

Application number:	22/03042/RES		
Decision due by	24th March 2023		
Extension of time	31 st March 2023		
Proposal	Erection of commercial building (revised design of approved Red Hall) and immediate hard landscaping.		
Site address	Oxford North Northern Gateway Land Adjacent A44 A40 A34 And Wolvercote Roundabout, A40 Section From Cherwell District Council Boundary To Wolvercote Roundabout, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	Michael Kemp		
Agent:	Mrs Dawn Brodie	Applicant:	Oxford North Ventures GP LLP
Reason at Committee	Application for Major Development		

1. RECOMMENDATION

1.1. The Oxford Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant reserved matters approval subject to the approval of an application made under Section 96A of the Town and Country Planning Act 1990 to secure the necessary changes to planning permission 18/02065/OUTFUL to allow the development the subject of this reserved matters application to proceed

1.1.2. **Delegate authority** to the Head of Planning Services to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- Determine the application should the necessary changes to planning permission 18/02065/OUTFUL not be approved under the application made under Section 96A of the Town and Country Planning Act 1990 referred to in paragraph 1.1.1 above.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a reserved matters planning application for the provision of an enlarged commercial building (the Red Hall) which forms a focal point and hub within the Oxford North development and which was consented under hybrid planning permission 18/02065/OUTFUL. The original Red Hall building was consented under the detailed element of the hybrid planning permission. This reserved matters application includes the main section of the building which falls within the part of the site covered by the detailed planning consent and a new section of the building which would fall within an area of the site defined within the outline element of the planning consent. The footprint of the approved building was 3709sqm in area, 709sqm of which consisted of ancillary space within the basement of the building. The proposals sought within this application seek to increase the size of the approved building to provide 5710sqm of floor space, of which 493sqm of which would be ancillary space provided in the basement of the building. Of the ground floor uses it is intended that 226sqm would be used as café space, with 227sqm used as Class A1 retail space (class E use).
- 2.2. The principle amendment sought under this planning application in effect relates to a large three storey side extension to the approved building. There is no change to the maximum height of the building compared within the consented Red Hall. At ground floor level there is an intention to create a large active frontage to the north eastern elevation of the building.
- 2.3. The revised design aligns with the core design vision for the Red Hall as previously consented, in terms of the building being a distinctive 'landmark' building and a focal hub within the Oxford North site. Whilst the 'extension' to the north east of the building adds further volume, the further elements proposed read as subservient to the main, core section of the building. There is no increase to the maximum height of the building and any minor increase in the building's prominence would not be perceived in medium and longer range views in the longer term given the building's position on the site and its likely lack of visibility once surrounding development plots have been constructed. The amendments to the design of the ground floor and corresponding floor plans are considered to greatly improve the relationship between the building and the surrounding public realm. The proposals are considered to be an enhancement on the consented plans in design terms and are compliant with Policy DH1 of the Oxford Local Plan.
- 2.4. There is considered to be no additional harm to the setting of surrounding heritage assets, beyond the level of moderate less than substantial harm that would be caused by the consented scheme. The moderate level of less than substantial harm is considered to be outweighed by both the further public benefits delivered within this reserved matters application in terms of the increase in additional office and Class E space and the improved design and functionality of the new proposals; in addition to the wider substantial social and economic benefits delivered under the hybrid planning permission. It is considered that the development would not conflict with Policy DH3 of the Oxford Local Plan; and Paragraphs 199 and 202 of the NPPF.
- 2.5. It is considered that the development would not result in any wider adverse impacts in respect of neighbouring amenity; highway safety or amenity; or wider

environmental implications beyond the impacts already identified under the scope of the hybrid planning permission.

- 2.6. As the proposed changes to the Red Hall building would involve amendments to elements of the hybrid permission that fall under the detailed part of the consent, it cannot be dealt with currently as a reserved matters application as envisaged under this current application unless and until the area of the site occupied by the already consented Red Hall building has been removed from the detailed part of the permission by altering its red line boundary. This would require amendments to be made to the relevant plans, conditions and description of development, accompanying the hybrid permission. These amendments can be secured through an application made under Section 96A of the Town and Country Planning Act 1990.
- 2.7. Overall, the proposals are considered to be compliant with the Oxford Local Plan; the Wolvercote Neighbourhood Plan and the NPPF. For the reasons outlined within this report it is recommended that the Committee resolve to grant reserved matters approval for the details of this development subject to the prior approval of an application made under Section 96A of the Town and Country Planning Act 1990 to remove the area of the consented Red Hall building from the detailed part of the hybrid permission before the reserved matters approval is issued.

