

Oxford City Planning Committee

November 2023

**Application number:** 22/03076/FUL

**Decision due by** 29th March 2023

**Extension of time** 9<sup>th</sup> February 2024

**Proposal** Demolition of existing buildings and replacement with new building comprising R&D, office and cafe space (Use Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities, and associated works. (Amended plans and additional information)

**Site address** 135 - 137 Botley Road, Oxford – see **Appendix 1** for site plan

**Ward** Osney And St. Thomas Ward

**Case officer** Felicity Byrne

**Agent:** Mr Andrew Winter      **Applicant:** BGO Spires II PropCo Ltd

**Reason at Committee** Major Development

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

1.1.2. **agree to delegate authority** to the Head of Planning 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 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 referred to above issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the demolition of existing retail warehouses and construction of a new building to provide Research & Development and office use with ancillary café, car and cycle parking and hard and soft landscaping. The site lies within the existing Botley Road Retail Park to the west of the City Centre. It is in a highly sustainable location within walking distance of the railway station and Seacourt Park & Ride. The site lies within Flood Zone 3.
- 2.2. The development would make best and most efficient use of the site and provide a high quality and sustainable development. The principle of the use on this site in this location is acceptable. It would provide increased employment and meet the demand for high quality laboratories for life sciences and contribute towards Oxford's post-pandemic growth and global reputation. The development would positively enhance the character and appearance of the area through contemporary design and new public landscaped area to the front with Botley Road. The building would be visible in long distance views from St George's Tower and result in a moderate level of less than substantial harm to the setting of the Central Conservation Area. However, it is considered that the high level of public benefits derived from the development would outweigh the harm in this case. Whilst the building would also be visible from other surrounding views the effect would not be significant when taking into account visibility of the existing warehouse buildings.
- 2.3. The proposed use is acceptable within Flood Zone 3 and the development would maintain the existing flood water storage area, would not contribute towards flooding of the area and acceptable flood mitigation and drainage including sustainable drainage systems would be provided. Part of the site is contaminated however subject to conditions requiring further investigation and remediation this would not result in contamination of ground or controlled waters.
- 2.4. There would be a large reduction in car parking and no adverse impact on the highway in terms of traffic generation subject to conditions and contribution towards Botley Road highways improvements. Adequate cycle parking would be provided. A new publicly accessible cycle route and footpath north/south would be provided. Car club and electric vehicles spaces would be provided for staff, visitors and Earl Street residents.
- 2.5. In terms of impact on residential amenity, there would be no direct overlooking to Earl Street and loss of privacy. Whilst there would be a feeling of being overlooked from high level windows, on balance this would be satisfactorily mitigated by the distance between buildings, automated internal roller blinds and new tree planting. The development would not have a detrimental overbearing impact on Earl Street

due to the distance, design, materiality and tree planting proposed, and when taking into account the impact of the existing building. There would be no detrimental effect on sunlight or daylight to Earl Street properties and their gardens. The development would cause a loss of winter sunlight to two first floor windows in the first floor flat at 165-167 Botley Road. However, they would still maintain sufficient annual sunlight. As such the room would still have sufficient sunlight and daylight and no significant adverse impact as a result of the development.

- 2.6. The development would not result in a detrimental loss of daylight, sunlight and overshadowing or overbearing effect on other neighbouring residential properties.
- 2.7. Public amenity afforded by existing trees would be maintained and there would be a net gain in biodiversity as a result of new tree and other soft landscape planting. The potential presence of protected habitats and species has been given due regard and there would be no harm as a result of the development.
- 2.8. Subject to conditions the development would be acceptable in terms of air quality, sustainable design and construction, contamination, lighting, and noise and vibration.
- 2.9. In conclusion, through the imposition of suitably worded conditions and a completed legal agreement, the proposal would accord with the policies of the Oxford Local Plan 2036, 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 (as amended).

### **3. LEGAL AGREEMENT**

- 3.1. This application is subject to a legal agreement to cover a contributions towards active travel improvement works for pedestrian and cyclists on the Botley Road and Travel Plan Monitoring, totalling £249,313, and entering into a s278 agreement for the works with the County Council, and to secure the public right of access through the site on foot or bicycle and a Community Employment Plan with the City Council

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

- 4.1. The proposal is liable for CIL amounting to £437,797.06.

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

- 5.1. The site is located within the Botley Road retail park on the eastern edge of the City Centre and consists of two joined retail warehouses, currently used by Carpetright and DFS. To the south and west of the site lies the rest of the retail park and associated commercial uses along Lamarsh Road. To the north and east of the site are residential properties on the Botley Road and Earl Street respectively. The site is in a highly sustainable location with good public transport into and out of the city, within walking distance of the railway station and Seacourt Park and Ride. It is also located within Flood Zones 3a and 3b, and lies to the west of Bulstake Stream, which is a main river.



6.2. The new building is speculative and would provide a 60:40 laboratory to office ratio, with the flexibility to adjust to future changes in scientific and technological research. It is proposed to be of the highest quality in both architecture and sustainability and to institutional standards for world class research. The flexibility of the internal layout means that it could be occupied by a single tenant or several, thereby providing increased opportunity for a range of R&D potential occupants. The internal layout has also been designed to foster collaboration and chance encounters.

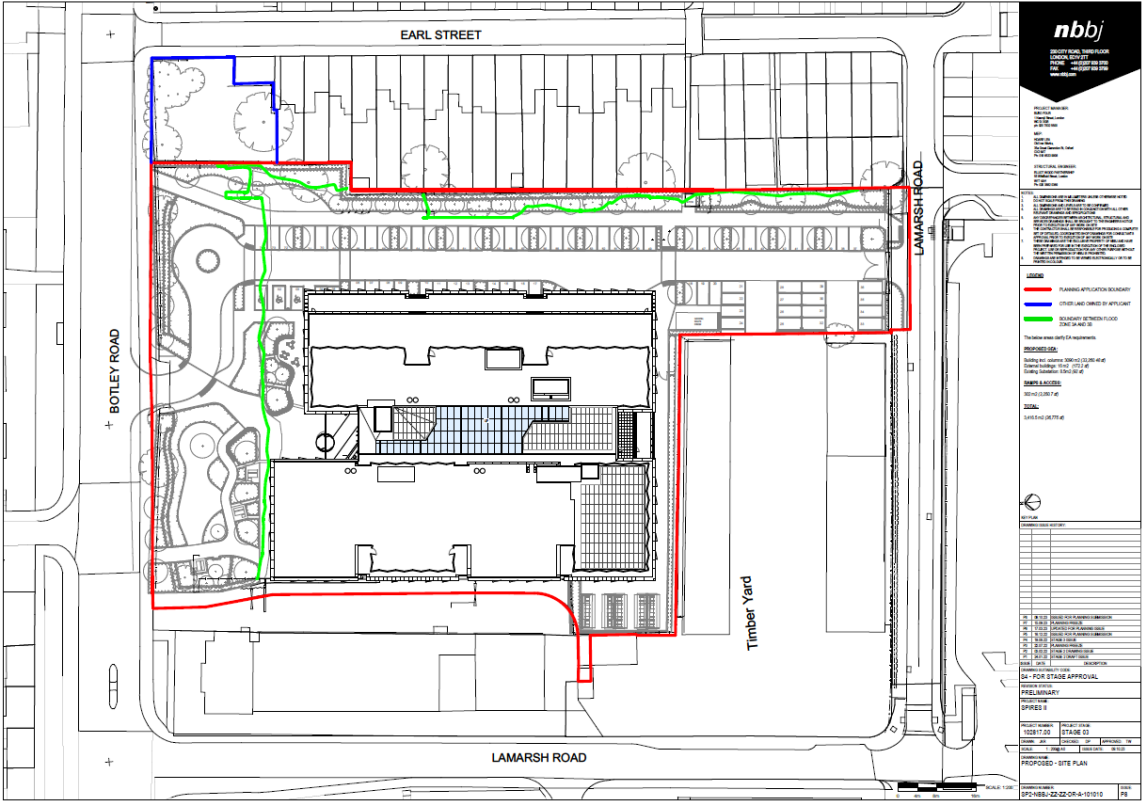


Figure 2 proposed block plan – red site boundary/ blue – land owned by applicant/ green – flood zone 3b

6.3. An Environmental Impact Assessment Screening Opinion was submitted by the applicant for the proposed development prior to submission. It was determined that the proposed development was not EIA Development and that an Environmental Impact Assessment was not be required to accompany the planning application.

6.4. The development was presented to the Oxford Design Review Panel (ODRP) at pre-application stage and their letter of advice is appended at Appendix 2. ODRP advised:

- that the building should not add to the Oxford skyline and the Landscape and Visual Impact Assessment and view cone policy should be reviewed again;
- the scale and massing should be considered as part of a holistic strategy for movement and townscape;

- the impact on nearby properties and architectural treatment should be reconsidered;
- the Botley Road frontage and the north-eastern corner should be redesigned to create a sense of arrival that prioritises cyclists and pedestrians.
- the café should be opened up more to the community;
- encourage active travel by locating the cycling facilities at the front of the building and reducing the car parking provision; and develop the architecture and elevational treatment further to reflect the innovation that is happening inside the building.

6.5.Changes were made to respond to the Panels comments including reduction in height, scale, massing and detailing of the façade, materiality and palette, and increasing the distance to Earl Street.

6.6.During the application process further information and amended plans were provided to address concerns raised by the Highways Authority Officers and public consultation. The key amendments are:

- Reduction in height of the eastern block (closest to Earl St) to 13.4m
- Set back of the third floor of the eastern block to reduce the massing and eliminate overlooking from fourth floor windows
- New soft landscape planting at third floor terrace
- Obscure glazing to 1.65m high (from internal FFL) of first and second floor windows facing Earl St to prevent overlooking.
- Changes to the eastern façade of the eastern block including widening of the recess between the projecting bays and darker main façade material at upper floors to reduce to reduce any impact on long distance views
- Plant level and flue colours have been darkened to reduce to reduce any impact on long distance views
- Highway issues Technical Response including evidence to support operational car parking numbers and types of cycle parking stands proposed.

## **7. RELEVANT PLANNING HISTORY**

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

95/01449/NO - Demolition of existing commercial buildings. Outline application to erect buildings for retail and residential use, including details of means of access via new traffic light controlled junction at Lamarsh Road. (Land at Botley Road/Lamarsh Road). Allowed on Appeal 22nd March 1996.

96/01611/NO - Demolition of all buildings. Outline application (seeking approval for access \_ siting only) for 2 retail warehouses (non-food) & associated development at rear accessed off Earl St and Duke Street. (Land at Botley Road/Lamarsh Road). Allowed on Appeal 21st March 1997.

98/00565/NF - Demolition of existing car showroom. 3358sq m non-food retail warehousing in 2 units. Cycle parking, 137 customer parking spaces, 7 for people with disabilities, 56 for staff. 10 parking spaces for Earl Street residents.. Approved 15th October 1998.

98/01886/NF - Widening of vehicular access onto Botley Road (Amended plans). Approved 11th May 1999.

16/00882/FUL - Erection of a two storey retail unit (Use Class A1) and reconfiguration of existing car park. Refused 14th March 2017.

16/00882/NMA - Non-Material amendment to planning permission 16/00882/FUL to allow reduction in the height of the building and remove the mezzanine floor and associated access. Approved 19th December 2019.

20/02685/VAR - Variation of condition 2 (Develop in accordance with approved plns) of planning permission 16/00882/FUL (Erection of a two storey retail unit (Use Class A1) and reconfiguration of existing car park.) to allow increase to storm water storage volume and increase the height of the ground floor level.. Refused. 18th March 2021.

23/00249/SCREEN The Town and Country Planning (Environmental Impact Assessment) Regulation 2017 (as amended) - Request for a screening opinion in accordance with Regulation 6 for the proposed development on land at 135-137 Botley Road. Development would include the demolition of existing buildings and replacement with new building, comprising research and development (R&D), office and cafe space (Class E), including external lighting, hard and soft landscaping, ramped access, service bay, bin store, car and cycle parking, altered vehicular access onto Botley Road, pedestrian and cycle paths, means of enclosure, utilities and associated works. Decision: It is determined that the proposed development is not EIA Development and that an Environmental Impact Assessment is not therefore required to accompany a planning application in accordance with the details supplied, dated 3rd February 2023.

