relation to policy DH4 of the Oxford Local Plan 2036.

d. Impact on neighbouring amenity

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

Privacy

- 10.31. The proposed development would largely be a windowless building. Windows would be located in the north elevation at first floor only and east and south elevations at ground and first floor levels to serve the reception and office accommodation at the eastern end of the building. The nearest residential accommodation is located away from the site on Watlington Road (approx. 125 metres away) and would therefore not be impacted by the proposals. Whilst the site to the east of the application site (Northfield Brook) is allocated for residential development, the access road to Unipart sits between the application site and this future development and is therefore sited a reasonable distance from the application site.
- 10.32. The proposal is therefore considered acceptable and adequate regard has been given to privacy in accordance with policies RE7 and H14 of the Oxford Local Plan 2036.

Daylight/Sunlight

- 10.33. The application has not been accompanied by a daylight/sunlight assessment however the site is located within an industrial/commercial area and there are no neighbouring properties that would be sensitive to loss of daylight or sunlight. Considering the size and location of the proposed development it is also considered unlikely to have an adverse impact on any future residential development at Northfield Brook in South Oxfordshire.

Noise

- 10.34. The nearest existing residential receptors have been identified on Watlington Road (approx. 125m away) to the south and south-west; with potential future dwellings located to the east of the Site as part of the land allocated for residential development.
- 10.35. An acoustic assessment has been submitted to support the planning application and the noise impacts from the development have been adequately assessed and a site-specific Construction Environmental Management Plan (CEMP) is being proposed to assist in reducing potential noise impacts.
- 10.36. The predicted noise levels at existing sensitive receptors from vehicle operations (HGVs) associated with the proposed scheme have been assessed as being lower than existing ambient noise levels, which mainly consists of constant noise from the gas governor and traffic noise. Results of the assessment show noise predictions meet the criteria for good living and resting conditions for dwellings, as defined by BS8233 and therefore acceptable in environmental health terms.
- 10.37. With regards to fixed plant noise, proposed noise limits, based on typical measured background noise levels, have been proposed in accordance with BS4142. Appropriate levels are recommended to be imposed through appropriate planning conditions requiring plant details to be submitted prior to installation to ensure they meet 10dB below existing background noise levels and that construction is carried out in accordance with the submitted construction environment management plan (CEMP).
- 10.38. Subject to these conditions the proposal is considered to comply with policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

e. Transport

Transport sustainability

- 10.39. Policy M3 of the Oxford Local Plan 2036 states that parking for non-residential development will be assessed on a case by case basis through the submission of a transport assessment or travel plan, however parking should always be sought to be kept to a minimum. On redevelopment of non-residential sites the parking should also not exceed former levels. The application site is not located in the most sustainable location within the city. The site lies on the Number 11 bus route which is infrequent with approximately one bus per hour. The site could be reached by bicycle. Policy M3 seeks to encourage sustainable modes of transport as a priority.

Car/Motorcycle Parking

- 10.40. In relation to the former use of the site, no formal car parking spaces were set out on the site so it is difficult to assess the former car parking capacity of the site. The site benefitted from vehicular access and had hard standing surrounding the whole gas holder which could be used for parking on vehicles. It

is considered that 50no. spaces could have been accommodated on the site previously.

10.41. 50no. car parking spaces are proposed. If there were to be a maximum of 106 employees on site this would equate to a parking space per 47% of employees. Initial concerns were raised by the County Council that this level was too high. Further justification was given for this level of parking and given the location of the proposed development with limited public transport options and that access is required 24 hours a day when public transport is not in operation, the County Council removed their objection and agreed to the level of parking proposed. On the basis of the previous capacity of the site to accommodate 50 spaces the proposal would therefore not exceed the former capacity in accordance with policy M3. 25% of the proposed spaces (14) would benefit from EV charging points in accordance with the requirements of policy M4.

10.42. In terms of motorcycle parking 1 space per 400sqm up to 2000sqm and 1 space per 1000sqm thereafter is allowed. This equates to 7 motorcycle spaces which are proposed on the site plan amongst parking space.

