

Oxford City Planning Committee

November 2023

Application number: 23/00693/FUL

Decision due by 24th July 2023

Extension of time 22.12.2023

Proposal Demolition of Nos. 6-25 Pusey Lane. Erection of 2-3 storey terraced building to provide new student accommodation. Demolition of rear outrigger extensions to nos. 20 & 21 St John Street. Erection of single storey common room building to the rear of nos. 20 & 21 St John Street. Re-landscaping of the existing amenity areas to the rear of nos. 7-11 and 19-21 St John Street, including demolition/alteration of rear plot boundary walls.

Site address Site Of 6-25 Pusey Lane and 19-21 St John Street – see **Appendix 1** for site plan

Ward Carfax And Jericho Ward

Case officer Felicity Byrne

Agent: Mr Huw Mellor **Applicant:** St John's College

Reason at Committee Major development

1. RECOMMENDATION

1.1. The Oxford City Planning Committee is recommended to:

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

- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 or Unilateral Undertaking 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. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary; and
- finalise the recommended legal agreement or Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this

report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning and Regulatory Services considers reasonably necessary; and

- on receipt of the completed section 106 legal agreement or Unilateral Undertaking and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the redevelopment of an existing student accommodation site, making best and most efficient of the land to provide increased post graduate accommodation for St John's College. It would be of a high quality design and have an appropriate massing, height and relationship to existing buildings and the street scene. It would be of high quality sustainable design and construction providing sustainable drainage, rain gardens, tree planting, green roofs and photo voltaic and air source heat pump technologies, re-using existing materials and foundations where possible.
- 2.2. The development would cause a degree of less-than-substantial harm to the setting of the listed St John's Street buildings. This harm is outweighed by the public benefits derived from the development in this case. There would be no harm to the character and appearance of the Central Conservation Area in which it sits and no harm to the setting of nearby Ashmoleon, Sackler Building and Pusey House listed buildings. In coming to this view great weight has been given to the preservation of the significance of these designated heritage assets and the higher duty placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.3. There would be no significant adverse impact on neighbouring residential amenities as a result of overlooking, loss of privacy, overbearing, visual intrusion, noise, loss of sunlight, daylight or overshadowing. Subject to relevant conditions, the development would not have an adverse impact in relation to trees and landscaping, biodiversity, land quality, air quality, archaeology, drainage and transport.
- 2.4. In conclusion, subject to conditions set out at Section 12 of this report, and the prior completion of a legal agreement or Unilateral Undertaking, the development would accord with the relevant policies of the Oxford Local Plan 2036, the Headington Neighbourhood Plan, the policy framework set out in the NPPF and it would comply with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement or Unilateral Undertaking requiring the Applicant to enter into a s278 agreement with the County Council to make changes to the highway (Pusey Lane).

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL amounting to £210,614.00.

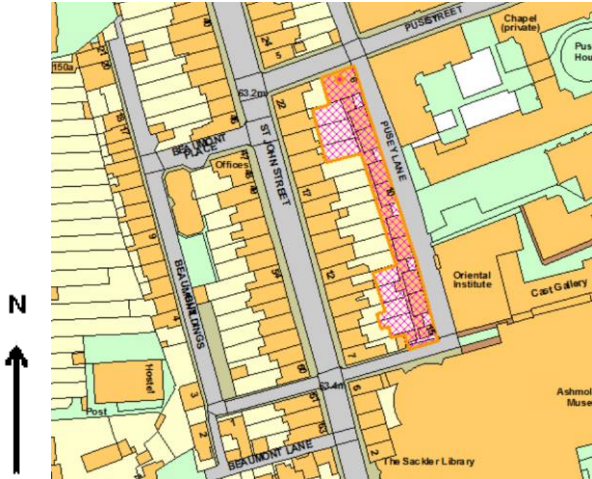
5. SITE AND SURROUNDINGS

5.1. The application site relates to Nos.6-25 Pusey Lane and Nos.19-21 St Johns Street and the rear garden only of Nos.7-11 St John’s Street. Nos.6-25 Pusey Lane comprises four blocks of two storey post-graduate student accommodation comprising of nine 1bed studio flats for St John’s College. Built in the early 1970’s, it is in a modern architectural style contemporary to that era with flat mono-pitched roofs and rendered walls. The accommodation consists of first floor flats above garages. The flats are linked and accessed by external circular concrete staircases that connect into a communal circulatory corridor at ground floor, and which is gated to Pusey Lane, Pusey Street and Pusey Mews. Bin storage is provided underneath the staircases. The garages are now too small to comfortably accommodate modern cars.

5.2. Nos.7-11 and Nos.19-21 St John’s Street are listed grade II Georgian terrace buildings owned by the College providing student accommodation with shared communal rear gardens. Nos.12-18 St John’s Street (inclusive) are privately owned residential properties with gardens backing onto the application site. Nos. 16 and 17 are houses in multiple occupation (HMOs) owned and managed by Blackfriars Hall. These properties have a right of access into and across the application site to the bin stores and to present their bins for collection on street. The whole terrace is Grade II listed.

5.3. The site is located in the Nineteenth Century Residential Quarter character area of the Central Conservation Area. This character area largely draws its significance from the mixture of calm and attractive residential streets and their modest mews, combined with the University presence, which gives this area its distinctive character. The site also lies adjacent to a number of listed buildings and structures including other properties on St John’s Street, which are also Grade II listed and two Grade II listed boundary walls on the opposite side of Pusey Lane. Nearby are the Grade I listed Ashmolean Museum and the Grade II* listed Pusey House on the corner of St Giles and Pusey Street.

5.4. See block plan below:



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6. PROPOSED DEVELOPMENT

6.1. It is proposed to demolish the buildings on Pusey Lane and replace them with a new linear terrace providing new purpose-built graduate accommodation for 33 students. The terrace comprises five two storey houses with rooms in the pitched roof that sit at the outer ends of the terrace, and eight fully accessible one bed apartments in the centre of the terrace with a flat roof. To the rear within Nos.19-21 the existing outriggers of Nos.20 and 21 would be demolished and replaced with a new single storey rear extension to provide a communal student space. The existing shared gardens of Nos.7-11 and 19-21 St John’s St would be landscaped and also include a new outbuilding within the Nos.7-11 garden for ancillary facilities. Cycle parking would be provided within these garden spaces. See Figure 1 below showing the proposed block plan.



Figure 1: Proposed Site Block Plan

6.2. It is proposed to remove existing cobble stones along Pusey Lane and replace with similar materials (size and colour) to enable level access to the site and along the street for pedestrians and cyclists.

6.3. During the application process amendments to the design have been made to the Pusey Lane building including a reduction in the ridge height of approximately 0.5m and change to the height and massing of the rear element backing on to No.22 to mitigate concerns regarding an overbearing effect and impact on light, the removal of a 1st floor bedroom window facing directly towards No.18 St Johns’ street, and refined detailing of the screening to mitigate potential overlooking from other 1st floor windows.

7. RELEVANT PLANNING HISTORY

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

6-25 Pusey Lane:

71/23765/A_H - Land at Pusey Lane - Erection of nine two person flats over 21 lock-up garages (Phase 1 development). Approved 9th February 1971.

71/23765/AA_H - Land at Pusey Lane - Erection of 9, 2 person flats over 21 lock-up garages (Phase 1 development) revised. Approved 8th June 1971.

00/01424/NFH - Erection of 2.4m railings and fences between 7-15 Pusey Lane. Approved 17th January 2001.

Nos. 7-11 St John's Street:

13/00314/FUL - .Reconfiguration of existing rear extensions to alter roof profile from flat roof to sloping roof. Insertion of doors and windows in rear elevations. External landscaping. Erection of first floor rear extension (Additional information) (Amended description). Approved 21st May 2013.

13/00315/LBC - Internal and external alterations to reconfigure the existing student rooms. Alteration of the roof profile of existing rear additions from flat roof to sloping roof. Internal alteration involving removal of partitions and insertion of new partitions - upgrading windows, doors, fire and electrical and heating services. (Additional Information). Approved 21st May 2013.

Nos 19-21 St John's Street:

62/11773/A_H - Private garage and cycle store. Approved 27th February 1962.

75/00678/A_H - Change of use from dwelling house to college hostel. Withdrawn 20th December 1975.

87/01256/U - 19-20/21 St John Street - Application for Established Use Certificate for use as student hostel/student accommodation. Refused 11th December 1987.

88/00079/L - 19/20/21 St John Street - Listed building consent for demolition of rear extensions and 2 garden walls between Nos. 21-20 and 20-19. Alterations, rear additions ancillary accommodation, with pedestrian access from Pusey Lane. Approved 15th August 1988.

88/00080/NFH - 19/20/21 St John Street - Alterations, rear additions and light wells to provide 24 graduate student bedsits and ancillary accommodation with pedestrian access from Pusey Lane. Approved 15th August 1988.

23/00594/FUL - Internal alterations to existing student accommodation to include; installation of new en-suites and creation of 2no. additional student rooms. Formation of new felt roof over rear basement lightwell of 20 St John Street to form plant room. Alterations to fenestration to 19 St John Street. Approved 15th September 2023.