## 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	H14 - Privacy, daylight and sunlight		

		DH1 - High quality design and placemaking RE1 - Sustainable design and construction		
Conservation/Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Commercial	81-91	E1 - Employment sites - intensify of uses		
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		
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	Parking Standards SPD	
Environmental	152, 169-183-184	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the	Energy Statement TAN	



		impact of development RE8 - Noise and vibration RE9 - Land Quality		
Miscellaneous	7-12	S1 - Sustainable development S2 - Developer contributions RE2 - Efficient use of Land RE5 - Health, wellbeing, and Health Impact Assessment		

8.2. Other relevant documents and considerations:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance
- Historic Environment Good Practice Advice in Planning Note 3: 'The Setting of Heritage Assets (Second Edition)'
- Technical Advice Notes (TAN) 17 'Botley Road Retail Park Development Brief' supports the Adopted Plan 2036. The TAN is not an adopted policy document. It provides technical advice and guidance.
- The new Draft Local Plan 2040 was approved by Cabinet on 18<sup>th</sup> October 2023 and is currently out for public consultation until 5th January 2024. The draft local plan has very limited weight given its stage in the process.

**9. CONSULTATION RESPONSES**

9.1. Site notices were displayed around the application site on 19th January, 18<sup>th</sup> April and 17<sup>th</sup> October 2023 and an advertisement was published in The Oxford Times newspaper on 12<sup>th</sup> January, 20th April and 19th October 2023.

**Statutory and non-statutory consultees**

Oxfordshire County Council (Highways)

9.2. First and second round consultation response summarised as:

- The site is in a highly sustainable location with good access to frequent bus and train services and under 400m to Seacourt Park & Ride. There is a

scheme for improved pedestrian, cycle and bus provision along Botley Road, some of which has already been completed with the remaining sections to be completed along with the Oxford Train Station redevelopment.

- The access arrangements are accepted. This utilises both of the existing access points with the main staff access being via Lamarsh Road. The existing Botley Road access will be for visitors and larger delivery/serving vehicles exiting the site. It would be a good opportunity to remove the Botley Road access altogether so even though we are not objecting to the use of the existing access, we would strongly encourage the applicant to reconsider the arrangements.
- The pedestrian/cycle accesses connect to the Botley Road and Lamarsh Road cycle routes, these offer good permeability for staff and are accepted.
- 74 car parking spaces are proposed which includes 3 disabled bays and 8 visitor bays, the remaining bays will all be for staff. 63 staff parking bays equates to approximately 10% of spaces according to the applicant's calculations. However, as discussed within the TA and above, the site is located in an extremely sustainable location. The P&R and train station offer good options for staff travelling from further away, the highly frequent services which stop nearby offer good service for staff living in the city and wider county and the pedestrian and cycle routes are all of a high quality to encourage active travel. It is considered that in this location the site should be car-free other than for disabled and visitor parking, an objection has therefore been raised on car parking grounds.
- 224 cycle spaces will be provided which is above the standard within the Oxford Local Plan 2036 which is welcomed. 8 Sheffield stands will also be located near the entrance to the building for visitors which is also considered beneficial. However, 160 of the cycle parking spaces are in the form of 'double stackers' which Oxfordshire County Council do not support as stated in the recently adopted Parking Standards. As such an objection has been raised on cycle parking grounds until these have been redesigned.
- The proposal for delivery and servicing has been well thought out and is considered appropriate. A Delivery and Servicing Management Plan will need to be conditioned that specifies the arrangements and times of deliveries which must be out of peak times.
- Providing the above cycle and car parking objections can be overcome a full Travel Plan and Construction Traffic Management Plan (CTMP) will be required.

### 9.3. Second round consultation comments:

- Insufficient justification for the parking levels proposed. Evidence based justification is required.
- It is not deemed necessary for the applicant to undertake a parking survey of Seacourt P&R
- The provision of 55 spaces over the local plan standard is welcomed, however, we would still like to see a greater percentage of Sheffield Stands as double stackers are underutilised. Gas powered double stackers might

mitigate the users difficulty.

- Oxfordshire County Council have agreed to the use of the Botley Road/Lamarsh Road junction, it is not considered necessary to make any improvements to this junction at the current time. However, we would like to see the access directly into the site from Botley Road closed up to allow for a safer environment for pedestrians and cyclists.

9.4. Following further information submitted:

- Following the submission of further information regarding car parking, the number of parking bays proposed is now accepted and as such the previous objection on highways grounds is removed.
- With the agreement to the parking bays and use of the existing access onto Botley Road there will be an intensification of use at peak times when pedestrians/cyclists using Botley Road are at the highest levels. As such it is considered necessary to collect contributions towards the Botley Road corridor works which will make it safer and more convenient for the high number of staff which will need to travel sustainably to site: £246,750 toward Active Travel Infrastructure and £2,563 towards Travel Plan monitoring. Conditions should be imposed securing a Travel Plan, details of cycle parking areas, a Construction Traffic Management Plan, a Delivery and Servicing Management Plan, and full details of the means of access between the land and the highway [Botley Road].

9.5. No further comments made on third round of consultation.

#### Oxfordshire County Council (Lead Local Flood Authority (LLFA))

9.6. First Round consultation response summarised as:

- Provide surface water catchment plan.
- Drainage plan to be detailed.
- Provide surface water flood exceedance plan.
- Provide SuDS construction details drawing.
- Discharge rate should be based on 1:1 year or Qbar greenfield run off rate.

9.7. Second round consultation comments:

No objection subject to conditions:

- Drainage system shall be implemented in accordance with the approved design;
- A record of the installed SuDS and site wide drainage scheme to be submitted

9.8. No further comments made on third round of consultation.

### Building Control Liaison & Fire Safety Inspector

9.9. It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010.

### Thames Water Utilities Limited

9.10. Waste Comments: Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. 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 networks. 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.

9.11. Regarding the surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.12. Regarding the foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

9.13. A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'.

9.14. Water Comments - On the basis of the information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. There are water mains crossing or close to the development.

### Environment Agency

9.15. The development site lies within an area of high flood risk and on land which is designated as a sensitive aquifer which must be kept safe from pollution. The previous industrial uses and garages present a risk of contamination that could be mobilised during construction. This could pollute the water environment if not properly managed. Groundwater at this site is within a Secondary A aquifer and water levels are known to be shallow at around 1 – 3 metres below ground level.

This makes the environment vulnerable to the impact of the development. The submitted geotechnical report states that there is strong evidence of visual and olfactory hydrocarbon contamination within the groundwater samples collected with a film of hydrocarbon based fluid sitting atop the groundwater. Also, a number of determinands within the water samples were found to be above limits set for either drinking water or for freshwater standards. Furthermore, the report confirms that further investigation may be required to determine whether the source of the high levels of TPHs with both the soil and water samples originate from the site, specifically from the tank noted on historical maps.

9.16. Based on these findings and recommendation, we endorse further investigation of the groundwater at this site. Contaminants should not be left in situ without sufficient detailed risk assessments that confirm there will be no environmental impact. The submitted geotechnical report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

9.17. The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment:

- The development shall be carried out in accordance with the submitted flood risk assessment,
- No commencement until a remediation strategy to deal with the risks associated with contamination of the site,
- Submission of a verification report,
- Dealing with unexpected contamination.
- No drainage systems for the infiltration of surface water into ground permitted
- Piling using penetrative methods shall not be carried out unless agreed first

Historic England:

9.18. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Thames Valley Police

9.19. It is not possible to provide full guidance for appropriate levels of security to be provided without knowing the tenant of the building or the holdings that may be contained within. Once tenants for the building are identified, it is recommended that a further Security Needs Assessment (SNA) is completed by a competent Suitably Qualified Security Specialist (SQSS). This assessment should then be used to inform the design and specification of access points and controls. Further consideration should be given to the building access and security including floor

layout and proposed uses; a secure line between the external envelope of the building and the lift core or stairs to upper floors, particularly from the cafe; a single point of pedestrian access through a staffed reception; a detailed security and access strategy done; management of out of hours post deliveries. The applicant should consult the guidance contained within Secured by Design – Commercial 2015 and ensure the required physical security standards within this guidance document are incorporated throughout the development.

### **Public representations**

9.20. Comments on this application have been received from the following individuals, associations and companies:

- Abbey Walk: 6
- Duke Street: 26
- Earl St: 12, 13, 17A, 18, 20, 22, 26, 28, 31, 32
- Harley Road: 31
- Hazel Road: 24
- Lamarsh Road: 4, 10, 16, 23, 33, 41
- Montagu Road: 7
- Oxford Science Enterprises
- Riverside Road: 30
- DFS Trading Ltd
- Innovation, University Oxford
- Advanced Oxford
- Oxentia
- Oxford Preservation Trust

9.21. In summary, the main points raised were:

*Objections:* -

- Effect on adjoining properties/loss of privacy. Earl Street properties would be overlooked, not only into gardens but also kitchen and bedrooms, resulting in loss of privacy currently enjoyed by the residents
- Effect on character of area. Primarily a residential area, with a mix of small retail units, the proposed development, due to its size, is out of character for this part of Oxford. Set a precedent.
- Height of proposal. Concerns that the height is far too big for this area. five storey building will both set a precedent and change the character of the Botley Road. No justification to depart from the height guidance set out within TAN17

or green light to breach it. Development of even 17.3m will need to demonstrate a rigorous assessment of the potential impacts.

- Views. The Townscape and Visual Impact Assessment confirms that the development will be visible from the nearby Hinksey Meadows, above the tree tops that line the southern boundary of the Botley Retail Park. This will adversely impact on the character of these green spaces, which within a built up city provide an important resource for local residents. This changes the semi-rural feel of the area to a more urban feel
- View from St Georges Tower also needs testing to ensure there will be no detrimental impact
- Daylight/sunlight. The height of the building will block out the sunset to the residents of Earl Street. The daylight analysis for this development only takes into account the properties that directly border the development. However, the development blocks light from a much wider area. The total impact of this development on this area is very much understated.
- Does not adequately considered the impact this development will have on the surrounding properties
- Noise and disturbance. Concerns of noise and disturbance during the demolition of the existing building. Noise from constant humming from air conditioning units and extraction fans once built. The noise assessment document suggests that residents should close their windows to avoid noise, which is not a sufficient response
- Parking. Restrictions on parking in Oxford is being imposed on the residents, why is parking being allowed for this development; there are sufficient park and ride sites and local buses to travel to the site. The proposed development will add to more traffic to Botley Road, as well as the residential side streets, which are narrow and area used almost exclusively by residents
- Flooding. This part of Oxford is prone to flooding and the sewage system is overwhelmed with sewage discharging into gardens; The development will make the situation worse with a larger building than existing and more employees on site. The development will presumably require deeper foundations, this can be expected to raise the water table locally and increase the likelihood of flooding. This has not been addressed in the submitted flood risk document
- Waste Management plan. The document seems to suggest six pick ups of waste during 7.30am to 9pm, which will disturb residents at the start/end of the day
- Tree protection: Tree have important visual amenity and also ability to drain a significant amount of water from the ground, especially in winter, that makes a big difference, avoiding the gardens being flooded. We therefore require that an Arboricultural Monitoring Programme shall be requested as condition to the

planning permit, with a schedule of monitoring and reporting program in accordance with a Tree protection plan.

- Carbon. It is claimed a 25% reduction in comparison to the current site but there is no evidence to claim this, primarily due to the increase in size. No details on the carbon impact of journeys into the workplace
- Community engagement. The document submitted is misleading, resident's concerns have not been taken into account; very poor "consultation" with the developers. Community engagements were announced with very little time to prepare or to attend
- Local Community. The proposal will not benefit or serve no purpose to the local residents
- Use of the site. There is an assertion that "retail is in the wrong location" but this is not explained. Is it possible we currently have the wrong kind of retail. There are no small, local traders left in Botley Road – could the site not be used for community use, ie. market; park; woodland; meadow
- The replacement of retail stores by labs/offices has no conceivable community benefit and would be better accommodated on one of the science parks around the city. Housing is of a much greater need in Oxford
- Impact on neighbourhood. The proposal will have a huge impact on residents, both emotional and mental health
- It is notable that this area and site is not identified as an "area of greater potential" for high buildings in the City Council's high buildings technical advice note
- The building will not meet CABI's definition of good design. The building does not seem built to last; does not relate well to the place where it is proposed and will not fit in quietly due to its size and form
- Transport assessment. While the total number of car parking spaces might be reduced compared to the current development, the proposed development will clearly attract more car traffic than the current use of the space. At the same time, the proposed cycle facilities are located at the very back of the site and are only accessible through narrow access ways. This does not meet the Council's requirement that bicycle parking should be well-designed and well-located
- Drop bollards will be provided to the north of the site along the internal access road between the staff and visitor car park. The bollards will be controlled automatically by the onsite management and lowered when required. This implies site management will be present 24/7 – how will this be ensured?