10.43. The proposal is therefore acceptable in relation to policies M3 and M4 of the Oxford Local Plan 2036.

Cycle parking

10.44. Policy M5 of the Oxford Local Plan sets out that B1 uses (which would now cover E(g)(ii) and E(g)(iii) are expected to provide a minimum of 1 cycle parking space per 90m² of floorspace (45 spaces) or 1 space per 5 staff. Given that a maximum of 106 full time staff are proposed, this would result in a requirement of 22no. spaces, the proposal exceeds these standards and seeks to provide 46no. spaces. The proposal is therefore considered acceptable in accordance with policy M5.

10.45. In regards to shower, changing and locker facilities, these standards are set out for Office (B1), Warehousing (B8)/Retail Warehouses (A1) or 'Other'. Based on the 'Other' standards, the site would be required to provide 1 shower per 2500sqm up to 10,000sqm, then 1 shower per 4,000 thereafter. This would result in a provision of 1 shower at the site which would be provided on the ground floor behind the reception and would be secured as part of the cycle provision condition.

Traffic Movements

10.46. Oxfordshire County Council, as the Local Highway Authority, raised concerns about the proposal in relation to increased traffic movement and the impact on the junction with Watlington Road and Oxford Road. Concern was raised that this could result in additional traffic movements at this junction per day. Following this concern being raised further discussions took place between the Local Highway Authority and the developer. In the event the Local Highway Authority were satisfied that the proposal would not result in excessive traffic movement that would result in the need for junction improvements.

Construction management

10.47. The Local Highway Authority has raised no concerns in relation to the development in relation to construction impact.

Financial contribution

10.48. The nearest bus stops to the site are very basic, without shelters and/or without an adequate hardstanding. Oxfordshire County Council expect the development to contribute (£13,442 for shelters and £1,502 for flags) towards the undertaking of improvements on such facilities in order to encourage use of public transport. A second contribution is sought towards the cost of monitoring the Travel Plan of £2,040.

10.49. The Applicant has agreed to these sums which would be secured by means of Section 106 planning obligation directly with the County Council.

f. Trees/Landscaping

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

Trees

10.51. There are no arboricultural constraints that apply to this scheme. Trees along the private road external to the site should be unaffected, (and are of low import). There is a decent native hedge along the southern boundary/ Oxford Road, but this is external to the site and protected by a metal fence, so should not be affected. Nevertheless, a Tree Protection Plan condition should be applied to safeguard these features from any ancillary inadvertent damage from construction activity wherever possible.

Landscaping

10.52. The development includes landscape works and these indicate that there would be a positive change to the site. Subject to conditions requiring a finalised landscaping plan, a detailed planting plan, implementation of the landscaping plan, reinstatement of any tree of planting which fails to establish, and a tree protection plan the proposal is considered acceptable in relation to policies G2, G7 and G8 of the Oxford Local Plan 2036.

g. Air Quality

10.53. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

- 10.54. The baseline assessment shows that the application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the surrounding area of the application Site, show current air pollutant concentrations to be below their relevant air quality objectives. The impacts of existing pollution sources on the future residents at the proposed development are therefore considered to be not significant and current air quality levels at the application site are considered acceptable.
- 10.55. According to the site's energy statement, neither the existing site nor the development plans include any centralised combustion plants (such as boilers and combined heat and power units). The renewable technologies in the form of air source heat pumps and a photovoltaic array are identified for the proposed development. This development would therefore not have any on-site combustion sources.
- 10.56. According to the site's transport assessment, the trip attraction exercise indicates that the forecast development trips would be low with 21 vehicle movements in the AM peak, and 11 in the PM peak. However, this is equivalent to an increase in trips generated by the proposed development of 159 Total AADT (annual average daily traffic), which is above the IAQM's minimum indicative criteria for an air quality modelling assessment to be required.
- 10.57. The impact of emissions associated with operational traffic movement on local air quality were assessed using the air dispersion model ADMS-Roads, focussing on high sensitivity receptors within or adjacent to the nearby roads affected by the operational phase of the proposed development. The assessment was undertaken in a very conservative manner, assuming no improvement in vehicle emissions technology, fleet turnover nor background concentrations beyond 2019 and applying the total trip generation of the proposed development across all modelled roads, assuming no dispersion of traffic onto the road network. Thus the assessment can be considered to be 'worst case' and is likely an over prediction of future concentrations.
- 10.58. The impact significance was assessed in accordance with the relevant IAQM Guidance. Traffic-related pollutant concentrations (NO₂, PM₁₀ and PM_{2.5}) were predicted at 7no. selected medium and high sensitive receptors located along the local road network affected by operational traffic. The predicted increases in NO₂, PM₁₀ and PM_{2.5} concentrations in the vicinity of the site at the closest residential receptors to the affected road network are predicted to be negligible at all receptors.