3. LEGAL AGREEMENT

- 3.1. This application would not require a new legal agreement or any variation to the original agreement relating to planning application 18/02065/OUTFUL.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The original planning agreement was the subject of a detailed CIL agreement, no additional CIL would be payable based on the proposals submitted under this reserved matters application.

5. SITE AND SURROUNDINGS

- 5.1. The application site comprises a section of a wider 26-hectare area of former grazing farmland located in the north of Oxford, just inside the ring road which was the subject of planning application 18/02065/OUTFUL.
- 5.2. Planning approval was granted on 23rd March 2021 for planning application 18/02065/OUTFUL. This followed a resolution to grant planning permission made by the Planning Review Committee held on 16 December 2019 and the prior completion of the Section 106 agreement. The description of development is listed below:

Hybrid planning application comprising: (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 m² (GIA) of employment space (Use Class B1), up to 550 m² (GIA) of community space (Use Class D1), up to 2,500 m² (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site,

pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (ii) Full application for part of Phase 1A comprising 15,850 m² (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019)

5.3. The application site to which planning application 18/02065/OUTFUL relates falls into three, fan-shaped parcels of land which run adjacent to the A44 and A40 trunk roads, converging at Wolvercote roundabout. The northern boundary of the site is formed by a raised section of the A34 road. The eastern boundary of the site is formed by a section of railway line. The south-western boundary is formed by Joe White's Lane bridleway (National Cycle Route 5) and the fields to the west that lead down to the Oxford canal and separate the site from much of the settlement of Wolvercote.

5.4. The masterplan for planning application 18/02065/OUTFUL refers to three parcels of land as the following:

- East: the parcel to the east of the A44, south of the Peartree Park and Ride and west of the railway line
- Central: the largest parcel, to the west of the A44 and to the north-east of the A40
- Canalside: the parcel to the south-west of the A40 and the north-east of Joe White's Lane

5.5. This application relates to development on a section of the central parcel of the Oxford North Site, which includes the site of the approved 'Red Hall' and a surrounding section of landscaping. The red line site area consists of land falling within both the full and outline permissions covered under planning application 18/02065/OUTFUL. The approved Red Hall building falls within the land benefitting from full permission (Phase 1A of Oxford North), whilst the extension would be sited predominantly in land benefitting from outline planning permission.

5.6. The site currently consists of cleared land which has been levelled following a process of cut and fill permitted under planning permission 21/01053/RES which allowed for earthworks to form the development platforms for future buildings on the site. The temporary car park benefitting from full planning permission has been completed alongside the link road access through the central parcel of the site which will link the A40 and A44 roads. A series of improvement works to the A40 which include the addition of bus lanes and shared cycle/pedestrian accesses have been completed. Work has yet to commence on the Red Hall or the two employment buildings benefitting from full planning permission under the first phase of the Oxford North development (Phase 1A).

5.7. See block plan below:



6. PROPOSAL

- 6.1. The application seeks reserved matters planning approval for the provision of a larger Red Hall building. The footprint of the approved building was 3709sqm in area, 709sqm of which consisted of ancillary space within the basement of the building. The proposals sought within this application seek to increase the size of the approved building to provide 5710sqm of floor space, of which 493sqm of which would be ancillary space provided in the basement of the building. Of the ground floor uses it is intended that 226sqm would be used as Class A3 café space, with 227sqm used as Class A1 retail space.
- 6.2. The amendments sought under this planning application include a large three storey side extension to the approved building. There is no change to the maximum height of the building compared within the consented Red Hall. At ground floor level there is an intention to create a large active frontage to the north eastern elevation of the building. This change is sought to improve the buildings relationship with a new public square, which would be sited to the north east of the building and is intended to be delivered under a future reserved matters application.
- 6.3. It is proposed that the ground floor spaces within the building would include café and retail uses along the north eastern frontage, whilst the remaining areas would be used as an estates services centre, reception/meeting/co-working spaces and 'Town Hall' uses. The upper floors of the building, including within the enlarged section of the Red Hall would continue to be used as office space.