- Clarity would be welcome about how the increased flow of traffic in Lamarsh Road will be managed, as this will coincide with staff entering the site, as well as local residents leaving for school or work etc
- There will be an increase in traffic turning off the Botley Road (mostly from west and thus turning right across the traffic into Lamarsh Road). How is this being managed?
- The windows from the new building should be designed not to look directly into the properties in Earl Street, also any rooftop terrace should be built so that they are not overlooking into properties, especially if the site is to operate on a 24/7 basis
- The proposed development contradicts Policy RE7 of the Oxford Local Plan, which states “Planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected”
- The development will involve heavy foundation work close to properties, concerns this may cause damage to properties. They need to be protected

*Support:-*

- Suitable workspace. The demand for this type of space currently outstrips the supply for quality research and innovation workspace in the city. Mission Street’s proposals will go a long way to help address this shortage while providing a whole range of additional benefits for the local community
- Location. Although much of the research and innovation space is out of the city centre, the demand for more urban, city centre locations is in demand because of its transport links; travel routes; close to shops and restaurants. Botley Road is a perfect location to address this demand
- Community engagement. Impressed by the way Mission Street have brought forward the application; engaging from the outset with the community and with stakeholders right across the city to help bring forward a proposal that is bespoke and beneficial for Oxford
- Sustainability, zero-carbon Oxford. Encouraging to see how carefully Mission Street has considered the wider impact of the scheme and what the development can bring by way of social value; commitment to the Oxford Living Wage and by prioritising decarbonisation
- Botley Road improvements. Welcome the enhancement this development would bring to the Botley Road and how it will provide a statement of Oxford’s commitment to science excellence
- Support the proposal except for the parking provisions. There is good bus and cycle access to the area and the park & ride site, no need for parking spaces. Botley Road is already congested, reconsider the proposed parking on site

- The 24/7 onsite security is a welcome to the site and will improve the look and tidiness of the local area – better than a decaying site with no management of problems
- Welcome Mission Street’s positive statement on facilitating out of hours access to parking and EV charging
- Developers to be commended for pledging to be the first building in the City to ensure the Oxford Living Wage; pledging to offer electric charging facilities to local residents; landscaping of the area in front of the building; commitment to work with local schools and science organisations and to contribute to civic society within Oxford and lastly, engaging with the local community
- The life sciences sector is a primary strength of this ecosystem, exemplified by the success of the Oxford-AstraZeneca COVID-19 vaccine, which is driving private investment in Oxford through both capital investment in University spinouts and through private companies desiring to co-locate near Oxford’s world-class academic institutions.
- Supporting these developments will ensure that Oxford remains synonymous with innovation, competitiveness in the sector, and life-changing research
- The proposed developments on Botley Road, with excellent transport links and proximity the city centre, will be able to attract and retain sector leaders as anchor tenants, which will further promote external investments
- The city needs a central space for a large tenant to move in and developers have shown careful consideration for which type of space was likely to be attractive given the existing research base and the projected sector drivers for the following decades
- If Oxford is to fulfil its ambitions to be a global player within the innovation economy and to continue to act as an engine room for ideas that can address global problems and challenges, there is a need to ensure that we have sufficient supply of workspace for innovation companies at all stages of their evolution
- The sustainability features of the building demonstrate a clear commitment to the climate agenda, net zero and the energy crisis, in line with Oxford City Council’s Oxford Economic Growth Strategy
- One of our concerns was the proposed height of the building but we note with pleasure that this has been reduced: lowering the eastern section of the building provides a better relationship to the neighbouring residential dwellings.
- We particularly liked the open colonnaded frontage of the main building which we observe from the final plans has been reorganized to provide a more accessible public area. This reorganization provides better views both into and out of the building.

- The proposed reduction of car parking spaces and increased cycle facilities will enhance the active travel features of this development
- Mission Street has brought the community and science ecosystem stakeholders into the process from the earliest stages – the quality of this dialogue is welcome and means the application benefits from good engagement. The application reflects what we and others have said we need
- The need for innovation space of the right quality and in the right locations – R&D development in the city is being limited both by a lack of supply, but also by a lack of choice including offering high-quality and well-connected workspace in the city centre. The city needs choice to serve the needs of different companies and occupiers
- The social value benefits – in addition to the physical workspace Oxford requires, the proposals include impressive commitments on social value. We are pleased to see the commitment to making the building Oxford's first 'Oxford Living Wage building'. We also note the wide-ranging education commitments including the school's programmes
- Oxford needs more R&D space. It will be a lot better and efficient use of space than its' current use.

9.22. Second round consultation responses where in addition or different to the above:

- Amendments are not an improvement.
- New chimneys do not resemble spires – unattractive and out of keeping and could harm air quality.

#### **Officer response**

9.23. Damage to neighbouring properties as a result of demolition or piling is a civil matter. Views have been provided from St George's Tower in a revised Visual Impact Assessment. All other issues are dealt with in the report below.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a) Principle of Development:
- b) Design and Heritage
- c) Amenity
- d) Transport
- e) Flood Risk and Drainage
- f) Landscape and Trees

- g) Biodiversity
- h) Land quality
- i) Air Quality
- j) Archaeology
- k) Sustainable Design and Construction
- l) Noise
- m) Utilities

**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 would be required to have regard to the contents of the NPPF along with the policies of the current up-to-date development plan.

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. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.

10.6. Policy V1 of the Oxford Local Plan 2036 states that proposals for development of town centres uses outside a centre must demonstrate compliance with the 'sequential test'. Furthermore, planning applications for retail and leisure development outside centres which are 350m<sup>2</sup> (gross) or more, must be accompanied by an 'impact assessment' and as part of such an assessment, demonstrate with evidence that there will be no adverse impact on the vitality and

viability of the existing centres, and that good accessibility is available for walking, cycling and public transport.

- 10.7. The Council's policy approach to employment sites seeks to make the best use of all existing sites through intensification and modernisation to accommodate the forecast demand for new employment floorspace over the plan period.
- 10.8. The application site forms part of the wider retail park. It is not a protected employment site and does not have any designation or protection within the current OLP. A degree of employment is provided as part of the current retail use, a total of 40 jobs, which also sits outside the main City Centre retail area and Botley district shopping centre. R&D and office use now fall within the Class E use and therefore the current warehouse could be converted to this use without requiring planning permission. The Applicant has already done this to another unit within the retail park and therefore there is a realistic possibility that this could occur here. If this were to be the case then the current poor quality of the site including large expanse of hard standing to the front, the high number of car parking spaces which encourages unsustainable modes of transport, the poor quality tree planting and limited biodiversity, and poor public amenity would remain. This is a fall-back position which is a material consideration, and which is afforded a high level of weight. Whilst the site is currently not designated it is worth noting that the Botley Road Retail Park has been designated a Category 3 employment site within the new Draft Local Plan 2040. The draft local plan has very limited weight given its stage in the process. However, it signals the Council's intention towards future development of this whole area and the approach to intensification and modernisation of employment sites maintained. Furthermore the Council recently published a Development Brief to guide development within the Botley Road Retail Park area (Technical Advice Note 7 (TAN7)) which recognises changing retail trends and the need to support and manage new development in the area. It recognises the site has potential to add to the capacity to accommodate the demand for new R&D uses. This would be supported by the new allocation in the Draft Local Plan.
- 10.9. Oxford's Economic Strategy 2022-2032 states that a lack of R&D and flexible office space remains one of the biggest barriers to growth within Oxford. Provision of this use would contribute towards Oxford future growth and aim of being a leading innovation cluster. The application is supported by an Economic Statement by Bidwells which states that there is a strong demand for R&D and innovation space in Oxford. There is little available lab floorspace and a vacancy level of 2%. Recent approvals and current space are located out-of-town and there is no quality modern large floor space in the central Oxford and close to the City Centre such as this. Over the longer term, whilst there are site allocations within the West End and Osney Mead, these would not be delivered in a timescale that would meet current demand.
- 10.10. The development would provide a maximum of 620 jobs, and a net increase of 580, for Oxford and the economy as a whole once operational. Approximately 750 construction jobs are also anticipated over a 21month construction period (430 per annum equivalent), which would also contribute towards the local economy, secured within a Community Employment Plan. This could be secured via a S106 legal agreement.

- 10.11. Notwithstanding the Oxford's acute need for housing, the site is unsuitable for residential development due to the fact it lies within Flood Zone 3 which is considered unsuitable for such a high risk use. Employment uses are considered acceptable in this Flood Zone providing existing flood storage areas are maintained and further flood risk mitigated (see additional consideration of this in the Flood Risk and Drainage section in the report below).
- 10.12. Policy V1 seeks to direct town centre uses within Class E Use including office and retail, to defined centres in Oxford and proposals for development of town centre uses outside of a centre must demonstrate compliance with the 'sequential test'. As the development falls within Class E use class which now includes amongst other things retail and office use a sequential test is required. A Town Centre Use Statement was submitted with the application which states that national retail context has changed significantly in the last five years with more online shopping and impacts of the Covid pandemic, cost of living crisis and reduction in economic growth rates. Consequently there is limited demand for additional retail floorspace. The Oxford Retail and Leisure Study (ORLS) confirms an excess of retail floorspace until after 2032. As such the loss of this retail would not significantly reduce current provision within the retail park or impact on the City Centre retail provision. The sequential test concludes that based on the current proposal there are no alternative available and suitable sites within the City Centre or District Centres or other locations out of town that could accommodate the proposed development and that would be sequentially preferable to the application site. Officers concur with the findings.
- 10.13. In conclusion it is considered that the development would make best and most efficient use of the site and intensify the existing employment use. The development presents an opportunity to deliver high quality lab and innovation spaces and in a high sustainable location close to the City Centre. Noting the legal fall-back position and the Development Brief which supports this use, the sequential test and flood risk of the site, the principle of R&D is therefore considered acceptable on this site, subject to a s106 legal agreement to secure a Community Employment Plan and the development accords with Policies S1, SR2, RE2 and V1 of the OLP.

#### **b. Design and Heritage**

- 10.14. 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. 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.
- 10.15. The NPPF provides that 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. 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.

- 10.16. 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.
- 10.17. 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.
- 10.18. Section 66 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. The Courts have found that decision makers must give considerable importance and weight to any finding of harm to a designated heritage asset 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.
- 10.19. 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.
- 10.20. 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. 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.

- 10.21. 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.
- 10.22. 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.
- 10.23. 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.
- 10.24. In addition to the Local Plan, the Development Brief (DB) for the whole Botley Road Retail Park sets out parameters for any new development including guidance on constraints, overall heights, views and aspirations for change such as enhanced public realm along Botley Road and more green spaces. In relation to this site specifically, the DB advises a building line setback from the Botley Road to allow new public realm opportunities, a 25m distance to the boundary with Earl Street, and maximum 17.3m height onto Botley Road, dropping down to 13.2m parallel to Earl Street.

#### Heritage significance

- 10.25. Oxford City itself is nationally important and a significant heritage asset. The rural setting of Oxford is considered to make an important contribution to its historical significance. In views to and from the western hills, landscape rises to Botley and Boars Hill, with the famed view over the city that inspired the poet Matthew Arnold to first write of Oxford's 'dreaming spires', which are contained within the Central Conservation Area. The Thames, its tributaries and bifurcated streams are identified within this westerly view by the appearance of its riparian or river edge of trees and green that courses through the suburban edge and the river meadows of Hinksey. As such the rural green edge forms part of the landscape setting of Oxford. Elevated viewpoints from designated and non-heritage assets within the historic centre contribute to heritage significance by providing opportunities to experience and appreciate the historic character of central Oxford and the architecture of individual historic buildings in short range views; and by illustrating the historic relationship between the city and its rural setting. The Castle Mound and St George's Tower, a Scheduled Ancient Monument (SAM), were historically built to provide the high level views out to the west and over the land and river crossings and as such the western suburb and views form part of



their setting. The arrival of the railway in the 1840s spurred development of Osney Island and industrial, commercial and other residential development to the west of the City. The opening of the canal and later development of the railway station at Frideswide Square made the western area of the City an important point of arrival on the City's edge.