Construction Phase

- 10.59. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, and the risk of dust causing a loss of local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate mitigation measures. A list of site specific dust mitigation measures are

recommended within the air quality assessment (Chapter 7 – pages 37-38). Provided these measures are implemented and included within the site's CEMP, the residual impacts are considered to be not significant. This would be secured by condition.

10.60. In conclusion the air quality levels at this development would be below current limit values for NO₂, PM₁₀ and PM_{2.5} and therefore subject to conditions, the proposal is considered to comply with policy RE6 of the Oxford Local Plan 2036 and the NPPF.

h. Biodiversity

Protected Species

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

10.62. The Local Planning Authority (LPA) has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.

10.63. 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.

- 10.64. In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.
- 10.65. Furthermore, the LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006).
- 10.66. The existing gas holder on the site is already under demolition and benefits from separate prior approval for demolition.
- 10.67. Habitats within the survey site were assessed as being of limited value to wildlife. No European Protected Species (EPS) were found on site. The habitats supported are common and widespread in the landscape and although none of the habitats were of high ecological value, discrete areas of scrub have potential to support small numbers of widespread breeding birds. Based on the current proposals, no further surveys in relation to protected species are considered necessary however a precautionary approach in relation to breeding birds is recommended in order to safeguard this species group during the clearance of any scrub to facilitate the works. Officers are satisfied that a robust ecological assessment was undertaken and the potential presence of protected habitats and species has been given due regard in accordance with the NPPF and policy G2 of the Oxford Local Plan 2036, and the legislation.

Biodiversity Net Gain

- 10.68. Policy G2 of the Oxford Local Plan relates to protection of biodiversity and geo-diversity. This policy requires a biodiversity net gain of 5% on all major developments where there is existing vegetation on site. Given that the site currently benefits from a number of trees a biodiversity net gain was requested to be included as part of the application.
- 10.69. The site currently is predominantly hard standing and has very little ecological value. The submitted documents indicate the proposals would deliver substantial net gain. Whilst insufficient info regarding characterisation of the proposed habitats was provided in the biodiversity net gain calculation, given the very low baseline, Officers are satisfied that 5% biodiversity net gain would be delivered and could be secured by conditions for bird boxes and landscaping.

Landscaping

- 10.70. A final landscape plan would be required detailing which species would be planted and seed mixes sown; recommendations are providing in both the Preliminary Ecological appraisal and Design and Access Statement but no proposed planting schedule has been provided. This is recommended to be secured via condition.
- 10.71. Subject to the above conditions the proposal is considered to comply with policies G2 and G9 of the Oxford Local Plan.

i. Flooding and Drainage

Flooding

10.72. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.

10.73. The proposal is located in Environment Agency Flood Zone 1 and is not at a high risk of flooding. The proposal is therefore considered acceptable in relation to policy RE3 of the Oxford Local Plan 2036.

Drainage

10.74. Initial concerns were raised by the Lead Local Flood Authority (LFA) regarding the proposed SuDs scheme as it would rely on attenuation tanks which do not provide wider benefits in relation to biodiversity and water quality. The site however is located on impermeable ground and infiltration is not a viable alternative and therefore attenuation tanks have been accepted in this case. Permeable paving with tanks has been incorporated in parking areas but it is not suitable to be used in heavily loaded service areas. Following concerns about the run off rate, this was reduced to 3 l/s and the size of the attenuation tanks have been increased to accommodate this.