7. RELEVANT PLANNING HISTORY

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

18/02065/OUTFUL - Hybrid planning application comprising:
 (i) Outline application (with all matters reserved save for "access"), for the erection of up to 87,300 sqm (GIA) of employment space (Use Class B1), up to 550 sqm (GIA) of community space (Use Class D1), up to 2,500 sqm (GIA) of Use Classes A1, A2, A3, A4 and A5 floorspace, up to a 180 bedroom hotel (Use Class C1) and up to 480 residential units (Use Class C3), installation of an energy sharing loop, main vehicle access points from A40 and A44, link road between A40 and A44 through the site, pedestrian and cycle access points and routes, car and cycle parking, open space, landscaping and associated infrastructure works. Works to the A40 and A44 in the vicinity of the site.
 (ii) Full application for part of Phase 1A comprising 15,850 sqm (GIA) of employment space (Use Class B1), installation of an energy sharing loop, access junctions from the A40 and A44 (temporary junction design on A44), construction of a link road between the A40 and A44, open space, landscaping, temporary car parking (for limited period), installation of cycle parking (some temporary for limited period), foul and surface water drainage, pedestrian and cycle links (some temporary for limited period) along with associated infrastructure works. Works to the A40 and A44 in the vicinity of the site. (Amended plans and additional information received 19.06.2019). Approved 23rd March 2021.

21/01053/RES - Reserved matters approval for earthworks, attenuation ponds, substations, services and areas of permanent and temporary landscaping.. Approved 18th August 2021.

22/00081/RES - Construction of a Spine Road for access to Phases 1b, 1c and 1d of the Oxford North development and the provision of landscaping to create Canalside Park – Approved 26th August 2022.

22/00675/RES - Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 317 dwellinghouses (Use Class C3) – Approved 4th November 2022

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores	

Conservation/ Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains	
Commercial	81-83	E1 - Employment sites - intensify of uses	
Natural environment	174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GBS5 - Biodiversity GBS6 - Green space in developments
Transport	104-109	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	CHS1 - Community Connectivity CHS2 - Electric Vehicle Charging Points CHS4 - Travel Plans
Environmental	119-125; 152-169	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	BES2 - Air Pollution BES3 - Noise Pollution BES4 - Drainage and Flooding
Miscellaneous	7-12	S1 - Sustainable development	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th January 2023 and an advertisement was published in The Oxford Times newspaper on 5th January 2023.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

9.2. No objection. It is proposed that the cycle parking requirement for the Red Hall is accommodated within the temporary cycle store permitted under Phase 1a of the Hybrid permission which provides 248 spaces for the Phase 1a development. Section 3.5 of the Design and Access Statement seeks to demonstrate that this can be accommodated however this is based on Local Plan levels of cycle parking whereas policy NG4 of the Northern Gateway AAP requires a higher level of provision which would appear not to be available. Oxfordshire County Council recommend that a condition is attached to any permission granted requiring that additional cycle parking spaces are provided.

Drainage

9.3. No objection.

Thames Valley Police

9.4. No objection subject to ensuring that secured by design accreditation is secured through condition.

Historic England

9.5. Do not wish to comment.

Natural England

9.6. Do not wish to comment.

Wolvercote Neighbourhood Forum

9.7. Made the following comments in relation to the application, which are summarised below:

- Welcome the provision of 550sqm of community space in the form of retail, space, café and Town Hall Space within the expanded ground floor and consider the Red Hall a suitable location for these facilities.
- Disappointed that the enlarged Red Hall space does not include a community storage room.
- Strongly object to the proposed design, including the form, scale and visual impact of the building. The revised design is a little less brutal than the original, approved, version. But the new shape is still bulky and crude, lacking features on a human scale
- Specifically object to the large cantilever extension, the use of red cladding; and the enlarged sloping roof.

Public representations

9.8. No members of the public have commented on this planning application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Sustainability
- Amenity
- Transport

Principle of development

10.2. The Red Hall formed part of the detailed element of the hybrid planning permission and was intended to function as a focal point and communal hub for Oxford North. The approved building contained a mix of retail, café and upper floor office uses. The amendments to the building as proposed within this application would provide a similar mix of uses, albeit with an increase in the amount of retail and café space at ground floor level and increased provision of office space at first and second floor level, accounting for the additional floorspace that would be delivered in the extended section of the building.