23/00595/LBC - Alterations to include upgrading of existing fabric, insertion of secondary glazing to reduce heat loss; upgrading and alteration of existing mechanical and electrical services to enable alternative heat sources; alteration of

plan form with insertion of partition walls and subdivision of rooms to include addition of en-suite bathrooms and the addition of two more study bedrooms; infilling of rear, basement lightwell to create laundry room. Approved 24th October 2023

23/00694/LBC - Demolition of rear outrigger extensions to nos. 20 & 21 St John Street. Erection of single storey common room building to the rear of nos. 20 & 21 St John Street. Demolition/alteration of rear plot boundary walls. (Amended Description). Pending consideration.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	119-136	DH1 - High quality design and placemaking H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards		
Conservation/ Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Housing	60-77	H2 - Delivering affordable homes H5 - Development involving loss of dwellings H8 - Provision of new student accommodation		
Commercial	81-91			

Natural environment	91-101, 174-182	G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	Biodiversity TAN Green Spaces TAN	
Social and community	92-103			
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Car and Bicycle Parking TAN	
Environmental	152, 169-183-184	RE1 - Sustainable design and construction RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Sustainable Design and Construction TAN	
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment RE7 - Managing the		

		impact of development V8 - Utilities		
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9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 23rd May 2023 and an advertisement was published in The Oxford Times newspaper on 18th May 2023. A further round of consultation was undertaken and Site notices were displayed around the application site on 17th October 2023 and an advertisement was published in The Oxford Times newspaper on 12th October 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection subject to an obligation to enter into a S278 agreement to secure mitigation/improvement works, including alterations to highway surface at Pusey Lane/Pusey Place, conditions on Travel Information Packs, Parking permits, cycle parking, Construction Traffic Management Plan (CTMP) and informative on dropped kerbs.

9.3. The indicative footway along Pusey Lane is to be widened by 2.0m as requested in the County Council's pre-app response and is accepted. It would be expected that the re-instatement of the existing basalt setts will extend to include the whole width of the carriage way at Pusey Lane and would need to be secured in the form of a 278 agreement. Other comments raised at pre-app have been addressed by the applicant and are welcomed.

9.4. The proposal includes the removal of the garages currently at Pusey Lane, with no off-street parking spaces being provided at the site. The site is to be car-free; this is accepted as the site is located within a Controlled Parking Zone and is within 400m distance of a frequent bus-stop and 800m distance of a local supermarket. The site therefore meets the requirements listed for a car-free development in policy M3. Prior to occupation the Traffic Regulation Order (TRO) will need to be amended, with the proposed student accommodation excluded from the parking permit scheme. This will need to be secured by condition.

9.5. The proposals include the provision of 60 cycle parking spaces. The number of proposed cycle parking spaces meets the minimum bicycle parking standards as listed in policy M5 of the Oxford local plan. The majority of the proposed cycle parking at the site is currently provided in the form of two, two-tiered covered bike racks. Two-tiered cycle parking should be kept to a minimum, as they are recognised as being difficult to use and are often underutilised. Whilst it is recognised that space at the site is limited, the cycle parking stores at the site will need to be amended to provide more covered Sheffield stands, which will encourage the use of the cycle stores at the site.

9.6. The proposals do not include any changes to the refuse collection at the site, with refuse vehicles manoeuvring at the north section of Pusey Lane and entering the south section (6-25 Pusey Lane) in a forward gear. The swept path analysis

submitted as part of the application demonstrates that the manoeuvre is still achievable, and that two-way traffic can still be safely achieved when required.

- 9.7. The delivery & servicing arrangements will not change at the site, with vehicles loading/unloading at the existing point at the kerbside of St John Street. The number of HGVs & refuse vehicles will be minimal and are expected to occur outside of the network peak times. The delivery & servicing arrangements for the proposed student accommodation is accepted and is unlikely to have any significant detrimental impacts on highway safety.
- 9.8. The proposed removal of the garages at Pusey Lane will lead to the site being car-free, which will have a beneficial impact on the local highway network in safety and traffic terms. It is considered that no severe detrimental impacts will occur as a result of the proposals.
- 9.9. As the student accommodation is to be for postgraduates, the proposals will not experience the same pick up/drop off demands as an undergraduate accommodation, with no concentration of arrivals/departure at the start and end of term times. Although the proposals will result in a small increase in the number of units, the pick up /drop offs associated with the proposals are unlikely to have a significant detrimental impact on highway safety.
- 9.10. The Construction Traffic Management Plan submitted as part of the application in its current form does not meet Oxfordshire County Council's standards [including but not limited to no deliveries taking place during peak network and school hours] and will need to be amended if planning permission is granted, secured by condition.
- 9.11. For a student development of thirty-three residences, a Residential Travel Information Pack is required. This should be produced prior to first occupation and then distributed to all students at the point of occupation to ensure all students are aware of the travel choices available to them from the outset. This can be secured by condition.

Oxfordshire County Council (Lead Local Flood Authority)

- 9.12. No objection subject to conditions requiring implementation in accordance with the submitted Drainage Strategy, submission of a surface water drainage scheme (SuDS), and record of the implemented SuDS.

Thames Water Utilities Limited

- 9.13. No objection. Waste comments: The proposed development is located within 15 metres of a strategic sewer and therefore Thames Water requests a condition requiring details of piling within a Piling Method Statement. Thames Water expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the

Water Industry Act 1991 and an informative to that effect should be applied should the Local Planning Authority be minded to approve the planning application.

9.14. Thames Water would advise that with regard to the waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.15. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

9.16. Water comments: On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. An informative regarding minimum pressure and flow rates should be applied.

Historic England

9.17. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Public representations

9.18. Comments were received from the following addresses and interest groups:

- St John's Street Resident's Association
- Nos. 5,12, 13, 14,15, 16, 17, 18, 22, 24, 43, 44,55 St John's Street
- Blackfriars Priory
- Blackfriars Hall
- 9 Beaumont Buildings

9.19. In summary, the main points raised during the first round consultation were:

- Overlooking from rear to St John's Street properties (Nos. 12-18 and Nos.22 and 24) and No.5 Pusey Lane
- Excessive height, scale and massing – large end out of keeping and tower above other buildings
- Overdevelopment of site and too many students
- Unsatisfactory sized common room

- Increase in overbearing appearance and in contravention of the 25/45 guidance
- Loss of light to rooms and gardens
- Out of keeping with the Conservation area and jarring juxtaposition with surrounding buildings
- Increase noise and anti-social behaviour from use of shared gardens
- Further student enclave, contrary to character of CA and adverse impact on listed buildings
- Insufficient bin storage
- Metal screen and gates at ground floor along shared corridor would increase ability to look through and loss of privacy and metal is noisy. Potential health and safety issues, no information on fob access and may encourage anti-social/ criminal behaviour.
- The whole of Pusey Lane should be re-surfaced not just half as proposed
- Access to properties during construction
- The lighting store building should be retained. It should be considered as a curtilage listed to No.22 St John's Street.
- Loss of light to windows in No.22 St Johns Street
- Access would be restricted to Blackfriars during construction
- Inferior quality scheme compared to other St Johns College developments
- Pusey Street and St John's Street application should be considered together
- No information on long term management plan and how students are managed to minimise noise and disturbance
- Detailed construction traffic management plan needed – no access from St Johns Street and Pusey Street should not be allowed
- Loss of boundary walls detrimental to CA
- Amenity shared student space insufficient
- Cycle parking provision insufficient and inconvenient – cycle racks should not be placed along wall to No.22. would result in bikes being left outside the site
- Landscaping to Street frontage welcome – optimistic and shade loving plants needed
- Noise impact from air source heat pumps and plant – more information needed
- Fire access and security strategies needed
- Loss of outriggers detrimental to character and appearance of listed buildings, result in amplification of noise to neighbours
- Inadequate demonstration that foul and waste-water drainage can cope with increase in bed-units

- No information on what other St John's sites were looked at. Self-serving for financial gain
- No public benefits demonstrated that outweigh heritage harm.
- Lack of public consultation
- Potential moth infestation from sheep wool insulation
- Rights of access for residents to the rear of their properties during and after construction
- Materials – blue glazed bricks are “horrible”, grey zinc would be better than bronze proposed
- Front balustrades should be flush with wall to prevent use
- Agreement should be obtained with each household regarding brick piers and panels prior to work beginning
- A rectangular glass box with a “green roof” extension is wholly out of place across the back of two listed buildings – Glass provides insufficient sound insulation and causes light pollution.

9.20. Comments made during second round consultation in addition to or different from those above were:

- Some student rooms have inadequate sunlight and daylight
- Increased daylight and sunlight to No.22 as a result of amendments is welcomed
- Object to removal of Mulberry and Yew trees. Mulberry is older (40years) and taller (8.5m) than stated.
- Increase in student population from 40 to 90 (including partners)
- Bulk and setting of No.22 much improved as a result of amendments

Officer response

9.21. The potential for moth infestation from the intended use of sheep wool insulation within the development is not a planning consideration. Any agreement regarding the use of boundary walls as part of the development, demolition and replacement of walls or other boundary treatments and access over land during construction is a civil matter and outside the remit of planning. Routing of construction vehicles is determined and agreed by the County Council as Highway Authority.

9.22. Residents have misapplied the 45 degree/ 25 degree line guidance set out in Appendix 3. This applied to rear windows in existing buildings that directly adjoin (beside) a new development or extension or to existing side windows that would be adjacent to proposed buildings. It is not applied to rear windows in relation to developments that back onto it (i.e. back to back).