10.26. The site itself is a 20<sup>th</sup> Century warehouse building which is typical of the retail park in which it sits and characteristic of the industrial and commercial area around Osney and the western fringes. The Osney Conservation Area sits to the east of the site, however, the existing building does not in itself contribute to the heritage significance of the Osney CA, other than forming part of its wider setting. To the west lies the North Hinksey Conservation Areas and again the site does not contribute to its significance.

10.27. NPPF para 130 seeks that development amongst other things will “add to the overall quality of an area”; be “visually attractive as a result of good architecture”; and be “sympathetic to local character and history, including the surrounding built environment and landscape setting. The contribution of the landscape setting of Oxford to understanding the evolution of the settlement (historical value) as well as the contribution that it has and continues to make to the cultural life of the city (art, literature) is important.

10.28. Historic England advise that “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.” (HE GPA3).

#### Design and appearance and Heritage impact

10.29. The proposed development is of a contemporary architectural style and reflects similar R&D development in Oxford. Fronting the Botley Road the new building would read as two separate ‘blocks’ (providing flexible office and lab space) joined by a central glazed atrium (providing core facilities; staircases/ lifts / toilets etc), see fig 2 below showing the front elevation. Flues and plant would be incorporated at roof level. The building has been set back on the Botley Road to align with the properties on Earl Street and would sit behind Nos.165-167 Botley road to the west. It also sits outside Flood Zone 3b and incorporates a new landscaped public realm which would be floodable.

10.30. The main entrance would be located within the central glazed atrium accessed via the landscaped public realm to the front. The massing of the building is broken down within the façade through the use of glazed elements recessed within an articulated cladding, which frames the glazing. These glazed vertical bands are further broken down through horizontally articulated metal louvres. Chamfered fins adjacent to these glazed elements add further texture to the facade through their 3-dimensional form. These would also assist with shading and building cooling by preventing internal glare. The ground floor would for the most part be glazed with buff brick, underneath a colonnade which supports the upper floors.



*Figure 2: Proposed front (north) elevation to Botley Road*

10.31. The eastern 'block' would measure approximately 17.1m high to parapet and 19.65m high to the top of the louvered plant screen. Parallel to Earl Street, the third floor of this block is set back by approximately 3.9m and thus would measure approximately 13.3m high to top of the second floor parapet. The massing of the east elevation is further broken down through the use of bays projecting from the main darker materiality of this façade. At third floor the vertical glazing is in smaller bands which reduces the scale and massing and planting on the second floor roof would soften the impact and provide screening. The east elevation would be approximately 20.5m to the boundary with Earl Street and approximately 34.5m to 40.5m to the rear elevations of Earl Street properties (closest outrigger extension and main rear façade respectively). The louvered plant screen would be constructed in a zig-zag pattern to provide articulation. Flues are set back in the building close to the atrium. Figure 3 below shows the proposed east elevation of the building.



*Figure 3 Proposed side (east) elevation*

10.32. The western 'block' measures approximately 23.3m high (maximum) to parapet. The massing of the western façade of the building and the horizontality at roof level has been broken up again through the similar use of bays and varying the heights and slant of their parapets. The western elevation would be approximately 11m to the side /rear elevations of the adjacent Lamarsh Road properties (west) as existing and the rear access road to between the buildings would remain. To the rear, the elevation reflects the front elevation and overlooks the existing depot. Figures 4 and 5 below show the proposed side (west) and rear (south) elevations of the building.



*Figure 4 – Proposed side (west) elevation*



*Figure 5 – image of rear (south) elevation*

10.33. This development would be the first new R&D building to come forward on the retail park and represents a new typology which is supported by the TAN and as such necessitates a step-change in type, scale and quality of development in order to achieve this. The building would be a high quality contemporary design that would improve the existing character and appearance of this part of the City and would provide an appropriate gateway building into the retail park when travelling from the City Centre. The proposed materiality of brick, glass, aluminium, light and dark coloured cladding is considered acceptable in this location and could be secured by condition. Details of external lighting, CCTV and secure by design issues could also be secured by conditions.

10.34. The submitted Health Impact Assessment demonstrates the development would have positive health outcomes in regard to access to physical activity, active travel, crime and anti-social behaviour, economy and employment, education and skills and local natural environment and access to green spaces in accordance with RE5 of the OLP.

10.35. The height of the proposed building would rise above the height guidance within the Botley Retail Park DB, however this has been influenced by several determining factors. The Environment Agency has stipulated that any new building within FZ3 must not have a larger footprint than the existing building on site. This has restricted the overall footprint of the building and significantly constrained the amount of developable space within the red line boundary. Secondly, the overall footprint has been further dictated by the requirement to maintain a sufficient separation distance from the adjacent Earl Street properties in order to prevent an overbearing effect. In addition, R&D requires a minimum floor to ceiling height of 4m in order to provide the required ventilation and plant within the rooms necessary for the building to function and meet other health, safety and operational legislation. Finally, the quantum needed to bring forward the development of this

particular site for development, rather than conversion and extension of the existing warehouses.

10.36. Whilst it is acknowledged that the height of this building goes above the guidance set out in the DB, each site must be considered on its merits and the material considerations and constraints of the site. In this case the requirement of the EA and restriction on footprint is significant constraint and material consideration. So too is the need for an appropriate distance from the Earl Street properties. Officers are satisfied that the internal floor to ceiling heights have been reduced as much as possible to provide a good working environment internally within the overall viability of the scheme. As such it is considered that the design is justified and the height and massing of the building is sufficiently broken down through articulation and materiality. On balance therefore, it is considered that the height and massing of the building is acceptable in this case.

#### *Views*

10.37. Whilst the site is outside the designated view cones in Policy DH2, the development would be visible from closer views within the surrounding streets and in the long-range views looking west from high view points within the City Centre; Carfax Tower, St Michael's of the Northgate, Castle Mound and St George's Tower. A Townscape and Visual Impact Assessment (TVIA) and addendums, Heritage Statement and addendums, and summer and winter verified views have been submitted with the application. These show winter views which demonstrate the worst case scenario.

10.38. The TVIA concludes that the recesses and sculptural forms of the eastern elevation help to articulate this façade into three varied volumes, which combined with the setback on the third floor and sawtooth profiles in the roofscape create a reduced sense of scale, bulk and mass. This assists in the longer distance views whereby the horizontal breadth of the built form is disrupted to instead appear as a less prominent or broad structure in the wider setting to Oxford City centre. On balance it is considered that the development would make a positive contribution to the townscape and meets the principles of the Botley Road Retail Park DB, responding to local distinctiveness and setting the benchmark for future development in the area.

10.39. The key high level view in which the building would be most visible is from St George's Tower. In the winter view, the development would be visible within the existing suburban roofscape to the left of Seacourt Tower and against the more rural green backdrop. It would sit well below the skyline of the western hills and above the tree line which follows the River Thames but it would disrupt the trees along the Hinksey stream behind it, which form part of the landscape setting of the city and wider surroundings of the Central Conservation Area. It would not compete or distract from Seacourt Tower or other taller buildings within the view nor would it alter the character of the view. The materiality and colour palette, together with the articulation, varying roof heights breakdown the massing and scale and appearance within the view, including the flues. Green planting on the roof of the second floor of the east elevation would soften the visual impact and mitigate the disruption of the trees along the Hinksey stream by still visually linking the green across the building. Within summer views the existing trees within this view

soften and reduce the visual impact. The proposals would result in a moderate change to this view.

- 10.40. From Castle Mound the development in this view is heavily filtered and screened by the existing mature planting within the middle-ground of the view, even in the winter view, and would only just be glimpsed above the existing roofscape. It would not appear visually prominent, nor would it detract from the historic roofscape of the city or landscape backdrop of the western hills. The proposal would result in a very minor change to this view.
- 10.41. The development from Carfax Tower would be barely perceptible above the existing buildings which dominate the foreground of this view. It would sit in the distance against the backdrop of the hills, but below the skyline. The proposal would result in a very minor change to this view.
- 10.42. In both the summer and winter views from St Michael in the Northgate, the development would be just visible in the backdrop to the left of the copper spire of the Said Business School and below the Premier Inn building which sits on the horizon. The visibility of the proposed development is reduced owing to the darker material palette and the greater layering of the eastern elevation following the setting back of the third floor. As such the building would not be visually prominent and would not compete with nor distract from the Said Business School spire. It is considered that there would be a relatively minor change to the view.
- 10.43. Within closer range views, the building would be seen from the southern end of Hinksey Meadows in winter above and behind the existing retail warehouses. Views from Willow Walk are screened by the existing trees and shrubs. Whilst the building would be visible it would not significantly change the character of the view as a result. The articulation, materials and palette would help minimise the visual impact in this view and help it sit within the existing composition of the view. During summer the existing warehouses are not visible behind tree screening and these trees would help soften the visual impact during summer. As such it is considered that the proposals would result in a minor change to this view.
- 10.44. From Oatlands Recreation Ground, the development would result in a slight increase in the amount of built form above the existing houses that can be seen through the trees in winter. During summer this would be completely screened. The proposals would not significantly change the current view and therefore result in a minor change.
- 10.45. From the Botley Road, approaching from either direction along the Botley Road the development would be filtered by existing buildings and street trees along the road. These views are kinetic and the building would appear and recess or disappear depending on where you stand and the existing buildings and trees in front. The composition of the view would not change and the materiality, palette and articulation break down the massing and help it sit within the views. In close proximity, the scale change between the domestic scale buildings either side would be evident. Whilst this is would be a significant change to the street scene, it is considered that the position of the building (set back from the road and over 40m distance to the properties both east and north), together with the new tree and landscape planting would soften and filter views would mitigate the visual impact

of the building with the street scene. The development would result in an overall moderate change to views from the Botley Road and due to the high quality appearance and landscaping it is considered this would overall be a beneficial change.

10.46. There would be a glimpsed view of the building in the gap between the end of the terrace on Earl Street (No.17a) and No.7 Lamarsh Road adjacent. Whilst the new building would be visible, the existing trees in the garden of No.17a would help to screen this view.

10.47. From Brock Grove, the southern & western parts of Lamarsh Road and Botley Road Retail Park, the building would result in an increase in built form replacing the current warehouse in views and would be noticeably visible above the existing boundary enclosures and buildings. The composition of the views would not change as a result and due to the high quality appearance and landscaping it is considered this would be a moderate and beneficial change to these views.

#### *Impact on significance*

10.48. In terms of the Osney Town and North Hinksey Conservation Areas, it is considered that they would not be affected by the proposed development due to both the distance from the site itself and its lack of contribution to their significance, but also that their settings are well defined and include built form of scale on industrial sites along the Botley Road.

10.49. Due to the height and massing and visibility of the building to the west and within the views, the building would be evident within the landscape setting of Oxford and the setting of the Central CA (towers and spires) and to the setting of the Castle SAM (Mound and St George's Tower). Whilst the building would sit below the enfolding hills and within rural backdrop, by disrupting the views of the trees along the Hinksey River it consequently interrupts and removes the visible evidence that permits the observer to read and understand the contribution that the landscape makes to the significance of the Oxford, and the part that river and its tributaries play in the evolution of Oxford and as such cause harm to Oxford's landscape setting. It also would cause harm to the setting of Oxford's historic 'skyline' (dreaming spires) and the heritage assets that sit within the Central CA and which signals the location of the historic core of the city in its landscape setting. It would also harm the setting of the Castle and its topographic and historical setting and the views it gives to the west of the City. As such it is considered that the development would cause a moderate level of less-than-substantial harm to the landscape setting of Oxford, the setting of the Central CA and the setting of the Castle SAM. The level of harm would be to the lower rather than higher end of moderate.