10.3. The hybrid planning permission for the whole Oxford North site allows for a specified quantity of floorspace for each specific use on the site, this is included in the description of development. This is broken down into use classes in accordance with the version of the Planning Use Classes Order 1987 in effect at the time that the application was assessed and presented to members of the planning committee, prior to the Order being amended in September 2020. It should be noted that following the update to the Planning Use Classes Order, Class A uses now fall within the new Class E. The hybrid permission is also accompanied by a Land Uses Parameter Plan, which outlines the permitted spatial distribution of the relevant land uses across the site area covered by the planning permission. The table below taken from the applicant's Planning Statement indicates the quantity of new floor space which would be delivered in relation to the quantity of space permitted under the full and outline permission and the remaining floor area permitted for each use.

	Approved	Proposed	Remaining Floor Area
Use Class B1 (Detailed)	16,097 sqm (inc. workspace buildings)	18,098 sqm (inc workspace buildings)	N/A
Use Class B1 (Outline)	87,300 sqm	N/A	69,202 sqm
Use Class A (Outline)	2,500 sqm	453 sqm	2,047 sqm
Use Class D1 (Outline)	550 sqm	0	550 sqm

- 10.4. As indicated in the above table, the provision of each use proposed under this planning application would not exceed the maximum floor space permitted for the relevant uses under the hybrid permission. The proposed uses would also accord with the Land Use Parameter Plan, which allows for a mix of uses in the location of the Red Hall and section of the site where this building would be extended, including Class B (employment) and Class A uses. The building would encroach into an area of public open space, though the space that would be lost is intended to be replaced to a greater extent and to a higher standard within a forthcoming reserved matters application that deals with the area to the north of the Red Hall.
- 10.5. The proposals are therefore considered to align with the provisions of the hybrid planning permission in terms of the quantity and distribution of permitted uses on the Oxford North site. The proposals similarly align with the original vision for the Red Hall that this should function as a hub building for Oxford North and align with the wider site masterplan for Oxford North in terms of the general siting of development, and provision of public open space.
- 10.6. An Environmental Statement (ES) was prepared as part of hybrid planning application 18/02065/OUTFUL, which covered in outline all development across the Oxford North site. This Reserved Matters application would constitute a 'subsequent application' under Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, the likely significant effects of the proposed development need to be considered.
- 10.7. The proposals submitted under this reserved matters application do not deviate from the parameters of the hybrid planning permission and the fundamental details outlined within the previously submitted Environmental Statement, in terms of the scope of development and overall scale and layout of the development. Officers conclude that the development would not give rise to any new or different significant effects to those identified and assessed previously within the ES prepared under application 18/02065/OUTFUL.
- 10.8. The approved hybrid application 18/02065/OUTFUL differentiates between the area of the site, covered by detailed planning permission and those areas covered by the outline consent. This is defined on a number of the approved plans, most notably the site location plan. A copy of the site location plan accompanying the hybrid planning permission is included at Appendix 2 of this report. Appendix 3 shows the extent to which the red line would be altered under the Section 96A application to exclude the Red Hall.

- 10.9. Part of the area of the site the subject of this reserved matters application falls within a section of the Oxford North site that was the subject of detailed planning permission. This included the Red Hall and the two employment buildings to the south of the Red Hall. The submitted reserved matters application for the changes to the Red Hall involves changes to the building already approved under the detailed permission and also involves development falling within the area of the site covered by the outline permission, as defined on the plans accompanying the hybrid permission. The changes sought do not fundamentally alter the site masterplan, as approved under the hybrid permission, or any of the accompanying parameter plans and the proposals would be an improvement on the detailed permission.
- 10.10. Procedurally, as the proposals contained within this reserved matters application cross the boundaries of the areas defined on the approved plans as being the subject of both the detailed and the outline permission, it is considered necessary for the relevant plans accompanying the hybrid permission to be amended to reflect the changes being sought under this reserved matters application. This will involve removing the area upon which the consented Red Hall was to be sited from the red edged area of the detailed permission. Officers consider that it is possible to make that change through an application under Section 96A of the Town and Country Planning Act, given that the changes sought are considered to be non-material in the context of the hybrid permission. The Section 96A planning application would also need to cover consequential changes to the description of the development, changes to some of the approved plans and changes to any planning conditions that relate specifically to the Red Hall, with particular reference to the floor space associated with the building. Officers advise that approval of this reserved matters application must be subject to the prior approval of the Section 96A application, with consent being issued for the section 96A application before this reserved matters permission can be determined.