9.23. Officers consider that the application does include sufficient information to be able to understand the significance of the heritage assets that will be impacted by the proposals and that they are able to therefore make a decision about the impact of the proposals. Where additional information is required to ensure that the works as carried out will meet the planning policy objectives officers have recommended appropriate conditions to ensure that this will be provided and approved before any relevant work is carried out. All other material considerations are considered within this report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of Development:**
- b) Affordable Housing**
- c) Design and Heritage**
- d) Amenity**
- e) Landscape and Trees**
- f) Transport**
- g) Noise**
- h) Flood Risk and Drainage**
- i) Biodiversity**
- j) Land quality**
- k) Air Quality**
- l) Archaeology**
- m) Sustainable Design and Construction**

a. Principle of Development

10.2. At the heart of the National Planning Policy Framework (NPPF) remains a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Any proposal is required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan, which include the adopted Oxford Local Plan 2036 (OLP) and the Summertown and St Margaret's Neighbourhood Plan (SMNP).

10.3. Policy S1 of the OLP states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, working with applicants so that sustainable development can be approved that secures economic, social and environmental improvements. Planning applications that accord with Oxford's Local Plan (and, where relevant, with neighbourhood plans) will be approved

without delay, unless material considerations indicate otherwise. Development should make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford in accordance with RE2 of the OLP.

- 10.4. Policy SR2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 10.5. The large number of students resident in Oxford has an impact on the availability of general market housing. Provision of purpose built student accommodation in suitable locations can help to reduce the demand from students on the general housing stock. Policy H8 of the OLP sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which is on or adjacent to an existing university or college campus or academic site, hospital or research site, city or district centres, or an allocated site. The policy also sets out other criteria for new student accommodation development including restricted occupation to full-time students enrolled in courses of one academic year or more; agreed term time and out of term time management regimes; out of term time use by non-students; indoor communal amenity space for larger schemes; operational and disabled parking only. Any loss of student accommodation is resisted unless new student accommodation is re-provided.
- 10.6. The need for the provision of on-site graduate student accommodation for St John's College is understood. It currently relies on additional market rental accommodation to supplement their current stock. The Pusey Lane site currently has a total of nine 1bed flats above the garages. The St John's Street properties currently provide 24 rooms. The whole site provides a total of 33 rooms for graduate students.
- 10.7. The proposed accommodation on Pusey Lane would increase the number on Pusey Lane to 33 rooms, an increase of 24 rooms.
- 10.8. It should be noted that the refurbishment of the listed Nos.19-21 St Johns Street has been approved separately under listed building consent 22/00594/LBC. This increased the number of rooms by two. A combined total of 59 rooms for St John's College graduate students would be provided, a net increase of 26 rooms.
- 10.9. This is an existing St John's College site and therefore the proposed development to provide additional rooms and communal room is acceptable in principle in accordance with H8 of the OLP. The proposal would make best and most efficient use of land owned by St John's College for existing graduate students at the College, thereby releasing family housing stock back on to the market and would contribute towards the University of Oxford target of 1,500 students who live outside purpose-built student accommodation in line with H9 of the OLP.
- 10.10. The National Planning Practice Guidance (NPPG) (Paragraph 021) requires that student accommodation should now be considered as contributing towards the supply of housing, based on the amount of accommodation it releases onto the

housing market. A gain of 24 rooms (Pusey Street element only) would be provided by the development and based on the ratio of one house released on the open market per 2.5 student rooms provided by a new development (based on the nationally used Housing Delivery Test standard) the equivalent of 10 houses would be released back onto the general housing market as a result of the student accommodation.

10.11. The development would provide both adequate indoor communal amenity space and outdoor space. Policy H8 requires that students must be on full time courses of a year or more and should not bring cars into Oxford. Conditions would be imposed to secure the use as student accommodation and occupation by those on full time courses together with out of term time use, a management plan and a mechanism for preventing students bringing cars to Oxford (normally a clause within any tenancy or similar agreement between College and student).

b. Design and Heritage

10.12. In relation to design the NPPF emphasises that high quality buildings are fundamental to achieving sustainable development and good design creates better places in which to live and work and helps make development acceptable to communities (para 126). New development should function well, be visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site and create places that are safe, inclusive and accessible and which promote health and well-being (para 130).

10.13. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 200).

10.14. Development proposals that would lead to substantial harm or result in total loss of the significance of a designated heritage asset should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm (para 201).

10.15. Where development would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against any public benefits the proposed development may offer, including securing its optimum viable use (para 202).

10.16. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area (section 72). In the Court of Appeal case of *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage and National

Trust, 18th February 2014, Sullivan LJ made clear that to discharge this responsibility means that decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise (of weighing harm against other planning considerations). A finding of harm gives rise to a strong presumption against planning permission being granted, however, it can be outweighed by material considerations substantial enough to do so.

- 10.17. Policies DH1 and DH3 of the OLP are consistent with the NPPF because they include the balancing exercise identified in paragraphs 201-202 of the NPPF. DH1 requires new development to be of high quality that creates or enhances local distinctiveness and that meets the key design objectives and principles set out in Appendix 6.1 of the OLP for delivering high quality development in a logical way that follows morphological layers and is inspired and informed by the unique opportunities and constraints of the site and its setting.
- 10.18. DH3 states that planning permission or listed building consent 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. For all planning decisions for planning permission or listed building consent affecting the significance of designated heritage assets, 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. Development that would or may affect the significance of heritage asset either directly or by being within its setting must be accompanied by a Heritage Assessment. Substantial harm to or loss of Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, should be wholly exceptional. In the case of development that will lead to substantial harm to or loss of the significance of a designated heritage asset, planning permission or listed building consent will only be granted if it meets the tests set out in the policy. Where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal whilst giving great weight to the conservation of the designated heritage asset.
- 10.19. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.20. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including

heights and massing), built form and layout, and should explore opportunities for maximising density.

- 10.21. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary. Policy H8 states that for developments of 20 or more student bedrooms, the design must include indoor communal amenity space for students to gather and socialize.

The site and heritage significance

- 10.22. The site falls within the 'Nineteenth Century Residential Quarter' character area of the Central Conservation Area (CCA); the special character and appearance that defines this character area is evident in the immediate environs of the application site. The straight, planned street pattern, the overriding residential character and appearance of the buildings and the private and semi-private spaces surrounding them still prevails despite an increasing institutional use and the architecture of the Georgian Terraces on St John's Street. These interesting characteristics contribute to the overall significance of the conservation area. The present character and appearance of Pusey Lane is interesting in that historically, house or building plots adjoining the lane did not include mews, subservient buildings fronting onto and accessed directly from a lane running along the bottom of back gardens or yards. This feature is something far more typical of the Walton & Smith's Close character area of the Jericho Conservation Area. However, the buildings that presently occupy the application site clearly appear as a mews to 7-23 St John's Street. In fact, the building, it appears as a single building range, was originally - built as graduate student accommodation, accessed directly from Pusey Lane giving the lane, south of Alfred Street a particularly active and busy character.
- 10.23. The site also lies in proximity to a number of listed buildings, including the terrace of houses that front onto St John's Street. The principal or street facing façades of these buildings make the greatest contribution to their significance which is primarily derived from their aesthetic, architectural value both as individual buildings but also, importantly as groups and as the larger group that is the whole street. The truncation of the rear gardens of Nos. 7-23 to enable the construction of the building range that currently occupies the site has impacted on the setting of these listed buildings. Opposite the site, on the east side of Pusey Lane is the enclosing boundary wall of Blackfriars a Dominican Friary whose principal, grade II listed buildings date from 1929 and incorporate C17 buildings that survive at the front of the site. To the southern end of the lane lie the large buildings of the Ashmolean Museum which are grade I listed and date from the mid C19 linked to the distinctive, round form of the early C21 Sackler Library building designed by Robert Adam in an overtly classical language.
- 10.24. To the rear of No 22 St John Street and facing onto Pusey Lane is a brick, single storey, single-volume building with a pitched roof covered in corrugated metal sheet and incorporating a glazed lantern light, known as The Lighting Store Building. The building was built in 1905 for the leaseholder of No 22 as a lecture

room to facilitate the instruction of women taking the teaching diploma. In 1946 that use ceased and any connection between No 22 St John Street and the building was severed. The building was leased to auctioneers and used primarily as a furniture store. The building has been variously described by Planning Inspector (for the St Cross College Appeal for the building opposite) and the City Architect as making either a negative or no contribution to the character or appearance of the Central Conservation Area. It is not curtilage listed to No.22 by virtue of the fact that it was severed from No.22 in 1946 and became a separate property and use since that time.