#### *Public Benefits*

10.50. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In terms of considering the planning balance of public benefits against harm to designated heritage assets, paragraph 200 states that there should be a clear and convincing justification for

the harm. Paragraph 202 states that where a proposal will lead to less than substantial harm, that harm should be weighed against the public benefits including, where appropriate, securing the optimum viable use.

10.51. In terms of public benefits, National Planning Practice Guidance states that public benefits that flow from a development could be anything that delivers economic, social, or environmental objectives. They need to flow from the development and should be of benefit to the public at large and not just a private benefit, although benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

10.52. Officers consider that the development would result in the following public benefits:

- Provision of 620 jobs, a net increase of 580 on site, contributing towards Oxfordshire's wider economic vision and strategy and towards Oxford economic growth. A moderate level of weight is afforded to this;
- Provision of high quality research and development lab and offices contributing towards global Oxford as an attractive location for life sciences and Oxford's contribution to global problem solving. Flexible floorspace for a range of companies including home-grown spin out businesses on the back of the existing research capabilities, university graduates and the clustering effect of organisations with close ties in the City and in Oxfordshire. A moderate level of weight is afforded to this;
- Improvement to the character and appearance of the Botley Road as a result of the high quality architecture, signalling the regeneration of the Botley Road Retail Park and its connection to the West End and Osney Mead areas of change. A high level of weight is afforded;
- Provision of a new public open space with significant tree planting and overall increase in blue and green infrastructure within the development improving mental health and wellbeing. A high level of weight is afforded to this;
- Increased biodiversity of the City Centre and the retail park through new trees and soft planting to which a moderate level of weight is afforded;
- Provision of a contribution towards Botley Road improvements that would improve the junctions of the Botley Road with Lamarsh Road, Earl Street, Duke Street and the site access for pedestrians and cyclists and would benefit not only the site and occupants but wider road users travelling to and from the City Centre. A high level of weight is afforded to this;
- New pedestrian and cycleway access through the site. A moderate level of weight is afforded to this;
- The provision of car club spaces for use by staff and residents would reduce the use more sustainable travel, A moderate level of weight is afforded to this;

- Provision of EV charging for use by staff and residents helping to reduce air pollution in the City. A moderate level of weight is afforded to this.

10.53. In accordance with Historic England's 'Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment', it is considered that clear and convincing justification for the design of the building has been provided and the less-than-substantial harm to setting of the Central Conservation Area would be outweighed by the overall level of public benefits derived from the development.

### Summary

10.54. The development would result in a high quality development including high quality design, appearance and landscaping, that would enhance the appearance of the street scene and Botley Road public realm and signal the regeneration of the Botley Road Retail Park. In assessing the impact of the development, officers have attached great weight and importance to the desirability of preserving the setting of listed buildings and important protected views. Any harm caused has been clearly and convincingly justified. It is considered that the level of less than substantial harm that would be caused by the proposed development would be outweighed by the high level of public benefits that would result. As such the development would in accord with the NPPF and Policies DH1 and DH3 of the OLP and the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **c. Amenity**

10.55. 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. The nearest neighbours are the residential properties to the east on Earl Street and Nos.4-18 Lamarsh Rd, to the west is a first floor flat at Nos.165-167 Botley Road and opposite on Botley Road.

### *Privacy*

10.56. As set out above, the east elevation would be approximately 20.5m to the joint boundary with Earl Street and approximately 34.5m to 40.5m to the rear elevations of Earl Street properties (closest outrigger extension and main rear façade respectively). Currently, the existing warehouse building sits approximately 4.8m from the joint boundary and has no windows in the east elevation. As such, the increased separation distance between the existing residential properties and building would represent a significant improvement compared to the existing arrangement. Amendments have been made during the course of the application to set back the third floor along the eastern elevation facing Earl Street. As a result, there would be no ability from this floor to see down over the second floor roof parapet (and planting) into Earl Street properties. Other windows at first and second floors in this façade would be obscure glazed using a ceramic frit which would appear a dense white up to 1.65m high from internal finish floor level to prevent direct overlooking but still allow sufficient light inside. Above the fritting would be clear glass that essentially would be a high level window. To further mitigate any impact automated blinds would also be installed that would drop at



dusk to reduce light spill and sense of overlooking at night time. Both the obscure glazing and automated blinds could be secured by condition. Externally, new tree planting along the boundary and in the car park is proposed to supplement and provide additional screening over and above the existing trees on site and those within Earl Street gardens, also secured by condition.

10.57. It is acknowledged that the development may result in a perceived feeling of being overlooked by virtue of the number of new windows where there are currently none to the rear. It is considered on balance that the proposed mitigation measures together with the obscure glazing and overall distance from the rear façades of the Earl Street Houses of between 34m – 40m and 20.5m to the joint boundary, would be sufficient to mitigate the impact of the development such that refusal of the application is not warranted in this case. The obscure glazing, automated blinds and tree planting could all be secured by condition. As such there would be no significant adverse impact on Earl Street properties.

10.58. The western block of the building would be set back from the rear façade of Nos.165-167 Botley Road and approximately 11.5m distance to the closest side point. The first floor flat is a House of Multiple Occupation (HMO). Floor plans of this HMO show that the rear windows are to a small bathroom (closest to the development) and two windows to a bedroom. There is a shared kitchen and separate sitting room on the western side of the flat. The outlook and daylight to this bedroom is already compromised by the existing pitched roof to the warehouse building that sits in very close proximity (approx.1m) to the rear of the property along Lamarsh Road.

10.59. Whilst there would be windows in the west elevation of the building, the existing roof of the Lamarsh Road warehouse building would shield views towards these windows. In addition, the new building would be perpendicular and thus restrict views towards the Nos.167-167. It is considered therefore that there would be no direct overlooking or loss of privacy as a result.

10.60. Given the separation distance across the Botley Road and public realm, it is considered that the new development would not result in a overlooking or loss of privacy to these properties.

#### *Overbearing*

10.61. The existing warehouse building measures approximately 9.8m to ridge and 7m to eaves and stands approximately 4.8m away from the joint boundary with Nos.17a - 27 Earl street. It thus has an overbearing effect and creates an enclosed sense of space to the Earl Street properties. Some properties have trees in their gardens which mitigate the effect.

10.62. The proposed development would be approximately 20.5m away from the joint Earl Street boundary with Nos.18-32 Earl St, an increase of 15.7m. It would measure 13.3m high to the top of the second floor which would be an increase of approximately 3.5m. The third floor is set back a further 3.9m and would be 17.1m high, a further 3.8m higher. The articulation and materiality of the facades would serve to break down the massing and visual impact. Supplemental tree planting along the boundary would visually soften and provide further mitigation.

- 10.63. Although the new building would be higher and larger façade than existing , it would also be moved almost 16m further away from the joint boundary and provide a distance of between 34m–40m to the rear facades of Nos.18-32 Earl Street. When the height, proximity and overbearing impact of the existing building is taken into account it is considered on balance that the new building would not lead to a significant increase in overbearing effect and enclosure than currently exists to those properties the building currently effects. The flues would be sufficiently set back to restrict and mitigate views of them. The articulation, materiality and supplemental tree planting would sufficiently mitigate the effect further. As such it is considered that the development would not result in a significantly overbearing effect such would warrant refusal in this case.
- 10.64. In relation to Nos.29-32 Earl Street it is considered that whilst there would be a change in outlook, the distance, articulation, materiality and mitigation measures mean that again the development would not result in a significant overbearing effect such that refusal is warranted in this case.
- 10.65. In respect of Nos.4-18 Lamarsh Road, again the new building would be higher but would be moved away. Together with articulation, materiality and supplemental tree planting it is considered on balance that the new building would not lead to a significant overbearing effect on these properties.
- 10.66. To the west of the site, due to the existing warehouse buildings on that part of Lamarsh Road and the relationship between the new building and Nos.165-167, it is considered that there would be no significant overbearing effect as a result.
- 10.67. Given the distance and relationship of the new building to both the Botley Road properties and to Nos.165-167, it is considered that the new development would not result in an overbearing effect as a result.

#### *Daylight/sunlight*

- 10.68. A daylight and sunlight report and addendum have been submitted with the application. The impact of sunlight, daylight and overshadowing to gardens has been assessed using standard Building Research Establishment (BRE) Guidelines. For daylight this assesses both direct sunlight on an overcast day and distribution of daylight within a room. Any proportional reduction greater than 20% would result in a noticeable effect. In addition, the average daylight factor assesses the overall amount of diffuse daylight within a room accounting for external obstructions, the number of windows and their size in relation to the size of the room, the window transmittance and the reflectance of the internal walls, floor, and ceiling. For sunlight, annual probable sunlight hours is assessed, and again any proportional reduction greater than 20% would be noticeable. In all cases habitable rooms are considered more important than non-habitable.
- 10.69. For gardens overshadowing is considered in terms of adequate sunlight. This is taken to be at least half of a garden having at least two hours of sunlight throughout the course of the year or on 21st March (equinox). If this primary criterion is not met then the area that can receive two hours or more of sun on 21st March and any proportional reduction greater than 20% would be noticeable.

## Daylight and sunlight

- 10.70. In relation to Nos.17a-34b Earl Street the development would not result in a noticeable reduction in daylight and adequate provision would be maintained. In addition, all properties would still receive adequate sunlight.
- 10.71. However, the development would result in a reduction in daylight distribution to two ground floor rooms within Nos. 21 and 27 Earl Street respectively. The reduction to No.27 is only just over the 20% and when taken together with fully compliant direct daylight the effect is not considered significant such that in practice it would be noticeable.
- 10.72. At No.21 the ground floor room is under an external glazed canopy and there are external extensions to both the property itself and neighbouring property that mean it currently receives no direct daylight. The development would reduce the distribution of daylight to the room by more than 20%. However, given the light is so poor, in practice it is considered that the impact is unlikely to be noticed by the occupants. It would also still receive adequate sunlight. On balance, therefore it is considered that the development would not result in a significant adverse impact on light to the room.
- 10.73. Opposite the development, ground floor side windows to Nos. 13 to 15 and 17 Bullstake Close would see a reduction daylight. However, these are underneath the first floor and recessed back therefore the impact is disproportionate and would in reality unlikely to be noticed. Adequate sunlight would remain to all windows facing the development. On balance, therefore, it is considered that the development would not result in a significant adverse impact on light to these rooms.
- 10.74. To the west, two windows to the first floor flat at Nos. 165-167 would be affected. They would receive adequate daylight. However, whilst winter sunlight would be reduced, overall the windows would receive the recommended annual level of sunlight and as such good sunlight amenity. On balance therefore it is considered that the development would not result in a significant adverse impact on light to these rooms.
- 10.75. There would be no adverse impact on daylight or sunlight to other surrounding residential properties.
- 10.76. In terms of overshadowing and loss of garden amenity, all the Earl Street properties' gardens would receive at least 2 hours sunlight as a result of the development. For Nos. 29-33 Earl Street the development would result in a very small percentage reduction in sunlight of between 1-6%, which is well below the 20% reduction and therefore would not noticeable. Other gardens would not be affected at all. As such the development would not have an adverse impact on garden amenity as a result.

## Light spill

- 10.77. A Lighting Assessment has been submitted. Any light visible from within the building to residents on Earl Street would be mitigated by mature trees within their

gardens and new planting, sensor lighting and automated blinds. External lighting proposed would have precise optical control and a shielded downward light distribution on the new cycle path in close proximity with the east site boundary and the car park to avoid glare and light trespass. Other architectural lighting elements such as facade accent lighting and landscape accent lighting (if any) could be dimmable to enable the luminance of illuminated surfaces to be carefully controlled to avoid potential nuisance to neighbours in close proximity to the site. The details could be secured by conditions and as such there would be no significant adverse impact on residents.

### *Conclusion*

10.78. It is concluded that whilst there would be some impact on amenity as a result of the development subject to conditions, it is considered that it would not result in an effect that would warrant refusal in this case and as such it accords with policies H14 and RE7 of the OLP.

### **d. Transport**

#### Transport sustainability

10.79. 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.

10.80. 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.

10.81. Policy M5 and Appendix 7 sets out minimum cycle parking standards and for R&D uses this would be 1 space per 5 staff. 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.