Design and Heritage

Design

- 10.11. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. The design of all development should respond appropriately to the site character and context and shall be informed by a contextual analysis and understanding of the setting of the site. Paragraph 129 of the NPPF requires that all developments are considered in line with the National Design Guide and Model Code.
- 10.12. The form of the main section of the building would be unchanged as are the general architectural principles and vision which is distinctive in appearance, given the buildings form and presence, with distinctive red cladding. Likewise the building would continue to represent a landmark building in the site emphasising its intended status as a focal hub. The amendments to the approved plans would improve the buildings relationship with the surrounding spaces to the north east, by providing retail/café spaces facing what is intended to be public open space. The repositioning of the stairs, servicing and toilets provide a continuous active

frontage across all elevations of the building, which officers consider to be a significant enhancement in design terms.

10.13. The amended design does not include any increase in the maximum height of the building, whilst the extension would sit well below the main roof ridge of the Red Hall. The extended section of the building would be relatively large in size, however this would read as subservient to the principal section of the building. The overall increase in the scale of the building and the additional volume of the extension would not appear uncomfortable when considering the scale of the consented building and its position in the centre of the site. The further mass and volume added to the north east elevation of the building would increase the presence of the building where viewed from the A44 and residential properties to the north east and from the A34. This is however likely to be for a short time, given that the building sits in the centre of the site and it would be anticipated, in line with the site masterplan, that the Red Hall would be surrounded on all sides by sizeable buildings accounting for the building heights parameter plan. Following development of the surrounding plots, the Red Hall and particularly the lower section of the building proposed under this application is unlikely to be prominent. Even when considered in the short term, the scale of the enlarged building would be commensurate with the scale of surrounding buildings, either permitted under the detailed permission, or envisaged within the masterplan for the site.

10.14. Officers note the request from Wolvercote Neighbour Forum that community storage space is provided within the Red Hall to ensure that there is capacity to store tables and seating for events in the 'market square' adjoining the building. The applicants have confirmed that there will be moveable furniture within the Red Hall that could be used for such purposes. Consideration is also being given to areas for storage as part of the wider estate management strategy, which forms a condition of the outline permission applicable to future reserved matters applications. Officers note the objections from Wolvercote Neighbourhood Forum in relation to the design, materials and massing of the proposal. However, for the reasons outlined above these are considered to be acceptable and represent a suitable continuation of the approved design principles and vision.

10.15. Officers note that no objection has been raised by Thames Valley Police in relation to the proposed development, albeit with the recommendation that a condition is attached requiring the applicant to obtain secured by design accreditation. This is already a condition attached to the hybrid consent that is applicable to all subsequent reserved matters applications so there would be no requirement to repeat the requirements of this condition under this application.

10.16. Officers consider that the design is appropriate, distinctive and of a high quality and is compliant with Policy DH1 of the Oxford Local Plan.

Heritage

10.17. The Wolvercote with Godstow Conservation Area extends to a point approximately 150 metres to the south east of the application site and includes part of the Canalside site. The site is considered to fall within the wider setting of the Conservation Area.

- 10.18. In line with Paragraph 199 of the NPPF consideration must be given to the impact of a proposed development on the significance of this designated heritage asset and great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.20. The application site falls within the wider setting of the Grade II listed Manor Farm (26 Godstow Road a large former farmhouse originally dating to the 17th Century but which has been the subject of a number of later additions) as well as the Grade II listed Church Farmhouse, which was historically linked to surrounding agricultural land which includes the land which forms the site. Both buildings are located to the south of the Leonardo Royal Hotel (Formerly Jury's Inn) and are surrounded by housing constructed in the late 20th Century which has greatly altered the original setting of the listed buildings. There are also two late 18th Century Grade II listed tilting canal bridges which are located to the south west and west of the site, these bridges provide a connection from Joe Whites Lane onto the Canal towpath.
- 10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering applications for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.22. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance, character and distinctiveness of the heritage asset and locality. When considering development proposals affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), great weight will be given to the conservation of that asset and to the setting of the asset where it contributes to that significance or appreciation of that significance).
- 10.23. The wider impact of the redevelopment of the land at Oxford North in respect of the Wolvercote with Godstow Conservation Area and the aforementioned listed buildings was considered in depth by officers at the time application 18/02065/OUTFUL was determined. This was informed by an Environmental Statement accompanying the hybrid planning application which included an assessment of the impact on the Conservation Area, the Grade II listed Manor Farm, Church Farmhouse; Grade II listed canal bridges, St Peter's Church and Port Meadow, which is a scheduled ancient monument.