10.75. Concerns were also raised that the proposal drainage system included the use of a pump which are potential flood risk hazards if they malfunction or fail. However the drainage outfall to the Thames Water sewer outside the site is only around 1m below ground level, and to achieve the required cover over the attenuation tanks and the necessary fall in pipes it isn't technically possible to do this without a pump. The discharge rate is restricted and therefore the majority of runoff is stored on site and released slowly, and this would still be the case in the event of a pump failure. Exceedance routes would be away from the building and towards the public highway, maintaining flood safety.

10.76. These points were accepted by the LFA subject to the submission of calculations for the permeable paving for all storm events up to and including the 1:100 year storm event plus 40% climate change and construction details of the proposed SuDS and drainage infrastructure. These were provided and found acceptable by the LFA and their objections to the scheme were removed, subject to conditions requiring that the drainage system is provided in accordance with the submitted details and a record of the installed SuDs shall be submitted for deposit with the Lead Local Authority Asset Register.

10.77. Subject to this condition the proposal is considered to accord with policy RE4 of the Oxford Local Plan 2036.

Thames Water

10.78. Thames Water have confirmed that with regard to both foul water sewerage network infrastructure capacity and surface water network capacity, they would not have any objection to the above planning application, based on the information provided.

10.79. Thames Water also advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the planning application.

j. Land Quality

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

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

10.81. The submitted ground investigation report does not identify major potential contamination risks at the site and concludes that no remedial actions are necessary other than the provision of ground gas protection in buildings on site.

10.82. However it is considered that the extent of ground investigation completed during the site investigation (3 locations only) does not characterise the entire site from a contamination risk perspective and is therefore considered insufficient to demonstrate that the site is incapable of being classified as 'contaminated land' under Part 2A of the EPA1990.

10.83. Historical ground investigation information for the site has identified potentially significant contamination risks from a former quarry area at the site backfilled with potentially hazardous waste, in addition to the location of former tanks (underground and above ground fuel tanks) and an interceptor. No commentary on these potential contamination sources has been provided. Further investigation and assessment of these sources is required to inform the conceptual site model. It is acknowledged within the ground investigation report that further ground investigation is required once the gas holder has been demolished to confirm ground conditions and contamination risks in this area.

10.84. As a result of the requirement to conduct further ground investigation at the site in the gas holder location and at other contamination source locations identified in previous reports (as stated above), planning conditions should be imposed on any permission requiring further works on the phased risk assessment, any remedial works are carried out and a watching brief is carried out during construction.

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

k. Energy

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

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. The proposals are suitable in design terms and comply with policies DH1 and DH2 of the Oxford Local Plan 2036. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036,

drainage under policies RE3 and RE4 of the Oxford Local Plan 2036, contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036.

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

11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.

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

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

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

12. 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 Approved Plans

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. *Removal of PD rights –use*

The premises shall be used only for purposes within Use Classes E(g)(ii), E(g)(iii) and B2 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises in accordance with the relevant policies of the Oxford Local Plan 2036.

4. *Samples*

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

Reason: In the interests of the visual appearance of the site and surrounding area in accordance with policies DH1 of the Oxford Local Plan 2036.

5. *Noise – Plant/Machinery*

Prior to the installation of any external plant/machinery or equipment, details shall be submitted to and approved in writing by the Council, 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 as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all plant/machinery and/or equipment operating together at maximum capacity. This will maintain the existing noise climate and prevent 'ambient noise creep'. The plant/machinery shall only be installed and operated in accordance with the approved details (including mitigation measures) thereafter.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036.

6. *Cycle Parking Details*

Prior to occupation of the development hereby permitted, full details showing design of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided prior to first occupation of the development. The cycle parking and shall be permanently retained and maintained for the parking of cycles and in connection with the development.

Prior to the occupation of the development the shower facilities as shown on drawing 'O011-U1-DR-101 REV PL1' shall also be provided on site and retained thereafter.