Layout, Design and appearance

- 10.25. As set out above the Pusey Lane part of the site comprises four linked 'mews' buildings with integral garages at ground floor and flats above (Nos.6-25 Pusey Lane) built in the 1970's that provide existing student accommodation. They are accessed and linked by external spiral staircases and covered walkways. On the corner of Pusey Lane and Pusey Street is the 19th Century Lighting Store Building.
- 10.26. The mews buildings fronting Pusey Lane measure approximately 15m long by 6.5m deep and 6.5m high to the ridge with an asymmetrical pitched roof. The eaves measure approximately 7.4m high facing Pusey Lane. To the rear, beneath the ridge are clerestory windows below which is a lower section of roof measuring approximately 5m high to the eaves and 5.5m to the underside of the clerestory windows. It is noted that there is a slight change in ground level of approximately 20-30cm to the rear. At ground floor the rear boundary/ elevation is made up of brick walls with wooden slats/louvres above that screen views into the gardens behind. Wooden gates to the St Johns Street properties provide access into the circulatory corridor that runs the length of the building and to the stairwells, where cycles and bins are kept and gated access onto Pusey Lane. The private St John's St properties (Nos.12-18) have access into this area to store their bins and put them out on Pusey Lane for collection.
- 10.27. On the corner of Pusey Place the mews building is approximately 17m long by 7.7m deep and beside it is a small garage approximately 5m long x 2.7m wide and 2.8m high, with a flat roof. A high boundary brick wall (approx.2m) sits between the garage and the rear of No.7 St John's Street. On Pusey Street the Lighting Store Building measures approx.7.5m to high to top ridge, dropping down to 6.2m main ridge and 4.7m to eaves. It is approximately 7.3m wide. The gable end wall forms the boundary with No.22 St Johns Street.
- 10.28. It is proposed to demolish all buildings within the site and erect new terraced student accommodation on the same footprint along the whole of Pusey Lane, Pusey Street and Pusey Place to provide shared flats and individual shared houses for graduate students.
- 10.29. The development has been the subject of detailed design review by the Oxford Design Review Panel (ODRP) at the pre-application stage. ODRP were in favour of improving and greening Pusey Lane. However, they suggested re-examining the adaption and reuse of the existing structures as part of a scheme based on an ambitious zero-carbon strategy. In addition, they considered further refinement was needed to improve the quality of the internal accommodation and open

spaces. Their key recommendations included re-evaluation of the demolition of the existing buildings and what could be re-used, a whole life carbon assessment undertaken, assessment of the impact of sunlight and daylight on neighbours, refinement of the massing, incorporation of windows in the western façade and introduction of further articulation, greening and biodiversity across the site maximised and a landscape maintenance and management strategy put in place. A copy of the ODRP report is included at Appendix 2 of this report.

10.30. Following Officers pre-application advice and that of ODRP, the architectural approach was revised, together with heights, massing and consideration of the potential impact on adjoining private residents. In addition the demolition of the existing buildings and re-use of the buildings was explored further and a whole life carbon assessment was also undertaken.

10.31. The proposed new linear building would be two storeys in height with rooms in the roof stepping down to two storeys with a flat roof in the central section, where it backs onto the private properties of Nos.12-18 St John's St, see Figure 2 below.



Figure 2: Pusey Lane front elevation

10.32. The new Pusey Lane terrace building measures approximately 93m long and 6.6m deep (including covered corridor at ground floor), 9m high to ridge of the two-storey sloping roof and 6.5m to the eaves/parapet level. Through the lower central section facing Nos.12-18 St John's St it measures approximately 6.5m high to the flat roof and 6m to top of the parapet. As it returns along Pusey Street it measures approximately 10m long by 8.7m deep and 6m high to ridge (as existing). Along Pusey Place it measures approximately 10m long and 7.3m deep and .and 6.2m high, with a flat roof.

10.33. Overall, the new building would be approximately 2.5m higher than the existing mews buildings at the outer ends with the central section height to parapet at the same height as existing (approx. 6.5m high). To the rear of the central section the top of the parapet would be the same height as to the underside of the existing clerestory windows, see Figure 3 below.



Figure 3: Rear elevation facing St Johns Street

10.34. On Pusey Street it is proposed to rebuild the existing gable end wall and a small section of the Lighting Store at the same height and roof pitch as existing, see Figure 4 below (left hand image). The gable wall provides the joint boundary with the private residence of No.22 St John's St and so would maintain the current relationship. It is also intended to re-paint it white (or similar). At the other end on Pusey Place the property to the rear of No.7 is owned by the college. The distance between properties would be maintained and thus the current relationship.

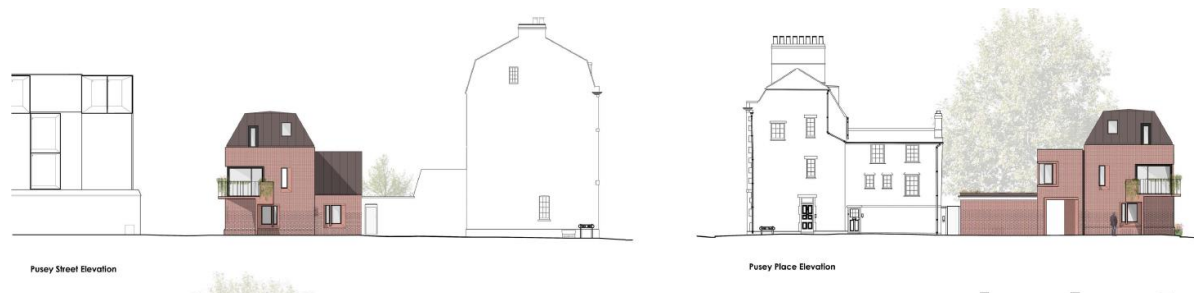


Figure 4: Proposed side elevations along Pusey Street (left) and Pusey Place (right)

10.35. The ground floor circulatory corridor would be retained so that the private St John's St properties would retain access to bin storage/ collection on Pusey Lane. In addition, students would be able to access the shared gardens of Nos.7-11 and Nos.19-21 St John's Street. The brick and wooden louvres boundary treatment at ground floor would also be retained (amended from previously suggested metal in response to comments made).

10.36. To the rear of Nos.19-21, the existing four storey outriggers at Nos.20-21, which were erected in the 1980's to provide shared bathrooms, would be demolished and replaced by a single storey extension to provide a communal space for all students within the combined student complex and meet the requirements of Policy H8 of the OLP. This would infill an existing lightwell to a lower ground level window. Permission to infill this lightwell has already been granted (23/00594/FUL refers). The extension would be constructed of brick and glass with external wood frame supporting a flat roof that overhangs to provide solar shading. It would measure approximately L 9.6m with roof 12m long, 2.2m deep and maximum height overall of 3.6m (eaves overhang 3m high). It would sit approximately 3.7m in from boundary with No.22 to the north and 5m from No.18 to the south.

10.37. Throughout the development all flat roofs would be green roofs with photovoltaics on the main building. To the front rainwater gardens would provide sustainable drainage solutions whilst also greening the street. Replacement bin and cycle parking would be provided, together with a new outbuilding housing laundry, water intake and bin storage facilities within the garden of Nos.7-11 measuring approximately 6m long by 2.8m wide and 3m high with a flat roof.

10.38. It is considered that the proposed development is contextual and appropriately relates to its surroundings, see Figure 5 below. The height, scale and massing of the building reflect a 'mews' residential development and sits comfortably within

the street scene. The breaking down of the massing of the development into separate buildings using architectural detailing including door placement, variation of window types and sizes and locations, guttering and landscaping is considered appropriate. The overall profile and form of the buildings roofs is considered acceptable and helps to reduce the massing and maintain a similar relationship to the private properties on St John's Street. The use of brick is considered appropriate in this location; the use of pattern and colour reflects that seen along Beaumont Buildings, which sits behind St John's Street on the other side, adding texture and interest and is also considered acceptable. To the rear through the central section there would be no windows as first floor, but instead brick details of where they might have been to offer relief and richness to the façade. The use of landscaping to soften the development and re-enforce the residential nature of the street scene whilst also providing biodiversity benefits and sustainable drainage (rain gardens) is a positive enhancement and supported.



Figure 5: Proposed Building Perspectives

10.39. The development has been designed to mitigate the impact of the development on surrounding private residential properties by maintaining the same height through the central section of the development as existing, removing any direct facing windows and using a screen over the remaining rear facing windows to further obscure and screen views out, details of which could be secured by condition. The existing lower section of the Lighting Store would be rebuilt to maintain the current relationship to No.22 also and re-painting could be secured by condition. The design has taken the opportunity to make best use of orientation and dual aspect lighting into the development; to the front window sizes and number of windows, together with balconies, vary depending on where the rooms are located and the views out. This provides interest and a highly contextual response. Light is also provided to first floor rooms via roof lights that are hidden behind the parapet. Adequate light would be provided to the student

accommodation. Any impact on light is as a result of orientation and existing tall buildings surrounding the site.

To the rear of 19-21 St John's street the new single storey rear extension has been designed as a contemporary light touch addition to the listed buildings. Whilst it is contemporary addition it is considered sympathetic in its design and appearance in relation to the existing listed buildings and therefore acceptable.

- 10.40. A Health Impact Assessment (HIA) has been submitted with the application and satisfactorily demonstrates, together with other relevant submitted documents, that the site has been positively designed throughout for health and well-being and would create a strong, vibrant and healthy community therein in accordance with RE5 of the OLP.

Harm to Heritage assets

- 10.41. The existing 1970's buildings are of their time and an indication of the history of the site and St John's Street. However, they have little architectural value within the street scene and do not make a positive contribution to the special appearance of this part of the CCA. There is no objection in principle to their removal therefore. Nevertheless, the existing buildings are of a scale, form and architectural expression that reinforces the "mews" character of the street.
- 10.42. In relation to the Lighting Store, Officers consider that whilst it has a very low level of historical importance derived in the main from its contribution to the history of the immediate area it has very little or no architectural importance and that its substantial demolition, subject to permitted redevelopment of the site would cause no harm to the significance of the conservation area or to the setting of the listed buildings, Nos.2-63 St John's Street.
- 10.43. The proposed development would have an increased size of buildings and a greater variety of architectural expression and there would still be a sense of subservience in relation to the principal buildings on St John's Street and those larger buildings on Pusey Street and opposite on Pusey Lane even. It is considered that the overall design of the development (height, scale, massing and materiality) would preserve the sense of "mews" and therefore that there would be no harm to character and appearance of the CCA and also no harm to the setting of nearby Ashmoleon, Sackler Building and Pusey House listed buildings. However, it is considered that there would be some harm through the increased heights and massing of the proposed development to the setting of the listed buildings on St John's Street and that harm would be considered to be "less-than-substantial" harm. As such this harm would fall to be balanced against any public benefits arising directly from the proposed development in accordance with the NPPF and Policy and DH3.
- 10.44. The carbon footprint and justification for the demolition has been submitted within the Design and Access Statement. Officers consider that on the basis of the information provided, the case for embodied carbon lost to demolition of the buildings and their replacement has been justified in this case.