- 10.24. Officers' assessment of the hybrid application considered the relative harm to the setting and significance of the Conservation Area, which was deemed to be a moderate level of less than substantial harm. This was as a result of an overtly urban development replacing surviving, historically agricultural land which currently provides a green gap and permits uninterrupted views from these assets to the rural hillside backdrop beyond the city to the north west and north-east. The introduction of buildings to the south-west of the A40 resulting in built development encroaching closer to the settlement of Wolvercote than at present which would harm the surviving character and appearance of a rural settlement
- 10.25. In terms of the setting of the Grade II listed Manor Farm and Church Farmhouses it was considered that whilst the setting of the farmhouses had been eroded by residential development and non-residential development including the Leonardo Royal hotel, there would be further harm arising from the loss of agricultural land on the Oxford North site which forms part of the wider setting which contributes to the significance of these buildings, furthermore the approved development would also be of a significant scale. This harm to the setting of the Grade II listed buildings was identified as less than substantial and at the low end of this classification.
- 10.26. The identified harm to these designated heritage assets was balanced against the significant package of public benefits delivered by the proposed development, including the provision of 480 homes and significant economic benefits deriving from the provision of 87,300sqm of employment space. A conclusion was reached that the benefits arising from the development would outweigh the respective moderate and low level of less than substantial harm to the Wolvercote with Godstow Conservation Area and the Grade II listed Manor Farm and Church Farmhouse.
- 10.27. In relation to the specifics of the development proposed within this application, there would be no increase in the maximum height of the Red Hall and the additional volume and mass of the extension would not be perceived in the context of either the surrounding listed buildings, or the setting of the Conservation Area given its position to the north east of the consented building. Officers therefore consider that there would be no additional harm to the setting of any surrounding listed buildings, or the setting of the Conservation Area when compared with the consented Red Hall building. There is still considered to be a moderate level of less than substantial harm associated with the proposals, which was the case with the consented building and wider proposals approved under the hybrid permission.
- 10.28. In the context of Paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. In the context of the development proposed specifically within this reserved matters application, there are substantial public benefits, namely the economic benefits associated with the increased provision of high quality, flexible employment space and the further space falling within retail/café and community uses at ground floor level. The latter of these benefits has also improved the function of the building as a hub space and its relationship with the surrounding external areas of public open space. The proposals must also be considered in the

context of the wider public benefits which would be delivered as part of the hybrid application, including the provision of 87,300sqm of employment space, transport and connectivity improvements; and the provision of the further 480 dwellings, which are substantial in social and economic terms.

10.29. The public benefits of the Oxford North development as a whole; and the benefits of this particular development as proposed within this reserved matters application are considered to outweigh the less than substantial harm that would be caused to the setting and significance of the Conservation Area and the setting of the Grade II listed Manor and Church Farmhouses.

10.30. As such it is considered that the development accords with Policies DH1 and DH3 of the Oxford Local Plan and the NPPF. In coming to this conclusion great weight and due regard has been given to the requirements of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Sustainability

10.31. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations or future equivalent legislation. It should be noted that the original hybrid application was received before May 2022 and the subsequent change in building regulations.

10.32. The Red Hall will be connected to the energy sharing loop which has been approved under the hybrid planning application. The building would incorporate measures to reduce energy demand for heating, cooling, lighting and ventilation. This will include efficient lighting, high levels of fabric performance and optimised ventilation incorporating heat recovery and includes solar PV technology. The proposed measures would achieve a 43.7% reduction in carbon emissions compared with code 2013 Building Regulations. The Energy Statement indicates the schemes ability to meet BREEAM excellent standard.