10.82. The site is considered to be in a highly sustainable location with good access to public transport in and out of the City and within approximately 20 minutes walking distance of the railway station and Seacourt Park and Ride. A Transport Assessment (TA) and addendums have been submitted with the application.

## Access

- 10.83. The application proposes to use two the existing access points into the site. The existing primary access from Botley Road would still be utilised but only for visitors and delivery/servicing vehicles exiting the site. All staff would use the Lamarsh Road access. There would therefore be relatively few movements from this access. The County Highways Authority (HA) advises that whilst it would prefer to see it closed there is no objection to the continued use of this access.
- 10.84. The Lamarsh Road access would become the primary vehicular access, used by staff and delivery/servicing vehicles entering the site. It is also expected that Lamarsh Road would become a busier as a cycle route, given the new pedestrian/cycle route through the site and the HA request improved visibility splays in order to ensure protection of cyclists, secured by condition.

## Traffic Generation

- 10.85. The existing car park is not used to capacity. The TA shows there would be an additional 6 servicing and delivery vehicles in the peak hours as a result of the development. When considering the growth factors and looking at the existing retail use, the development equates to an additional 1.1% and 1.7% traffic in the AM and PM peak hour respectively. The HA advise that the development is therefore unlikely to cause a severe impact on the local highway network as a result and raise no objection.

## Car parking

- 10.86. Currently there are 158 car parking spaces on site and the proposal would result in a reduction of 84 spaces to 74 (3 disabled, 8 visitor bays and 63 for staff). This is a large reduction and equates to car parking for approximately 10% of on-site staff. 28 would have electric vehicle charging points including for visitors. Club spaces (minimum of 2 up to 5) would be provided. Both EV visitor spaces and car club spaces would also be made available for use by Earl Street residents. Parking on site would be restricted by permits or ANPR system and enforced by the on-site management team.
- 10.87. Policy M3 does not provide a car parking standard for R&D and each site is considered on its merits and on the basis of the TA. Further information within the TA addendum demonstrated that in comparison with other edge of town centre sites a 10% car parking provision is lower than all other comparable sites locations including within Oxford and elsewhere in England. Further, for a maximum of 620 staff on site there would be a proportion of vulnerable staff who could or would not want to walk to the Park & Ride or Railway station, for example those who work early or late hours, or those who would need to travel to other campus or research labs during the day. On the basis of the information provided the HA is a satisfied that a 10% car parking provision (63 spaces) is the absolute minimum car parking necessary to support the operation and function of the development and no objection is raised to the level of car parking.

- 10.88. For a development of this size a full Travel Plan would be required and secured by condition, together with a contribution towards future monitoring by the County Council.
- 10.89. The development would intensify the use of Lamarsh Road and existing access by staff and visitors at peak times when pedestrians/cyclists using Botley Road are at the highest levels. The Lamarsh Road junction has a history of accidents involving cyclists. There is expected to be approximately 620 staff on site and only 74 parking spaces, 9 of which are for visitors. The remaining staff (approximately 557) would need to travel by active and sustainable modes. A significant proportion of these are likely to walk and cycle and as such the infrastructure should be improved to make travelling by these modes safe and attractive. The County Council has therefore requested an Active Travel contribution towards the Botley Road corridor improvement works which would make it safer and more convenient for the high number of staff who need to travel sustainably to site as set out in the TA. Based on the Botley Road Corridor Scheme the figure requested is £246,750 (index-linked to January 2023) secured via a S106 agreement.
- 10.90. The active travel contribution relates solely to the south side of Phase 1.4 of the Botley Road Corridor Works, and essentially enable the works along the frontage of the site plus Lamarsh Road, Earl Street and Dukes Street junctions either side. The TA picks up on the fact there have been a lot of collisions involving cyclists and even points to the fact that priority is confusing on Lamarsh Road which these works will resolve. The works would also partly act as the sites access works with the applicant only needing to do the area within their site. This section of the Botley Road is possibly the most challenging for cyclists presently with poor visibility, confusion over priority and placement and lack of space so the improvement would improve the situation and tie-in to what has already been delivered to the west.
- 10.91. Other sites coming forward in the area will also be expected to contribute towards other phases of the corridor works based on size of development.
- 10.92. It is considered that given that the TA points to these works being important and beneficial to their site and their sustainable and active travel, and without contributions coming forward from all the developments in the area that the improvement work will not be finished and the wider public benefits lost. It is therefore important that contributions are secured to mitigate the impact of the development. As such the contribution is considered to meet all of the planning obligation tests being necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The Applicant has agreed to this contribution.
- 10.93. The provision of 28 electric vehicle charging points is in excess of the 25% provision requirement and as such accords with Policy M4, details of these could be secured by condition including use by Earl Street residents. The allocated car club spaces and use by residents could also be secured by condition. These would both provide a public benefit from the development.

Cycle parking

10.94. It is estimated that the proposed building would be occupied by a maximum of 620 members of staff. Cycle parking for 224 bikes is to be provided on site plus an additional 8 Sheffield stands (16 bikes) near the entrance to the building for visitors. The provision also includes for bicycle trailers cargo and electric bicycles. This level is above the required standard within the OLP. 160 of these spaces would be in the form of double stackers. Further information submitted shows that 164 of these spaces are provided in the form of Sheffield stands and this therefore means the minimum standard is achieved at ground level and those at upper levels are additional. On this basis the County raise no objection. Details of the stand could be secured by condition.

#### Delivery and Servicing

10.95. Delivery and servicing arrangements have been carefully considered and the HA consider that they are acceptable in principle. Vehicles would enter via Lamarsh Road and exit onto the Botley Road, because turning within the site is not possible. Deliveries and servicing must be outside of the network peak hours and would need to be included in a Deliveries and Servicing Management Plan, which could be secured by condition. Similarly, a Construction Traffic Management Plan (CTMP) would need to be conditioned which should also specify mitigation measures such as delivery times and banksmen on both accesses.

10.96. Subject to conditions and the contributions therefore, it is considered that the development accords with policies M1 to M5 of the OLP.

#### **e. Flood Risk and Drainage**

10.97. 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.

10.98. 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.

#### Flood Risk

10.99. A Flood Risk Assessment has been submitted. The site lies within Flood Zone 3 (FZ3) with parts in FZ3a and parts in FZ3b and therefore at high risk of flooding. The Environment Agency (EA) advised at pre-app that any new development in FZ3 must not have a larger footprint than existing because it would not be possible to provide flood compensation on a level for level basis across the site. This has been done as part of the proposed development.

10.100. The development use is classified as 'less vulnerable' and passes the sequential test for development within FZ3. The finished ground floor level has been modelled for the 1 in 100yr +26% climate change (EA standard) and 130mm above existing levels, therefore the risk of flooding at ground floor is low over the

duration of the building's life. In peak flood events occupants would be able to take refuge in the upper floors of the building. The site would be accessible to emergency services, based on expected depths and flow of water. As a result of the development there would be an increase in flood storage in times of flood of approximately 353m cubed, as the proposed footprint is smaller than existing. To mitigate any residual flood risk mitigations measures such as raised electrical circuits, concrete ground floor slab and flood resilient materials are proposed, together with occupants signing up to the EA flood warning system too allow early warning and evacuation.

- 10.101. Based on the information within the FRA, the EA has raised no objection to the development on flood risk grounds, subject to conditions, and as such the development accords with Policy RE3 and the NPPF.

#### Drainage

- 10.102. A Drainage Strategy Report and addendum report and Foul Sewer Assessment have been submitted with the application. The Lead Local Flood Authority (LLFA) has raised no objection subject to conditions (para 9.3 above).
- 10.103. The building would connect into existing sewer and water infrastructure and Thames Water has also raised no objection to this. The development would incorporate sustainable drainage (SuDs) measures including attenuation features including two blue roof systems, permeable paving for parking bays and hard landscaping, and two rainwater gardens to the north of the site fronting Botley Road.
- 10.104. Residents have raised a concern that the development may result in sewer flooding of gardens, which sometimes occurs to the adjacent properties. The Drainage Strategy sets out that the new SuDS blue roofs would hold surface water run-off and release it at a restricted rate into the existing sewer to prevent water surge. The roofs have been designed to accommodate the 1 in 100year storm plus 40% climate change without flooding. The rainwater gardens would also attenuate surface water and restricts its release to the below ground drainage network. Surface water falling on permeable paving would be attenuated in a porous sub-base and elsewhere surface water would be captured in a channel drain which also feeds in the porous subbase. The discharge water release would then be restricted and again it has been designed to accommodate the 1 in 100year storm plus 40% climate change without flooding.
- 10.105. Thames Water advise that the scale of the proposed development would not materially affect the sewer network (see paras.9.11-13) and the LLFA raised no objection to the proposed drainage strategy or SuDs including the roof attenuation and release into the sewer (paras. 9.6-9.9). The drainage has been designed to prevent surface water surging at time of flood into the sewers and takes account of climate change and whilst the residents' concern is understood, in the absence of any objection by either Thames Water or the LLFA it is considered that the proposed drainage strategy and SuDS are acceptable.



10.106. Subject to conditions securing the implementation and record of the Drainage Strategy and SuDS, the development accords with Policy RE1 of the OLP.

**f. Landscape and Trees**

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

10.108. 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.

10.109. 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.

10.110. An indicative landscape scheme has been submitted together with a Tree Canopy Cover Assessment. The site has mixed species self-seeded scattered trees cover running along its northern and eastern boundaries, and individual planted trees in a rectilinear grid within the car park hard surfacing. The trees within the car park are small, poor in condition and quality, evidently suffering from the common problems of isolated trees in hard surfaces, where the ground was probably poorly prepared for tree planting and conditions are generally inhospitable. Trees along the eastern boundary are more of a mixed stock but without any significant quality trees present. The trees along the northern boundary face onto the Botley Road and stand within a narrow, but evidently quite effective, soft planting strip. These trees are semi-mature or early mature and include limes, which have the potential to continue and increase in size and value as elements of the Botley Road tree cover. Street trees are an important defining characteristic of the streetscape and provide public amenity.

10.111. It is proposed to remove the 11 poor quality trees in the car park, retain the trees along the Botley Road and create a new landscaped area to the front of the building. New trees would supplement existing trees along the eastern boundary with Earl Street with a further line of trees running parallel along the new pedestrian/cycle path and car parking that run parallel. Overall, an additional 52 trees would be planted together with new soft planting, including rains gardens with native and biodiverse species.

- 10.112. It is considered that the removal of the car park trees is fully justified in this case as they offer limited public amenity and are poor quality. The proposed landscape strategy would be high quality and would significantly enhance the existing landscaping, street scene and eastern boundary as a result. The development would increase tree canopy cover over 30 years and provide enhanced public amenity. It is important that new trees within the hard surface are appropriately planted and have enough space to grow and thrive. This could be ensured by condition requiring a finalised landscape scheme and planting pits. Whilst there may be an adjustment to the final number of trees planted, it would likely only be by a few need adjustment within the visitor car park area and there would still be a significant increase in number of trees planted than existing and the mitigation would still be sufficient. Furthermore, Officers consider it would be better to have trees that have appropriate more space to growth and survive in good quality and health than resulting in poor quality existing specimens. The indicative approach to tree species and mix of trees is acceptable and overall the tree and shrub planting would provide enhanced native species and for biodiversity interest, which could be secured by condition. Neighbouring trees could be safeguarded by conditions requiring tree protection measures and details of underground utilities, and hard standing within root protection zones.
- 10.113. Subject to conditions the development accords with Policies DH1, G2, G7 and G8 of the OLP.

#### **g. Biodiversity**

- 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.
- 10.114. 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 '2017 Regulations'). The Habitats Directive is construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.
- 10.115. 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.

10.116. The application site is located in an urban area of Oxford. An Ecological Appraisal and Lighting Assessment were submitted in support of the application. A total of two internationally designated sites were identified within a 10km radius of the site, with the closest being Oxford Meadows SAC / SSSI located 1.1km north-east of the site. Notably the proposed site does fall within a SSSI risk zone, for the Oxford Meadows SAC / SSSI. Three different classifications of non-statutory designated sites were found within the 1km search area – Oxford City (County) Wildlife Sites, Local Wildlife sites and Conservation Target Areas. Four CWSs were found within the search area, the closest of which being the Field North of Osney Mead, located 80m south of the Site.