- 10.45. Removal and replacement of the existing cobbles in Pusey Lane to provide accessible and level access is supported in principle subject to appropriate use of materials within the Conservation Area and consent from the County Council as Highway Authority. The College has confirmed that it will undertake to re surface the whole of Pusey Lane, which would be secured via a S278 agreement with the County Council and details of the materials and technical specification secured by condition.
- 10.46. The demolition of the two existing 4 storey outriggers to the rear of Nos.20-21 and new extension also requires separate listed building consent, considered under 23/00694/FUL. The removal of the unsympathetic outriggers and reinstatement of windows at upper levels would be a positive change to the character and appearance of these buildings. The new single storey extension in mainly glass, brick with a flat green roof, has been sympathetically designed. Planning permission has already been granted for the infill of the existing lightwell and re-purposing of the existing outrigger to No.19 for air source heat pumps (23/00954/FUL refers). In relation to the CCA and setting of the listed buildings it is considered that there would be no harm as a result of the demolitions and new extension.
- 10.47. Details of new hard and soft landscaping for the shared gardens behind Nos. 7-11 and 19-21 St John's Street with new connections through from the new development on Pusey Lane have been provided. It is proposed to remove to ground level or lower existing boundary walls (made into seating) that indicate the old plots of these St John's St properties. In all cases these existing walls are not contemporary with the properties and simply mark the boundaries, having been removed/ changed previously. The proposal would still mark out the historic boundaries whilst creating better quality spaces with enhanced appropriate planting. It is considered acceptable to remove/ lower the walls on the basis of the design proposed and the fact the walls have been substantially altered already. There would be a residual level of less than substantial harm to the setting of the listed buildings because the walls have a physical presence aligning with the plots and historically contained gardens, which are all part of the overall layout of St John's Street as originally planned.

Justification and Public Benefits

- 10.48. As set out in the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Great weight is given to the conservation of the Conservation Area and the setting of the listed building. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, "special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses." In addition officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, that requires in considering a planning application for land or buildings in a conservation area, that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Regard should also be had to section 16

of the NPPF which states that, with respect to buildings or other land in a Conservation Area and its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

10.49. In accordance with the statutory tests, the NPPF and Policies DH1, DH2 and DH3 of the OLP, as less-than-substantial harm has been identified, the presumption against planning permission can only be outweighed by substantial material considerations, and therefore it falls to consider any public benefits that may outweigh that harm in this case. In carrying out this balancing exercise, great weight should be given to the conservation of these designated heritage assets. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives and do not always have to be visible or accessible to the public in order to be genuine public benefits. The following public benefits have been identified:

- In redeveloping the site the proposal would make a positive contribution to Oxford's significant housing need by effectively releasing existing housing stock back into circulation for the general population. This would amount to the equivalent of 10 houses. This would constitute a public benefit and given the need for housing in Oxford this is afforded a moderate level of weight in this case;
- Provision of purpose-built student accommodation for St John's College and wider University of Oxford to capitalise on its reputation as a centre for excellence in a collegiate-based education to the benefit of the City, regional and UK economy. This is afforded a low level of weight in this case;
- Enhancement of the public realm through high quality design and increased and high quality landscape planting and is afforded a moderate level of weight in this case;
- Increased biodiversity through new planting and is afforded a moderate level of weight in this case; and
- Increased energy efficiency and resilience to climate change and is afforded a moderate level of weight in this case.
- Improvements to accessibility along that section of Pusey Lane through re-laying of cobbles (or similar) for all users as a result and is afforded a moderate level of weight in this case.
- Increased security of the public realm through increased overlooking and activity at ground floor level and is afforded a moderate level of weight in this case.

10.50. As discussed above, a low level of less than substantial harm would be caused to the heritage significance. There is considered to be a clear and convincing justification of need for the development in this location, which has been suitably mitigated through the design. Overall it is considered that the level of public benefits derived from the development would outweigh the level of less than substantial harm

caused. As such the proposal would accord with the NPPF and Policies DH1 DH3 and DH4 of the OLP36 and would accord with the statutory tests.

Summary

10.51. In conclusion it is considered overall that the proposed development would appropriately respond to its context (siting, massing, appearance, and materiality) and together with new landscaping, tree planting it would preserve and enhance the character and appearance of this part of the conservation area in which it sits. Less-than-substantial harm would be caused as a result to the setting of the listed buildings on St John's Street. No harm would be caused to the setting of other neighbouring listed buildings. Any harm caused has been clearly and convincingly justified and the less-than-substantial harm would be outweighed by the public benefits derived from the development. Subject to conditions requiring details of materials and the privacy screen the development would accord with the NPPF and Policies DH1, DH3 and RE5 of the OLP36. In coming to this view great weight has been given to the preservation of the significance of the heritage assets and the higher duty placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

c. Impact on neighbouring amenity

Privacy

10.52. Policy RE7, as set out above, seeks to ensure a standard of amenity and make sure that development protects amenity and would not result in unacceptable impact on neighbours.

10.53. As stated above, the plans have been amended so that to the rear first floor window facing No.18 St John's Street within the central section has been removed to prevent direct overlooking. There are no first floor windows now directly facing the private residences. In addition, metalwork screens would be placed over the first and ground floor rear facing windows to provide another level of visual screening and prevent overlooking. The design has been refined during the application process to increase the degree of obscurity provided, reducing the distance from the window glass to the frame of screen to 200mm and adding vertical fins to the edges and centre of the frame to ensure that no sideways views to properties not under the ownership of St. John's Street are possible. In addition the windows close to private properties would have a wider mesh screen and smaller area of clear window. On the basis of the revised information and details submitted, Officers consider that any potential overlooking would be avoided and thus loss of privacy would be sufficiently mitigated in this case. Details of the screens could be secured by condition.

10.54. The new single storey rear extension to Nos.19-21 St John's St, would not result in overlooking due to the distance to the boundaries of the neighbouring properties and high boundary walls.

10.55. In respect of overlooking for first floor windows to Nos 5 Pusey Street and No.24 St John's Street, there would be no significant increase in overlooking than currently exists from St Cross College building and Regents Park building on the other side of Pusey Lane and Pusey Street.

Overbearing and overshadowing

10.56. The new building would have a close relationship to No.22 St John's Street. As already stated, the gable wall of the Lighting Store forms the joint boundary wall between the two properties. No.22 has a small garden and windows at basement and ground floor that would potentially be affected.

10.57. During the course of the application the design of the development has been amended by reducing the size and height to address concerns of an overbearing impact on No.22. The development now would retain the gable wall and part of the lighting store, albeit rebuilt, to the same height and pitched roof and repainted white or similar light colour. As such the existing relationship and proximity to No 22 would be maintained. Behind, the two-storey element which fronts Pusey Lane has been reduced in height by approximately half a metre and the roof changed to a pitched sloping roof. As a result, the height bulk, and massing of the new building would be reduced when viewed from No.22. It is considered that due to the reduction in height, bulk, massing and maintaining the gable wall and section of building and proximity as existing, the development would not have an overbearing effect on No.22.

10.58. In relation to Nos.12 to 18 St John's Street the proposed Pusey Lane building sits on the same rear building line and therefore back to back distances would be retained. It would have the same ridge height as existing, and the top of the new parapet would be the same height as the top of the existing clerestory windows. The proposed eaves height would sit just above the cill height of the clerestory windows (approx. 15cm). Whilst the building would be approximately 1.27m (max) higher than the existing lower roof eaves level, it is considered that it would not result in a significant increase in overbearing effect than currently experienced from within these gardens such that refusal is warranted in this case.

10.59. In relation to overshadowing it is considered that due to the site's orientation and the heights proposed comparative to existing heights that it would not result in a significant increase in overshadowing effect than currently experienced from within St John's Street properties such that refusal is warranted in this case.

10.60. In relation to the new single storey rear extension to Nos.19-21 St John's St, this would not have an overbearing effect due to the distance to the boundaries of the neighbouring properties and high boundary walls.

Daylight/sunlight

10.61. As mentioned above due to the relationship to No.22 this part of the development would impact on daylight to the basement and ground floor windows of No.22. An updated daylight/sunlight report has been submitted in response to

the design changes made, as outlined above. Guidance from the Building Research Establishment (BRE) - 'Site Layout Planning for Daylight and Sunlight- A guide to Good Practice (2022) BR209' identifies that changes to Vertical Sky component (VSC) and No Sky Line (NSL) are only noticeable when greater than 20%.

10.62. As a result of the design amendments no windows to No.22 would fall short of the BRE reduction criteria. The 2 windows which previously saw a 22% reduction in VSC, now see only an 8% reduction. The basement kitchen now experiences a 1% NSL reduction (rather than 38% reduction as previous). As such the development would not adversely affect the sun or daylight to No.22.

10.63. Due to the existing and proposed relationship between other St John's Street properties being maintained, there would not be any significant adverse impact on sunlight or daylight to these properties.