10.33. Policy RE1 requires assessment against future equivalent legislation, this would include the 2021 Part L Building Regulations which came into force in June 2022, though the updated regulations would not apply where a building notice has been given before 15th June 2022, provided that building work is started before 15th June 2023. The applicants have stated that a building notice was served before this date and development will commence on site before 15th June 2023. The development would meet the requirements of Policy RE1 in terms of carbon reductions, where assessed against the 2013 building regulations. Should development not commence prior to 15th June 2023 then it would be necessary to require by condition that an updated Energy Statement shall be provided prior to the commencement of development.

Impact on amenity

- 10.34. The building lies at the centre of the Oxford North site and is located a considerable distance from any surrounding residential dwellings and other neighbouring uses. The nearest residential dwellings are sited on Woodstock Road, Carey Close and Linkside Avenue to the north east. Given the substantial separation distance between these properties and the Red Hall and the parameters of the development consented under the hybrid permission it is considered that the development would not impact detrimentally on the amenity of any of the neighbouring residential properties, by reason of overlooking, loss of light or overbearingness of the scale of the building.
- 10.35. The extension to the building would be sited to the north east of the two other buildings consented under Phase 1A of the development and would not impact on the function of these surrounding consented buildings.
- 10.36. Accounting for the above assessment, the proposals would not conflict with Policies H14 or RE7 of the Oxford Local Plan.

Transport

- 10.37. Temporary car parking has been provided to serve the buildings benefitting from full planning permission, including the Red Hall. The proposals do not include any changes to this arrangement, with the temporary parking serving the enlarged Red Hall building remaining until such time as permanent car parking is provided on the wider site. As there is no increase in the proposed parking provision or any other alterations there would be no conflict with Policy M3 of the Oxford Local Plan.
- 10.38. A temporary cycle store with 248 spaces was consented under the hybrid planning permission, covering Phase 1A of the Oxford North development, which includes the Red Hall. It is stated within the applicant's design and access statement that there would be no additional permanent cycle parking proposed within this planning application, notwithstanding the increase in the size of the Red Hall. The additional floor space proposed within this application compared with the consented scheme would require that a further 45 cycle parking spaces are provided. It is envisaged that a permanent cycle parking pavilion would be provided to house cycle parking for the Red Hall in a dedicated pavilion building to the north. This would be delivered in a future reserved matters application alongside other landscaping and public realm work. The applicants have therefore agreed to provide further temporary cycle parking, which would be provided within the wider Oxford North site before first occupation of the building and this would be removed once a permanent cycle parking facility has been provided. Subject to the provision of this temporary cycle parking, it is considered that the development would comply with Policy M3 of the Oxford Local Plan.

Other matters

- 10.39. The scope of the development and siting of the additional elements of the building would not conflict with the scope of the consented drainage strategy for either the detailed or outline elements of the Oxford North development and is

therefore considered to be compliant with Policies RE3 and RE4 of the Oxford Local Plan.

10.40. Earthworks and excavation has been carried out across the site in line with the reserved matters approval 21/01053/RES, therefore further assessment is not required in respect of land contamination or archaeology and there are no existing trees on the area of the site where the development would be carried out. The development would also fall within the parameters of the air quality assessment already carried out.

10.41. This part of the application site contains only the Red Hall and limited areas of proposed hardstanding proposed within the outline and detailed elements of the hybrid planning application. As such this area of the site was not anticipated to contribute towards the overall strategy in terms of biodiversity net gain, which will be met through habitat creation across other stages of the development. The current condition of the site means that further ecology surveys would not be necessary. Therefore it is considered that there would be no conflict with Policy G2 of the Oxford Local Plan.

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. The revised design aligns with the core design vision for the Red Hall as previously consented, in terms of the building being a distinctive 'landmark' building and a focal hub within the Oxford North site. Whilst the 'extension' to the north east of the building adds further volume, the further elements proposed read as subservient to the main, core section of the building. There is no increase to the maximum height of the building and any minor increase in the buildings prominence would not be perceived in the longer term given the buildings position on the site and its likely lack of visibility once surrounding development plots have been constructed. The amendments to the design of the ground floor and corresponding floor plans would greatly improve the relationship between the building and the surrounding public realm. The proposals are considered to be an enhancement on the consented plans in design terms and are compliant with Policy DH1 of the Oxford Local Plan.