10.117. The presence of protected and notable species has been properly considered, and the only evidence is of nesting birds in scrub to the south-eastern extent of the site. Officers are satisfied that a robust assessment has been undertaken and the potential presence of protected habitats and species has been given due regard.

10.118. The proposed development would result in a reduction in the number of car parking spaces within the application site compared to the baseline and on this basis Officers are satisfied there is no prospect of effects on the Oxford Meadows SAC arising from road traffic emissions, or any other pathways, and therefore that a Habitats Regulations Assessment is not required in this case.

10.119. The Ecological Appraisal identifies potential impacts on the locally designated sites to the south of the application site in the form of dust and noise pollution during the construction phase. It is proposed that mitigation measures are adopted in a Construction Environmental Management Plan (CEMP) for Biodiversity. Officers consider that this would be appropriate and that a CEMP for Biodiversity could be secured by condition.

10.120. The report also specifies that construction noise should be minimised during the Reed bunting breeding season, as the species breeds within the Osney Mead Local Wildlife Site. It identifies this season as running from April to mid-May. However, the species is known to breed as late as August, therefore it would be appropriate for any avoidance/mitigation measures to extend for the full breeding period, secured within the CEMP.

10.121. The Ecological Appraisal identifies several invasive species within the application site, including Snowberry, Butterfly bush and two Cotoneaster species.

It considered that all invasive species should be removed from the application site and that a plan for the control and eradication of all such species is required, secured by condition.

- 10.122. A biodiversity metric completed in support of the planning application indicates the proposed development would generate a net gain of 0.56 habitat units (+118.84%) and 0.79 hedgerow units (+234.36%) on site which exceeds the policy requirement of 5% net gain. It is considered this could be achieved and delivered through a suitable Landscape Scheme and Landscape Ecological Management Plan (LEMP), both secured by condition. The planting schedule should include species of value to native wildlife, including pollinators, and should exclude any invasive species.
- 10.123. The Ecological Appraisal also recommends a range of faunal enhancements including bat, bird and invertebrate boxes (on trees and buildings). These are considered appropriate and details could be required and secured by condition.
- 10.124. The Ecological Appraisal states that a sensitive external lighting scheme would be designed to minimise light spill onto retained and proposed habitats. There is an opportunity to preserve and enhance the connectivity to the west of the site with the adjacent residential gardens and proposed landscaping in that area. A full lighting strategy for biodiversity should be required and secured by condition.
- 10.125. Officers are satisfied that the potential presence of protected habitats and species has been given due regard, a net gain in biodiversity would be achieved and subject to conditions listed, the development would accord with G2 and G8 of the OLP. Due regard has been given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

#### **h. Land quality**

- 10.126. 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 here 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.
- 10.127. The site lies within an area of high flood risk and on land which is designated as a sensitive aquifer which must be kept safe from pollution. Groundwater at this site is within a Secondary A aquifer and water levels are known to be shallow at around 1 – 3 metres below ground level.

- 10.128. A Geotechnical report has been submitted with the application. This identifies groundwater and water contamination. This contamination poses a potential risk to controlled waters and the aquifer as it is not far below the surface and to future occupiers as the water is not suitable for drinking. The report recommends further investigation to identify whether the source of the contamination is on site, particularly in view of an historic tank on site.
- 10.129. The EA has raised no objection to the development on the basis that the contamination can be further assessed and properly managed secured by conditions requiring further site investigation, remediation strategy and a verification report demonstrating the remediation has been undertaken.
- 10.130. Officers consider that further assessment of groundwater contamination should include a detailed quantitative risk assessment, further sampling for asbestos in made ground and ground vapour monitoring. Both the City Council and the EA should be informed as soon as the recommended further site investigation work has been completed on site.
- 10.131. Subject to the conditions is it considered that the development would accord with Policy RE9 and the NPPF.

**i. Air Quality**

- 10.132. Policy RE6 of the OLP has regard to air quality and states 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 NO<sub>2</sub> air quality objective (AQO). Policy M4 (Provision of Electric charge points) of the OLP 2036 requires a minimum of 25% of parking spaces to be provided with charging points on non-residential developments, and adequate ducting should be provided to all spaces to enable additional charging points in the future as demand requires.
- 10.133. The application has been submitted with an Air Quality Assessment (AQA). The air quality baseline desk assessment shows that current air quality levels at the application site are quite below relevant air quality objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. Therefore, the location of the application site is considered suitable for its intended use i.e. the introduction of future occupiers (new receptors) without mitigation.
- 10.134. The energy strategy states that the proposed development would be all-electric and not rely on the use of combustion sources as a primary energy supply including Air Source Heat Pumps (ASHP) and Photovoltaics (PV). Consequently, there would be no local air quality impacts anticipated.
- 10.135. According to the submitted Transport Statement, a total of 74 car parking spaces would be provided on site, resulting in a net decrease of 84 spaces, with 25% having EV charging infrastructure. There would be a net increase in light and heavy duty vehicles to the site. However, the AQA demonstrates the impact of the development on the local area would have an insignificant effect. The reduction in

parking spaces on-site and Travel Plan secured by condition would discourage car use and other more sustainable forms of transport contributing towards improved air quality. The EV charging infrastructure could be secured by condition.

10.136. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQA, which identified that there is a medium risk of dust soiling impacts due to the proximity of existing receptors to the proposed development. The sensitivity of the area for human health was classified as “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. Provided these measures are implemented and included within a dust management plan and secured by condition, the residual impacts are considered to be not significant.

10.137. As such the development would accord with RE6 and M4 of the OLP, subject to conditions.

#### **j. Archaeology**

10.138. 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.

10.139. 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.

10.140. 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.

10.141. The application proposal is of interest because it is located adjacent to a post-medieval causeway across the Thames floodplain in allocation that has general potential for floodplain archaeology (i.e. Neolithic/Bronze Age settlement activity between the beaded channels of the early Thames). The recent archaeological evaluation work for the Oxford Flood Alleviation Channel has demonstrated the dispersed character of prehistoric activity in the floodplain along

this section of the Thames, with Neolithic and Bronze Age activity sealed by Iron Age and later alluvial cover.

- 10.142. In this case, bearing in mind the scale of the proposed development, the site constraints and the development history of the site, it is considered that any below ground archaeology could be dealt with via a condition to secure a phased programme of works comprising controlled demolition followed by Stage 1: Post-demolition archaeological trial trenching and Stage 2: further mitigation by archaeological recording or design if required. As such the development would accord with Policy DH4 of the OLP and the NPPF.

#### **k. Sustainable Design and Construction**

- 10.143. 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.

- 10.144. An Energy and Sustainability Statement and two Addendums have been submitted with the application. These set out a building fabric first approach to construction with Air Source Heat Pumps (ASHP) providing heating, hot water and cooling and Photovoltaics (PV). Blue roofs are also provided. The development would achieve BREEAM 'excellent', which include a whole life carbon assessment and re-use of existing materials where possible. The information demonstrates a 42.2% carbon reduction over Building Regs Part L baseline. Subject to conditions securing the sustainable design and construction and further details of the PV, the development would accord with policy RE1 of the OLP.

#### **I. Noise**

- 10.145. The site is bound by Botley Road to the north and includes car parking provision to the north and south. The site is surrounded by commercial buildings to the west and south and existing residential dwellings to the north, east and west. The nearest noise sensitive receptors have been adequately identified as the residential dwellings located to the west and east of the site. Road Traffic and existing plant are dominant noise sources.

- 10.146. An acoustic assessment has been submitted to support the application. The proposed external rooftop plant comprises nine air handling units, three ASHP Chillers (to the west of site) and 2 x ASHPs (to the west of site) for hot water generation. Allowances have been made for tenant specific plant to the east and west of site.

- 10.147. It is considered that the plant noise levels have been adequately predicted as being below the existing background noise level at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. The Report suggests that mitigation is required to meet the plant noise limits and this may take the form

of screening and attenuators. All plant should be fitted with suitable vibration isolators, to prevent additional noise be caused through vibration.

10.148. The calculations show that the noise criteria of the proposed plant strategy would meet the Local Authority criteria during the operating period with specified mitigation in place and should not have an adverse impact on the nearest sensitive receivers (residents). This mitigation could be secured by condition.

10.149. An assessment of vehicle noise has also been undertaken to ensure the provision of car parking would not give rise to unacceptable noise to the nearest residents to the east. Appropriate noise criteria have been used and mitigation measures have been taken into account. It should be noted that the assessment does not say that residents must close their windows to mitigate any noise impact. It assesses the impact of noise from vehicles with the windows closed and partially open. On the basis of the assessment, it is considered that the use of the car park would not result in an adverse impact on the amenity of the dwellings or the residential gardens during the daytime and night-time.

10.150. It is considered therefore subject to conditions the development would be acceptable in environmental health terms and not adversely affect neighbouring amenity in accordance with policies RE7 and RE8 of the OLP.

#### **m. Utilities**

10.151. Policy V8 seeks to ensure there is sufficient existing utilities capacity to support the development and that the capacity will be delivered to meet the needs of the development. The siting and appearance of utilities infrastructure should be designed to minimise impacts on amenity and to be as unobtrusive as possible.

10.152. A Utilities Statement has been submitted with the application. The development would connect into existing utilities infrastructure. The existing electricity substation serving the site and neighbouring properties would be retained. However, it cannot support the development and a dedicated substation is required to serve the development. A new substation would be provided to the eastern side of the site which would provide the new transformers and also additional new below ground HV cabling, which would reinforce the local area network. Details of the details of the design and appearance could be secured by condition.

10.153. The whole development would be fully electric and no gas used. Any existing gas supply would be isolated and stripped out.

10.154. Water and sewer connections would be into the existing infrastructure. Thames Water advise that the scale of the proposed development would not materially affect the sewer network, and as such there is sufficient capacity. Regarding water, the development would provide a new main cold-water connection into the existing infrastructure. Thames water has advised there is sufficient water network infrastructure capacity.

10.155. The new development is proposed to be served by incoming connections from the infrastructure of a minimum of four (five proposed) telecommunications



network providers subject to availability in the broader area. Subject to confirmation by the telecoms providers, the development will be served by 'Fibre to The Premises' (FTTP) incoming connections. It is likely that new cabling would be required.

10.156. It is therefore considered that the development accords with Policy V8 of the OLP.

#### **n. obligations**

10.157. It is considered that the following matters should be secured through a section 106 legal agreement:

##### *City Council*

- Financial contribution £246,750 towards active travel road improvements to Botley Road in front of the site; and
- £2,563 for Travel Plan monitoring

##### *City Council*

- To allow the public to have access at all times to the new pedestrian and cycle route through the site from the Botley Road to Lamarsh Road from first occupation;
- Provision of a Community Employment Plan

## **11. CONCLUSION**

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

11.2. The development would make best and most efficient use of the site and provide a high quality and sustainable development. The principle of the use on this site in this location is acceptable. It would provide increased employment and meet the demand for high quality laboratories for life sciences and contribute towards Oxford's post-pandemic growth and global reputation. The development would positively enhance the character and appearance of the area through contemporary design and new public landscaped area to the front with Botley Road. Whilst visible in long distance views and result in a moderate level of less-than-substantial harm to the setting of the Central Conservation Area, this would be outweighed by the public benefits derived from the development.

11.3. The proposed use is acceptable within Flood Zone 3 and the development would have acceptable drainage scheme, including sustainable drainage measures, and not have an adverse impact on the functional flood plain or result in increased flood risk.

- 11.4. There would be a significant beneficial reduction in car parking, adequate cycle parking and no adverse impact on the highway. A contribution towards Botley Road improvements would be secured.
- 11.5. On balance, there would not be an adverse impact on neighbouring residential amenity from overlooking, overbearing, noise or light spill due to the proposed design, appearance and distance from properties and additional mitigation measures proposed and secured by conditions.
- 11.6. The NPPF has a presumption in favour of sustainable development. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted. Policy S1 of the OLP 2036 repeats this.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF and policy S1 for the reasons set out within the report. Therefore in such circumstances, planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8. Officers would advise members that having considered the application carefully 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 National Planning Policy Framework, 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.
- 11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and subject to conditions listed in Section 12 below and delegate to Officers to issue the decision notice.