10.64. There would be no impact on sun or daylight from the new single storey rear extension to Nos.19-21 St John's Street due to the distance to the boundaries of the neighbouring properties and existing high boundary wall treatment.

10.65. As such, Officers are satisfied that the development would not result in a significant loss of daylight or sunlight to the neighbours as a result.

Summary

10.66. Officers have carefully considered the impact of the proposed development on neighbouring residential amenity and are satisfied that subject to conditions the development accords with Policies H14 and RE7 of the OLP.

d. Landscape and Trees

10.67. Policy G7 of the Local Plan seeks the protection of existing Green Infrastructure features and states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.68. The policy goes on to state that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances, that it can be demonstrated that the retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional canopy cover, and where loss of trees cannot be mitigated by tree planting on site then it should be demonstrated that alternative proposals for new green infrastructure will mitigate the loss of trees, such as green roofs or walls.

10.69. Policy G8 states development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features such as hedgerow, trees and small public green spaces.

- 10.70. An Arboricultural Report, tree canopy assessment and Landscape Framework Plan have been submitted with the application. In response to comments from residents it is noted that the height and age of the Mulberry T4 tree has been correctly identified in the Arboricultural Assessment as 8.5m high and mature age. Group G1 are two yews that are also low quality, constrained within planters and average 2m high.
- 10.71. The Landscape Framework Plan shows the rear shared gardens would be re-landscaped including removal of five small low quality (category C) trees and two groups of similar low quality in order to facilitate the development. The one good quality (Category B) tree (sycamore) to the rear of 7-11 and which provides some public amenity would be retained however. The other low quality existing trees to the rear of Nos. 19-21 are only glimpsed from the surrounding streets and do not provide significant public amenity. Due to the number and species of existing trees in the gardens together with the existing high boundary walls and hard landscaping create a very shade, dark and poor quality amenity spaces.
- 10.72. The proposed re-landscaping would open up and enhance the current garden spaces and includes replanting of 11 new trees and shrubs of native species and which would provide for increased biodiversity interest, rainwater garden areas and species diverse wildflower lawn. To the front of the development new rainwater gardens would be installed to bring planting and biodiversity of the street. Green roofs (sedum and meadow turf) would be installed on all flat roofs available, including the main building and outbuilding. Existing garden walls would be removed to ground level (but still visible) and/or lowered to form seating to create better quality and more usable gardens spaces. The Tree Canopy Cover Assessment shows that the planting would replace the existing lost over 25years.
- 10.73. It is considered that the landscape strategy would create a high quality landscape that would enhance the appearance of the street scene, rear gardens and Conservation Area. There would be no loss of public amenity from the removal of the trees. Details of planting species and schedule and green roofs could be secured by condition. Tree protection measures and an Arboricultural Method Statement would be required to ensure trees within neighbouring properties are protected during construction and could be secured by condition. As such the development accords with Policies DH1, G7 and G8 of the OLP.

e. Transport

- 10.74. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Traffic and Environmental Plan Management Plan are required for major development.
- 10.75. Policy M3 sets out the Council's policy for motor vehicle parking. In Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not

have an operational need for a car) where development is located within a 400m walk to frequent (15 minute) public transport services and within an 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking as existing on site and a reduction will be sought where there is good accessibility to a range of facilities.

10.76. Furthermore as set out above, Policy H8 makes clear that all student accommodation development must comply with parking standards under Policy M3. This states that only operational and disabled parking is allowed and the developer must undertake and provide a mechanism to prevent students from parking their cars anywhere on the site, (unless a disabled vehicle is required), which the developer shall thereafter monitor and enforce. This is usually done through the tenancy agreement (as stated above).

10.77. Policy M5 and Appendix 7 sets out minimum cycle parking standards for student accommodation of at least 4 spaces for every 4 study bedrooms (1:1) unless site specific evidence indicates otherwise in accordance with Policy M5. Policy DH7 of the OLP sets out design requirements for bike & bin stores and external servicing features. These should be considered from the start of the design process.

10.78. The site is located within a Controlled Parking Zone and considered to be in a highly sustainable location with good access to public transport in and out of the City. It is a car free development which would result in the loss of 21 garages/ parking spaces. The reduction in spaces accords with Policy M3 which seeks to reduce car parking on redevelopment of brownfield sites and would benefit the highway network. Prior to occupation the Traffic Regulation Order (TRO) will need to be amended, with the proposed student accommodation excluded from the existing parking permit scheme and secured by condition.

10.79. 60 cycle parking spaces within two-tiered bike racks would be provided which meets the minimum bicycle parking standards (a total of 59 students across the whole site). Although the County Council consider that the cycle parking should be covered Sheffield stands, this needs to be balanced against the constraints of the site including the size of the site, the setting of the listed buildings and the proposed trees and landscaping and providing a good quality outside space for students and high quality development. It is considered that the provision of a high quality development both for the occupants and the locality within the constraints of the site have greater weight in this case and the cycle parking as proposed is considered acceptable. Details could be secured by condition.

10.80. The development also proposes to remove and relay the cobbles that currently form the road surface along Pusey Lane up to the central drainage line, together with a smooth surface pavement close to the development itself. This would improve accessibility for both new occupants and the public. As such, the principle is considered acceptable subject to agreeing the exact materials in order to preserve the character and appearance of Pusey Lane. In response to the County Council comments, the Applicant has confirmed it will undertake to re-lay the whole

of Pusey Lane. Details of which could be secured by condition and through a S278 agreement with the County Council.

- 10.81. Residents' concerns regarding construction times, routes and access to their properties could be controlled by condition requiring a Construction Traffic Management Plan.
- 10.82. The County advise that drop off and pick up of postgraduates does not occur in the same way or level as for undergraduates and therefore there would be no adverse impact on the highway at these times. The Applicant is required however to provide Travel Information Packs to students, secured by condition.
- 10.83. In summary, subject to conditions the development would not have an adverse impact on the highway, is car free and would provide adequate cycle parking in accordance with Policies M1, M2, M3 and M5 of the OLP.

f. Noise

- 10.84. Concerns have been raised by residents regarding the impact of noise from air source heat pumps (ASHPs) and mechanical plant. A Noise Impact Assessment has been submitted with the application.
- 10.85. It should be noted the new ASHPs within Nos.19-21 St John's Street have been considered separately under application 23/00594/FUL, which was granted approval subject to conditions including ones relating to noise restrictions and antivibration mountings. The ASHPs did not require planning permission to be installed in themselves but the new louvres did as they were considered to constitute a material change to the appearance of the building in this case. It was considered that, subject to conditions, the ASHPs would not have an unacceptable impact. The erection of the new single storey extension would be served by these approved ASHPs.
- 10.86. With regards to the proposed Pusey Lane building the Noise Impact Assessment states that there would be three small scale air source heat pumps (ASHPs) and fifteen intake/exhaust air terminals for the ventilation & heating/cooling building services plant that would service it. Mitigation measures are suggested to mitigate noise both internally within rooms and external emissions (e.g. double glazing).
- 10.87. It is considered that the noise emission limits applicable to all new internal and external building services systems have been obtained. External noise emission limits have correctly been based on the measured background noise levels and recommended industry standards of BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound. The assessment has been undertaken based on the sound data of anticipated plant and proposed locations. Outline noise control measures recommended would aid in meeting RE8 requirements. However, in order to ensure that the predicted noise levels do not harm amenity, a condition should be imposed so that noise emitted does not exceed the existing background level at any noise sensitive premises. In addition, a condition requiring the ASHPs/ plant to be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately

silenced and maintained as such to further ensure the neighbours are safeguarded from noise and vibration. A condition restricting construction hours should also be imposed together with a condition requiring neighbours are notified of the commencement of construction and duration. To ensure rooms are not exposed to excess traffic noise a condition should be imposed restricting noise levels day and night.

10.88. Officers are satisfied with the submitted acoustic criteria information and NIA submitted. Subject to the appropriate design choice and mitigation measures proposed and conditions, the development would be acceptable in environmental health terms and accord with RE7 and RE8 of the OLP.

g. Flood Risk and Drainage

10.89. Policy RE3 relates to flood risk management and states planning applications for development on sites larger than 1 ha in Flood Zone 1 must be accompanied by a site specific Flood Risk Assessment (FRA) to align with national policy.

10.90. Policy RE4 relates to sustainable and foul drainage, surface and groundwater flow, and states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SUDs) or techniques to limit run off and reduce the existing rate of run-off on previously developed sites. Surface water run off should be managed as close to its source as possible, in line with the stated drainage hierarchy.

10.91. A Drainage Strategy has been submitted with the application. This includes connecting in the existing water and sewerage infrastructure. Sustainable drainage measures including green roofs and rain gardens wherever practical; porous paving throughout; a surface water system attenuated to provide a reduction in flow rates off the site reducing the flood risk downstream; no foul water being discharged into the public foul drainage system; and, the surface water system being designed with no flooding on site for storms up to and including the 100 year + 40% climate change.

10.92. The Lead Local Flood Authority has raised no objection subject to conditions requiring implementation in accordance with the submitted Drainage Strategy, submission of a surface water drainage scheme (SuDS), and record of the implemented SuDS. Thames Water also raise no objection and considers there is sufficient infrastructure capacity for the development.

10.93. As such it is considered that the development accords with Policies RE3 and RE4 of the OLP.

h. Biodiversity

10.94. OLP 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 of 5% for biodiversity and for major development this should be demonstrated in a biodiversity calculator. Policy G8 requires new development that affects green infrastructure to

demonstrate how these have been incorporated within the design, including health and wellbeing and biodiversity enhancement.