- 11.4. There is considered to be no additional harm to the setting of surrounding heritage assets, beyond the level of moderate level of less than substantial harm that would be caused by the consented scheme. The moderate level of less than substantial harm is considered to be outweighed by both the further public benefits delivered within this reserved matters application in terms of the increase in additional office and Class A1 space and the design enhancements of the new proposals; in addition to the wider substantial social and economic benefits delivered under the hybrid planning permission. It is considered that the development would not conflict with Policy DH3 of the Oxford Local Plan; and Paragraphs 199 and 202 of the NPPF.
- 11.5. It is considered that the development would not result in any wider adverse impacts in respect of neighbouring amenity; highway safety or amenity; or wider environmental implications beyond those already assessed under the scope of the hybrid planning permission.
- 11.6. It is recommended that the Committee resolve to grant reserved matters approval for the development proposed for the reasons outlined within this report subject to the conditions in section 12 of this report, and subject also to the prior approval of an application under Section 96A of the Town and Country Planning Act to amend where necessary the hybrid planning permission to allow the changes to the Red Hall to be dealt with through this reserved matters application.

12. CONDITIONS

Time Limit

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

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

Approved Plans

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

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

Materials

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

Reason: In the interests of visual amenity in accordance with Policy DH1 of

the Oxford Local Plan 2016-2036.

Window Openings

4. Prior to above ground works of the employment building hereby approved, detailed drawings showing all openings in façades including windows, window reveals, openings at ground floors, junctions between buildings and ground adjacent, joins between cladding panels and between perforated and non-perforated cladding, roof junctions and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless alternatives have first been submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity to ensure a high-quality appearance in accordance with policies DH1 and DH2 of the Oxford Local Plan 2036.

Energy Strategy

5. The employment building hereby approved shall be constructed and carried out in full accordance with the submitted Energy Statement (Hoare Lea dated 19 July 2018 reference 180731) and the subsequent revisions in the submitted Energy Strategy (Hoare Lea reference REP-2323618-5A-JT-20221216 Rev 02 providing that the development has commenced no later than 15 June 2023. The sustainable design and energy efficiency measures installed shall be retained and maintained for the lifetime of the development.

Should development commence later than 15 June 2023 an updated Energy Statement shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The updated Energy Statement shall assess the carbon reduction measures within the proposed development against the updated Part L 2021 Building Regulations in accordance with policy RE1 of the Oxford Local Plan 2016-2036. The development hereby approved shall be constructed and carried out in full accordance with the approved updated Energy Statement. The approved sustainable design and energy efficiency measures shall be retained and maintained for the lifetime of the development.

Reason: To minimise carbon emissions in accordance with the objectives of policy RE1 of the Oxford Local Plan 2016-2036.

Cycle Parking

6. Temporary cycle parking to serve the development hereby approved shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building. The cycle parking shall be made available until such time that the permanent solution for cycle parking is approved by the LPA and is made available for use. The temporary cycle parking shall be removed following first use of the permanent cycle parking facility.

Reason: To ensure that appropriate opportunity to use sustainable transport modes is available in accordance with Policy M3 of the Oxford Local Plan 2016-2036.

Shower Facilities

7. The shower facilities in the basement of the development hereby permitted shall be installed and be operational and available for use prior to the first occupation of the development hereby approved. The shower and changing facilities in the basement of the development hereby permitted shall be retained for the lifetime of the development unless a suitable alternative has been provided and agreed beforehand in writing by the local planning authority.

Reason: To encourage sustainable transport in accordance with policies M1 and M5 of the Oxford Local Plan 2036.

Drainage Strategy

8. The development shall be carried out in accordance with the measures identified for the management of surface water drainage and maintenance of drainage features as outlined in the '*Detailed Phase 1A Surface Water Drainage Scheme*' prepared by Stantec Limited reference 48201/2012/001 Rev G dated December 2022.

The approved measures shall be implemented as approved prior to the first occupation of the development and shall be retained thereafter.

Reason: To prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Location plan for hybrid planning permission showing delineation of detailed and outline elements.
- **Appendix 3** – Proposed amendments to location plan under Section 96A application showing removal of Red Hall from detailed area as defined on the location plan.

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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