Reason: To comply with Policy M5 of the Oxford Local Plan 2036.

7. *Landscape – Tree Protection Plan*

No development 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 of retained trees and/or create Construction Exclusion Zones around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development 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.

8. *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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

9. *Landscape Plan – Carry Out*

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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

10. *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 and biodiversity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

11. *Air Quality - CEMP*

No development shall take place until the complete list of site specific dust mitigation measures that are identified on the site's air quality assessment (Chapter 7 pages 38-40) are included for adoption within the site's Construction Environmental Management Plan (CEMP). The updated CEMP shall be submitted to and approved in writing by the Local Planning Authority. 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 and 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 in accordance with policies RE7 and RE8 of the Oxford Local Plan 2036

12. *Air Quality – EV Charging*

Prior to the occupation of the development, the Electric Vehicle charging infrastructure as shown on drawing 'O011-U1-DR-100 REV PL1' shall be installed on-site. The electric vehicle infrastructure 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.

13. *Biodiversity – Compliance with Preliminary Ecological Appraisal*

All works shall be carried out in accordance with the details contained in Sections 5.9 to 5.13 of the Preliminary Ecological Appraisal produced by

CT Ecology and dated 31st March 2022 as submitted with the planning application and agreed in principle by the Local Planning Authority prior to determination.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

14. *Biodiversity – Bird Nesting Roosting Devices*

The two bird nesting roosting devices specified in the Biodiversity Net Gain Assessment produced by CT Ecology and dated 1st April 2022 shall be installed under the guidance of a suitably-qualified ecologist and be fully constructed prior to the completion of the development and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with the National Planning Policy Framework and policy G8 of the Oxford Local Plan 2036.

15. *Drainage – Compliance With Submitted Scheme*

The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document: Site Specific Flood Risk Assessment
Ref: 65203629-SWE-ZZ-XX-RP-C-0001
Rev: P01

Drawing: Surfacing And Kerbs construction details sheet 1
Ref:65203629-SWE-ZZ-XX-DR-C-0220
Rev: P01

Drawing: Drainage Construction Details Sheet 3
Ref:65203629-SWE-ZZ-XX-DR-C-0202
Rev: P01

Drawing: Drainage Construction Details Sheet 2
Ref:65203629-SWE-ZZ-XX-DR-C-0201
Rev: P01

Drawing: Drainage Construction Details Sheet 1
Ref:65203629-SWE-ZZ-XX-DR-C-0200
Rev: P01

Drawing: Proposed Drainage Strategy
Ref: 65203629-SWE-ZZ-XX-DR-C-9000
Rev: P02

All relevant Hydraulic calculations produced via Microdrainage
Date 15/07/2022
File: SW FEH STORAGE CALCS-PER...

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with the requirements of policy RE4 of the Oxford Local Plan 2036.

16. *Drainage – 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.

17. *Contaminated Land – 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 in writing and approved by the local planning authority.

A Phase 1 (Contaminated Land Desk Study) has been completed and approved.

A further element of Phase 2 investigation shall be completed to update the conceptual model for the site. This is to in order to more fully characterise the type, nature and extent of contamination present across the entire site area, the risks to receptors and to inform the remediation strategy proposals.

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

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

18. *Contaminated Land – 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 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.

19. *Contaminated Land – Watching Brief*

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

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

20. *Energy Efficiency*

The development shall be carried out in accordance with the energy and water efficiency measures set out in the 'MBA Consulting Engineers – Energy Strategy' dated 29th March 2022 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.

21. *Water Efficiency*

The building shall meet a minimum of four credits under BREEAM assessment in relation to water efficiency.

Reason: In accordance with the requirements of policy RE1 of the Oxford Local Plan 2036 as Oxford is located in an area of water stress.

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
3. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
4. The applicant would benefit from Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which would allow an implemented use to change to a further use as approved by the permission at any time within the 10 years. The existing use after this time then becomes the lawful use thereafter.

13. APPENDICES

Appendix 1 – Site plan

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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