- 10.95. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017) (the '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 (EPS), both in and out of European sites.
- 10.96. 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.
- 10.97. The application site is located in the urban centre of Oxford. The Ecological Impact Assessment (EclA) submitted in support of both applications indicates there are no major ecological constraints to development.
- 10.98. The buildings impacted by the proposed works have been assessed for their potential to support roosting bats. They were found to be of moderate suitability for bats, with an appropriate number of bat roost surveys undertaken. The EclA concludes that bats are likely absent from all buildings impacted and Officers are satisfied that a robust assessment has been undertaken.
- 10.99. Potential impacts from the development are limited to the killing/injury of birds or destruction of their nests during the construction phases, and the trapping of small mammals in excavations. Suitable mitigation measures have been proposed for both, which could be secured by condition.
- 10.100. Six bat boxes and two bird boxes are also proposed as protected species enhancements which is considered acceptable. In addition it is considered that 'bug hotels' should also be included. Both types of enhancements could be secured by condition.

10.101. In relation to biodiversity net gain (BNG) the development would provide a gain of 14.22% habitat units and 100% hedgerow units which exceeds the 5% net gain required under Policy G2. The applicant proposes that the BNG is secured via a detailed Biodiversity Net Gain Management and Monitoring Plan (BMMP) which would ensure the long-term provision and can be secured by condition in this case.

10.102. Officers are satisfied that the potential presence of protected habitats and species has been given due regard and that European Protected Species are unlikely to be harmed as a result of the proposals. Net gain in biodiversity would be achieved, and subject to conditions listed, the development would accord with G2 of the OLP. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

i. Land quality

10.103. 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. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect.

10.104. A Phase I Desk Study and Phase II Ground Investigation Report and a Remediation Statement were submitted with the application.

10.105. Historical mapping does not indicate that there were former significant contaminative uses of the site other than the possible presence of a small warehouse facility to the north east corner of the site. The site appears to have always been largely residential in nature and as such Officers consider that the potential for significant ground contamination risks to be present on the site is low.

10.106. The ground investigation works that have been completed at the site do not indicate any widespread contamination risks from soils or any contamination risks to groundwater, with only minor elevated shallow soil contamination identified in two locations. The minor shallow soil contamination identified can be easily managed through clean soil amendments in landscaped areas of the site as recommended within the submitted Remediation Statement. This approach is endorsed by Officers and in order that the proposed and approved remediation work is completed prior to occupation, a condition requiring a fill validation report should be imposed. An additional condition to deal with any further contamination found should also be imposed. As such, the development would accord with Policy RE9 of the OLP.

j. Air Quality

- 10.107. Policy RE6 of the OLP has regard to air quality and states that planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to air quality is minimised or reduced. 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).
- 10.108. The application has been submitted with an Air Quality Assessment (AQA). The baseline desk assessment shows that current air quality levels at the site are quite below relevant air quality objectives for NO₂, PM₁₀ and PM_{2.5} concentrations. Therefore, the location of the site is considered suitable for its intended use and the introduction of future residents (new receptors) without mitigation. The sustainable technologies (ASHPs and PV's) proposed within the development would not result in any emissions to the air. The proposed development would generate limited additional traffic during the operational phase as it is car free and consequently it would not have a significant impact on local roadside air quality. The impact of the traffic on existing sensitive receptors would also be 'not significant'. The limited increase in heavy vehicles during construction phase is below the threshold requiring an assessment, in accordance with relevant legislation.
- 10.109. The impact of demolition and construction on dust soiling and ambient fine particulate matter concentrations has been assessed within the AQA. There is a medium risk of dust soiling impacts from demolition due to the proximity of existing receptors to the proposed development. The sensitivity of the area for human health was classified as "Medium to low risk". The risk of dust causing a loss of local amenity and increased exposure to PM₁₀ concentrations has been used to identify appropriate dust mitigation measures within the AQA. Provided these measures are secured by condition (separately or within a Construction Environmental Management Plan) it is considered that the residual impact would not be significant.
- 10.110. Subject to the condition therefore, it is considered that the development would accord with Policy RE6 of the OLP and the NPPF.

k. Archaeology

- 10.111. Policy DH4 states that within the City Centre Archaeological Area, on allocated sites where identified, or elsewhere where archaeological deposits and features are suspected to be present (including upstanding remains), applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical within a Heritage Assessment and, if applicable, a full archaeological desk-based assessment and the results of evaluation by fieldwork.
- 10.112. Development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it. Proposals which would or may affect archaeological remains or features which are

designated as heritage assets will be considered against the policy approach in policy DH3.

- 10.113. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.
- 10.114. The application proposal is of interest because it involves groundworks within the former walled precinct of the 12th century Royal Beaumont Palace (also known as The King's Houses), later occupied by the Carmelite (White) friars from the 13th century to the Dissolution. The site is also located close to two late Neolithic to early Bronze Age and features that may indicate the presence of further barrows.
- 10.115. In this instance Oxford Archaeology have conducted an archaeological watching brief on thirteen geotechnical test pits at this site. A 'relatively good understanding of the site's deposit sequence was gained, with the level of natural un-truncated gravel and overlying in situ loess was established'. A number of 'early features' filled with characteristically reddish redeposited loess were tentatively identified, which would indicate an Anglo-Saxon or earlier (notably prehistoric) date. The report notes that 'It is possible that prehistoric barrows survived as extant earthworks into the post-medieval period and had previously influenced the area taken in by the 12th century precinct of the Kings Houses (later granted to the Whitefriars) and its subsequent post-Dissolution partitioning'.
- 10.116. The site therefore has significant archaeological potential but is heavily constrained by standing structures that prevent further on-site evaluation. Having considered the extent of the existing strip foundations and the proposed new strip foundation design it is considered that a conditioned approach to further post demolition trial trenching and recording is appropriate. As such it is considered that the development would accord with Policy DH4 of the OLP.

I. Sustainable Design and Construction

- 10.117. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for major developments at least a 40% reduction carbon emissions from a 2022 Building Regulations compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures.
- 10.118. An Energy Statement has been submitted with the application, together with a whole life carbon assessment for the Pusey Lane building. The approach to

the sustainable design of the Pusey Lane building, including to passivhaus standards, a fabric first approach and installation of photovoltaics and air source heat pumps, is considered acceptable in accordance with RE1. It is noted that green alternative to traditional cement (using Ground Granulated Blast-Furnace Slag (GGBS)) is intended to be used and salvage timber within the structure and crushed aggregate from demolition works recycled. In assessing the embodied carbon of the building versus carbon released through construction and operation, officers agree that on balance the amount of carbon generated due to the quantities of concrete needed to make the development stable, together with the excavation required to obtain necessary internal head heights needed to make the existing building function properly for the new development, would be significantly higher than that generated through demolition and construction in this case. The use of green roofs across the whole development is supported.

10.119. The information submitted indicates a 40% reduction in carbon emissions over the current 2021 Building Regulations base for the new Pusey Lane building would be achieved. Implementation of the energy strategy and further details of the PV could be secured by conditions and as such the development would accord with RE1 of the OLP.

m. Planning obligations

10.120. It is considered that the following matters should be secured through a section 106 legal agreement or Unilateral Undertaking with the County Council prior to the issue of any decision:

- to secure mitigation/ improvement works including alterations to highway surface at Pusey Lane/Pusey Place and include the following heads of terms:
 - Not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.
 - The trigger by which time S278 works are to be completed;
 - Identification of areas required to be dedicated as public highway and agreement of all
 - relevant landowners will be necessary in order to enter into the S278 agreements;

10.121. The County Council also note that S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

11.CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the consideration 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 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. Officers would advise members that having considered the application carefully including all representations made with respect to the application, that the proposal is considered to be acceptable in terms of the aims and objectives of the NPPF, and relevant policies of the Oxford Local Plan 2016-2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.
- 11.5. This development would provide increased student accommodation on land owned by the College, thereby releasing housing back on to the general housing market which would help meet the high demand for housing in the City. It would make best and most efficient use of the land, providing net biodiversity gain, ecological benefit, sustainable drainage and a high quality sustainable design and construction that would enhance the public realm and Conservation Area. Any harm to heritage assets identified would be outweighed by the public benefits derived from the development. Protected Species have been given due regard, harm minimised and mitigation measures proposed. Subject to conditions, it is concluded that the development would accord with the relevant Policies of the Oxford Local Plan 2036 and the NPPF, and complies with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.
- 11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed, subject to the conditions set out in Section 12 below and the legal agreement or unilateral undertaking with the County Council referred to in section 10 of this report.

12. CONDITIONS

Time

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.

Plans

2. Subject to conditions requiring updated or revised documents submitted with the application, 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 SR1 of the Oxford Local Plan 2036.

Materials

3. Prior to the commencement of development, excluding demolition and enabling works, a schedule of materials together with samples shall be submitted to and approved in writing by the Local Planning Authority. The following sample panels shall be provided on site:
 - a) Large scale sample panels of all new brickwork and stonework demonstrating the colour, texture, face bond, mortar and pointing for the new development shall be erected on site.
 - b) Large scale sample panels of all new ceramic cladding, metal claddings and screens, and roof materials demonstrating the colour, texture, reflectivity shall be erected on site.

The development shall be completed in accordance with the approved materials schedule and sample panels unless otherwise first agreed in writing with the Local Planning Authority. Where feasible the sample panels shall remain on site for the duration of the development works.