## **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, flues 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.

#### Flood risk

4. The development shall be carried out in accordance with the submitted flood risk assessment (ref 2210106 Rev 3) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 57.69 metres above Ordnance Datum (AOD)
- There is no increase in built footprint and compensatory storage shall be provided as shown in Section 7.3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to ensure the development is safe in accordance with RE3 of the Oxford Local Plan 2036 and the NPPF.

5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and

approved in writing by the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the prior desk study to provide more information for a detailed assessment of the risk to all receptors that may be affected, including those off-site and further assessment of groundwater contamination to include a detailed quantitative risk assessment, further sampling for asbestos in made ground and ground vapour monitoring;
2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
3. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes that provides details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected;
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

6. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete and to ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016 - 2036.

7. If, during development, contamination not previously identified is found to be

present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

8. Notwithstanding any other conditions to this Planning Permission no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The scheme shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the requirements of in accordance with Policies RE1, RE7 and RE9 of the Oxford Local Plan 2036 and the NPPF.

9. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036 and NPPF.

#### *Drainage*

10. The approved drainage system shall be implemented in accordance with the approved Detailed Drainage Design and Sustainable Drainage Measures listed below prior to the use of the building commencing:

- Drainage Strategy Report Ref: 2210106 dated December 2022 and Drainage Addendum Ref: 2210106 Rev P1 dated March 2023 by ElliottWood
- Proposed Below Ground Drainage General Arrangement (Sheet 1 of 2) Drawing No: 1001, Rev P4
- Proposed Below Ground Drainage General Arrangement (Sheet 2 of 2) Drawing No: 1002, Rev P3
- Proposed below ground drainage manhole schedule Drawing No: 1100, Rev P4
- Typical below ground Drainage Details (Sheet 5) Drawing No: 3004, Rev

P1

- Ballasted Solar Panel Detail Drawing No: BR14 , Rev 1.02
- All relevant Hydraulic calculations produced via Microdrainage dated 09/03/2023

Reason: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

11. 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: To ensure that appropriate drainage and sustainable drainage are incorporated into this proposal in accordance with Policies RE1, RE3, RE4, RE7 and RE9 of the Oxford Local Plan 2036.

#### *Transport*

12. Prior to first occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan or updated version as first agreed in writing with the Local Planning Authority shall be given to every employee and visitor and the development shall be occupied in accordance with the Travel Plan at all times thereafter.

Reason: To promote the use of sustainable transport and to ensure all employees and visitors 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.

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

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

14. Prior to commencement of development including demolition and enabling works a Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works, and the works of demolition and constructions shall be carried out in accordance with the approved plan. This approved plan should include:
- The CTMP must be appropriately titled, include the site and planning permission number.
  - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of and approval of any road closures needed during construction.
  - Details of and approval of any traffic management needed during construction.
  - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
  - The erection and maintenance of security hoarding / scaffolding if required.
  - A regime to inspect and maintain all signing, barriers etc.
  - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided and undertaking to address complaints in a timely manner.
  - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
  - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
  - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
  - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
  - Any temporary access arrangements to be agreed with and approved by Highways Depot.
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

15. Prior to first occupation of the development a Delivery and Servicing Management Plan including contact details for staff responsible for delivery management and details of the servicing and delivery vehicles to be used shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall set out how deliveries will be managed and demonstrate how impacts will be minimised including congestion, safety, noise and how zero or ultra-low emission and last mile opportunities will be considered. Delivery and Servicing shall not take place between the peak hours of 07:30-09:30 or 16:00-18:00 and vehicles must enter via Lamarsh Road and exit onto the Botley Road. The development shall be operated in accordance with the approved Plan from first occupation of the development and at all times thereafter.

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

16. Prior to the commencement of the development hereby approved, full details of the works to the Lamarsh Road access including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and thereafter retained.

Reason: In the interest of highway safety and provide adequate road infrastructure in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

17. Prior to first occupation of the development visibility splays measuring 25m by 2.4m shall be provided to each side of the access on Lamarsh Road. This visibility splay shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level and shall be maintained as such for the lifetime of the development.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

18. Prior to the commencement of development excluding demolition and enabling works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- Plan identifying the location of EV charging points;
- A minimum of 28 electric car charging points within the whole car parking areas (staff and visitors) and at least 25% of the amount of permitted parking of the commercial development;
- Appropriate cable provision to prepare for increased demand in future years.
- A plan identifying spaces within the visitor car park area accessed from



Botley Road for use by Earl Street Residents.

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

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

19. Prior to the occupation of development excluding demolition and enabling works, details of the car club spaces within development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following provision:

- A plan showing the location of car club spaces;
- A minimum of 1 and maximum of 5 car club spaces within the whole car parking areas for the development;
- A plan identifying spaces within the visitor car park area accessed from Botley Road for use by Earl Street Residents.
- Details of the car club operator and car club scheme.

The car club spaces shall be formed and laid out in accordance with these details before the development is first in operation and shall be retained of the lifetime of the development. The car club spaces shall be used in accordance with the agreed car club operators scheme on first occupation and thereafter for the duration of the development, or as may be updated and revised as necessary by the Local Planning Authority.

Reason: In order to ensure sustainable modes of transport and mitigate the impact of the development on the highway network in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

20. The Electric Vehicle charging points approved under condition 18 and the Car Club parking spaces approved under condition 19 shall be made available for use by Earl Street residential occupiers for the lifetime of the development in accordance with a management scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or any updated scheme as maybe approved by the Local Planning Authority, or as may be updated and revised as necessary by the Local Planning Authority. The scheme shall include details of how the spaces will be allocated (e.g. permit scheme), monitored, hours available for use by residents and details of person(s) or company who would manage their use.

Reason: In order to ensure sustainable modes of transport and mitigate the impact of the development on the highway network in accordance with Policies M1, M2 and RE7 of the Oxford Local Plan 2036.

21. No development shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority which shall include:
- the complete list of site specific dust mitigation measures and recommendations that are identified in Table C1 (pages 39-41) of the Air Quality Assessment submitted with this application.
  - Notification in writing to all occupiers surrounding the site at least 21 days prior to the commencement of any site works, including the nature and duration of works to be undertaken.
  - Local residents to be kept informed of significant demolition or construction works including those out of agreed hours or days of working at least 14 days in advance and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
  - All waste materials and rubbish associated with demolition and/or construction shall be contained on site in appropriate containers which, when full, shall be promptly removed to a licensed disposal site. No waste materials shall be burnt on site of the development hereby approved.

The development shall be completed in complete accordance at all times with the approved CEMP.

Reason: To ensure that the overall dust impacts during the demolition and construction phase of the proposed development will remain as “not significant” and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the results of the dust assessment and with Policies RE6 and RE7 of the new Oxford Local Plan 2036.

#### *Noise*

22. 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 ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the development in accordance with RE8 of the Oxford Local Plan 2036.

23. All plant and ducting installed at the development or any replacement 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 ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration or other emissions from the building site in accordance with RE8 of the Oxford Local Plan 2036.

24. Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from the building site in accordance with RE8 of the Oxford Local Plan 2036.

#### *Secure by Design*

25. Prior to first occupation a detailed security and access strategy shall be submitted to and approved by the Local Planning Authority. The strategy shall demonstrate how building security will be managed to prevent unauthorised access. This strategy shall include details of secure lines and access control points, and how these will protect secure areas of the development. The strategy must demonstrate how the proposed approved layout of the building would be able to be adapted to securely accommodate any of the proposed uses. The approved strategy shall be implemented on first occupation and thereafter be maintained for the lifetime of the development unless an alternative scheme shall be approved in writing by the Local Planning Authority.

Reason: In the interest of Secure by Design in accordance with Policies RE7 and DH1 the Oxford Local Plan 2016-2036.

#### *Design and appearance*

26. Notwithstanding the submitted plans, prior to first occupation further details of the outside tables, seating, bollards, bins, gates, substation and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and there after retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality design and public realm in accordance with DH1 of the Oxford Local Plan 2036.

27. Prior to first occupation an external lighting and CCTV schemes 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 in accordance with recommended lux levels by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding

luminaires, in accordance with the Guidance Notes. Consideration must be given to impact on biodiversity. The approved details shall be installed and maintained thereafter.

Reason: In the interests of Secure by Design, Biodiversity, and neighbouring amenity in accordance with Policies DH1, RE7 and G2 of the Oxford Local Plan 2036.

28. Notwithstanding the submitted details prior to commencement of development excluding demolition and enabling works, detailed plans at 1:50 shall be submitted to and approved in writing by the Local Planning Authority showing the permanent obscure fritting to windows at first and second floors of the eastern elevation facing Earl Street. The obscure glazing shall reach 1.65m above internal finished floor level. The development shall be completed in accordance with the approved details prior to first occupation of the development and shall be retained at all times thereafter, including replacement window glazing.

Reason: To prevent direct overlooking from the development in the interests of privacy and neighbouring amenity in accordance with Policies DH1 and RE7 of the Oxford Local Plan 2036.

29. Notwithstanding the submitted details, a scheme for the automated internal roller blinds to all windows including detailed plans at 1:50, technical specifications and long-term maintenance shall be submitted to and approved in writing by the Local Planning Authority. The blinds shall be installed prior to first occupation and retained at all times thereafter. The development shall be occupied and the blinds operated in accordance with the approved Scheme at all times.

Reason: To mitigate the impact of the from the development from light spill and feeling of being overlooked in the interests of neighbouring residential amenity in accordance with Policies DH1 and RE7 of the Oxford Local Plan 2036.

#### *Archaeology*

30. 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 agreed WSI comprising Stage 1: archaeological trial trench evaluation and Stage 2: further mitigation by archaeological excavation or design if required, which shall include the statement of significance and research objectives, and;

- The programme and methodology of site investigation and recording [consisting of post-demolition trial trenching followed by further mitigation (i.e. open area excavation and/or a watching brief) as required] and the nomination of a competent person(s) or organisation to undertake the agreed works, working to a brief issued by the City Council;

- 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: 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 remains in accordance with Policy DH4 Oxford Local Plan 2036.

### *Ecology*

31. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of all Cotoneaster species, Snowberry and Butterfly bush on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To prevent the spread of cotoneaster species in accordance with the Wildlife and Countryside Act 1981 (as amended), and to remove all other invasive non-native species identified to enhance biodiversity in accordance with the National Planning Policy Framework and Oxford Local Plan 2036.

33. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall then be carried out and shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
- h) Use of protective fences, exclusion barriers and warning signs;

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

Reason: The prevention of harm to species and habitats within and outside the site in accordance with Policy G2 of the adopted Oxford Local Plan 2036.

34. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed on site;
- 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 organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

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

Reason: The prevention of harm to species and habitats within and outside the site, and the delivery of biodiversity net gain in accordance with Policy G2 of the Oxford Local Plan 2036.

35. Prior to occupation of the development, a scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include bat roosting and bird nesting devices, including boxes for building dependent bird species such as swift, in addition to invertebrate houses. The approved devices and houses shall be fully constructed prior to occupation of the approved development and retained as such thereafter, unless otherwise approved in writing by the local planning authority.

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

36. Prior to occupation, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in

accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended) and Policies G2 and RE7 of the Oxford Local Plan 2036.

#### *Trees/Landscape*

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

Reason: In the interests of visual amenity and residential amenity in accordance with policies DH14, RE7, G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

38. The Landscape Plan as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

39. 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.

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

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

41. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees on site and on adjoining land or neighbouring gardens during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

Reason: To avoid damage to the roots of retained trees in accordance with policies CP1, CP11 NE 15 and NE16 of the Oxford Local Plan 2001-2016 and CS12 of the Oxford Core Strategy 2011-2026.

43. No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works



shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

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

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

#### *Sustainable Design and Construction*

45. The development shall be implemented in strict accordance with the approved Energy Statement and two Addendums by Twin Earth 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.

46. Notwithstanding condition 45 above, prior to construction of the development above slab level further details of the photovoltaics including siting, rake, number (including roof, elevations and section drawings) 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.

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

### **13. APPENDICES**

- **Appendix 1** – Site location plan
- **Appendix 2** – ODRP letter

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

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

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

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