Reason: To ensure high quality development and in the interests of the visual appearance of the North Oxford Victorian Suburb Conservation Area in which it stands in accordance with policies DH1 and DH3 of the Oxford Local Plan 2036.

Lighting

5. Prior to first occupation an internal and external lighting and CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include siting (plans and elevations), luminance & spill of lights and technical specifications. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting, particularly around parking areas, promotes a secure environment and does not cause a nuisance to local residents. The approved details shall be installed and maintained thereafter.

Reason: In the interests of Secure by Design, Biodiversity, neighbouring amenity and the Character and appearance of the Conservation Area in which the site lies in accordance with Policies DH1, DH3 and G2 of the Oxford Local Plan 2036.

Transport

6. Notwithstanding the submitted Construction Traffic and Environmental Management Plan (CTEMP), no development shall take place until a revised CTEMP is submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following matters:-
- the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
 - times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
 - hours of working;
 - travel initiatives for site related worker vehicles;
 - signage for construction traffic, pedestrians and other users of the site;
 - piling methods (if employed) and controls on vibration;
 - earthworks;
 - hoardings and security fencing to the site;
 - noise limits;
 - control of emissions;
 - Dust mitigation measures including the complete list of site specific dust mitigation measures and recommendations that are identified on Chapter 6 (pages 8 to 10) of the Air Quality Assessment produced by Ricardo EE (February 2023) submitted with the application;
 - waste management and disposal, and material re use;
 - wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
 - contact details of the Project Manager and / or Site Supervisor;
 - layout plan of the site;
 - materials storage including any hazardous material storage and removal.
 - Engagement with local residents and neighbours

The CTEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling.

* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

** The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003

The approved Construction Traffic and Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the highway network, the amenities of neighbouring occupiers and to ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant” in

accordance with the results of the dust assessment and policies RE1, RE6, RE8, M1 and M2 of the Oxford Local Plan 2036.

7. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each student accommodation block and each new successive tenant/occupier thereafter shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them and to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework and Policies M1 and M2 of the Oxford Local Plan 2036.

8. Prior to occupation, details of a tenancy/ occupation agreement that includes a clause under which the study bedrooms shall be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city and consequences for breaching this clause shall be submitted to and approved in writing by the Local Planning Authority. The study bedrooms shall only be let in accordance with the approved agreement.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies RE7, M2 and H8 of the Oxford Local Plan 2036.

9. Notwithstanding the submitted plans, details of the cycle parking storage for students shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation and implemented in accordance with the approved details prior to first occupation and retained at all times thereafter.

Reason: To encourage the use of sustainable modes of transport in line with policy M5 of the Oxford Local Plan 2016-2036.

10. The development hereby permitted shall not be occupied until the Order governing parking on Pusey Lane and roads in the immediate vicinity of the site has been varied by the Oxfordshire County Council as highway authority to exclude the site, the subject of this permission, from eligibility for resident's parking permits, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality in accordance with policy M5 of the Oxford Local Plan 2036.

11. Prior to the commencement of development, details for the re-surfacing of Pusey Lane including extent, materials and technical specification, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development maintains the character and appearance of the Conservation Area and in the interests of highway network in accordance with Policies DH1, DH3 and M1 of the Oxford Local Plan 2036.

Landscaping

12. Notwithstanding the submitted Landscape Framework Plan, a detailed 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 submitted schedule detailing plant numbers, sizes and nursery stock types. Plants and trees should be native and provide for biodiversity interest.

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

13. The landscaping proposals as approved by the Local Planning Authority in accordance with condition 12 above shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

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

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

15. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) have been submitted to, and approved in writing by, the Local Planning Authority. The TPP and AMS shall include such details as are appropriate to the circumstances 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 and AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement.

Prior to the commencement of development, photographic evidence of the physical measures in place shall be submitted to the Local Planning Authority. The development shall be carried out in strict accordance with the approved TPP and AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Students

16. Subject to condition 17, the development shall be solely used for student accommodation and for no other purpose (including any other purpose in Class C2 of Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and also including any other purpose as may be permitted under the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification).

Reason: To ensure the adequate provision of student accommodation and allow the Local Planning Authority to give further consideration to other uses in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

17. During term time, as published by the College for the relevant academic year, the development hereby permitted shall be used for student accommodation in accordance with the specifications and requirements of conditions 8 and 16 and for no other purpose unless otherwise agreed in writing beforehand by the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall not be used for any other purpose other than that permitted by this condition.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation in accordance with policies S1 and H8 of the Oxford Local Plan 2036.

Energy

18. The development shall be implemented in strict accordance with the approved Energy Statement by KJ Tait submitted with the application. Prior to the full

occupation of the development evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) shall be submitted to the Local Planning Authority to confirm that the energy systems have been implemented according to details laid out in the approved Energy Statement and achieve the target performance as approved.

Reason: To ensure compliance with policies S1 and RE1 of the Oxford Local Plan 2036.

19. Notwithstanding condition 18 above, prior to construction of the development above slab level further details of the photovoltaics including siting, rake, number and technical specifications shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation and thereafter retained or upgraded as necessary.

Reason: To ensure compliance with policies S1 and RE1 of the Oxford Local Plan 2036.

Drainage

20. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority after consultation with Thames Water. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact /cause failure of local underground sewerage utility infrastructure. In accordance with Policies RE7 and V5 of the Oxford Local Plan 2036.

21. The approved drainage system shall be implemented in accordance with the approved Drainage Strategy design listed below prior to the use of the building commencing:
- Drainage Strategy Prepared for: St John's College Project No: TC22053 : March 2023
 - 23_00693_FUL-DRAINAGE_STRATEGY_PART_2-2955729
 - File: Pusey Lane 3.0 no controls .pfd Network: Storm Network 1 02/03/2023
 - Drainage Details Sheet 1 MAR 2023 2279-HRW-ZZ-ZZ-DR-C-320 P01
 - Drainage Details Sheet 2 MAR 2023 2279-HRW-ZZ-ZZ-DR-C-321 P01
 - Proposed Drainage layout Drw no: 2279-HRW-ZZ-ZZ-DR-C-300 P03 Mar 23

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy RE3 of the Oxford Local Plan 2036.

22. Prior to commencement of development a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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

Reason: To avoid increasing surface water run-off and thereby attenuating flood risk in accordance with Policy RE 2 of the Oxford Local Plan 2016-2036.

23. Prior to first occupation, a record of the installed 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 accordance with section 21 of the Flood and Water Management Act 2010.

Architecture

24. Notwithstanding the submitted plans and information, prior to commencement of development large scale (1:50/ 1:20) details of the metal screens for rear facing windows shall be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be installed prior to first occupation and thereafter retained in place.

Reason: In order to ensure high quality and prevent direct overlooking of neighbouring properties in accordance with Policies DH1, H14 and RE7 of the Oxford Local Plan 2036.

Ecology

25. Prior to development commencing, details of ecological enhancement measures including at least six bat roosting devices, two bird nesting devices, and two bug hotels shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 174 of the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

26. The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 6 of the report 'Dusk Emergence and Pre-dawn Re-entry Surveys for Bats' produced by All Ecology and dated 24th June 2022, or as modified by a relevant European Protected Species Licence. The proposed bat roosting devices shall be installed by the completion of the development and retained as such thereafter.

Reason: To comply with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended) and enhance biodiversity in Oxford City in accordance with the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

27. If the development hereby approved does not commence by August 2024, further ecological survey(s) shall be commissioned to establish if there have been any changes in the presence of roosting bats and identify any likely new ecological impacts that might arise from any changes. The results of the survey(s) shall be submitted to the Local Planning Authority. Where the survey results indicate that changes have occurred that will result in impacts not previously addressed in the approved scheme, a mitigation and compensation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

- 24.A Biodiversity Net Gain Management and Monitoring Plan (BMMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the BMMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

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

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

Reason: To ensure the enhancement of biodiversity in accordance with Policy G2 of the Oxford Local Plan 2036.

Noise

25. The external noise levels emitted from plant/ machinery/ equipment shall ensure that the rating level of the noise emitted from the proposed installation located at the site shall not exceed the existing background level at any noise sensitive premises when measured and corrected in accordance with BS4142:2014 +A1:2019 "Methods for rating and assessing industrial and commercial sound.

Reason: To protect amenity in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

26. Prior to use, the proposed plant installation and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To protect amenity in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

27. All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. Details of a scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development excluding demolition and shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. The development shall not be occupied until the approved sound insulation and ventilation measures have been installed in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To protect amenity in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

Archaeology

28. No demolition shall take place until a demolition method statement that sets out how demolition shall facilitate archaeological trial trenching and secure the protection of archaeological remains has been submitted by the applicant, or its agent or successors in title and been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved demolition method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

29. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation comprising Stage 1) Trial trenching and 2) a programme of archaeological recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their

visitors, including prehistoric and medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

Amenity

29. The gable wall of the re-built Lighting Store Building shall be re-painted white or a similar colour or finished as agreed after consultation with the occupants of No.22 St John's Street prior to the first occupation of the development.

Reason: To mitigate the impact of the development and in the interest of No.22 St John's Street's residential amenity in accordance with Policies RE7 and H14 of the Oxford Local Plan 2036.

APPENDICES

- **Appendix 1 – Site location plan**

HUMAN RIGHTS ACT 1998

12.1. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

12.2. 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.