

OXFORD CITY PLANNING COMMITTEE

07.10.2025

Application number: 25/00799/FUL

Decision due by 16th October 2025

Extension of time None

Proposal Demolition of existing retail store (Use Class E). Erection of new building at 2 to 3 storeys (with basement) to provide Use Class E floorspace comprising use for research and development and offices. Service area, landscaping (including low walls to London Road and Stile Road), cycle parking, bin stores, and alterations to access off Stile Road.

Site address 152 London Road, Headington, Oxford, OX3 9ED
– see **Appendix 1** for site plan

Ward Quarry And Risinghurst Ward

Case officer Tracy Harvey

Agent: Mr Nik Lyzba **Applicant:** Cantay Estates Ltd

Reason at Committee Major Development

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.2 **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

1.3 **Agree to delegate authority** to the Director of Planning & Regulation to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Director of Planning and Regulation considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and County Planning Act 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 Director of Planning and Regulation considers reasonably necessary; and

Complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the redevelopment of the existing Co-Op store, with a scheme for the erection of a Class E (Commercial) building for use for research and development and offices. The building would be 2 and 3 stories high with a basement. The overall building mass would extend in height from 2 storeys on the boundary with St Andrews CE Primary School and 5/7 Stile Road rising to 3 storeys on the corner of London Road and Stile Road. A service yard is proposed to the rear accessed off Stile Road.
- 2.2. The report considers the proposal having regard to its location within, but on the edge of Headington District Centre, and adjacent to Old Headington Conservation Area and St Andrews CE Primary School, as a late Victorian school building.
- 2.3. The report considers the policies for Class E and retail development having regard to its location in the District Centre. The report also notes that as the site is located in a sustainable position on a main arterial road, that the principal of the proposed use is acceptable.
- 2.4. However, it is recognised that the site is located on an open and prominent position on London Road, on the edge of the District Centre where the District Centre merges with the surrounding suburban character of Headington, where the building vernacular is of two storey scale. The report considers that the scale and massing of the building occupying a wide and deep frontage, along with an overall building height of some 13m would not result in a significant or incongruous building form. The proposed building has been designed to reflect the lower heights of the adjacent buildings. The proposed building is appropriate in its design, siting and context.
- 2.5. Officers have considered the wider impact of the building from long range views from Elsfield. The building would not be visible from this view and would not sit in the view cone of the historic skyline. In local views its staggered position closer reflecting the adjacent building lines, result in its scale, height and massing would not be visually discordant in the streetscape, it would not be out of character with this part of the District Centre, or detrimental in views along London Road/Stile Road.
- 2.6. Officers have considered the views from Bury Knowle Park and the setting of Old Headington Conservation Area. The significance of the Conservation Area has been assessed and the views of the site considered from Bury Knowle Park. It is considered that the development would be acceptable in this view and the development would not harm the setting of Old Headington Conservation Area. Additionally, it would not harm the setting of the listed wall that bounds Bury

Knowle Park. Officers consider that the proposal by reason of its siting, scale, height and massing would cause no harm and take into account the effect of the development on the significance of St Andrews Primary School, as a non-designated heritage asset.

- 2.7. Officers have considered the highway implications of the development and concluded that the application is supported by an appropriate assessment of the existing trip rate of the existing retail store and note that the local public car parks have been surveyed to assess whether there is capacity to meet the occasional demands the development may place on these car parks and to assess highway impact. Officers also note that the site is in a Controlled Parking Zone (CPZ). The car-free approach to the development is supported.
- 2.8. The report considers the impact of the siting, scale, height and massing on the amenities of the school, children's education and local residents and considers the impact on noise, daylight/sunlight, outlook, privacy and shading. Officers consider from the supporting documentation that the proposal would not harm the amenity of the school, children or local residents through loss of privacy or adverse impacts on amenity/use which cannot be controlled through the use of conditions.
- 2.9. Finally officers have assessed the impact on land quality, trees, wildlife, drainage, SuDS and air quality to be acceptable, however have had regard to the sustainability requirements of policy RE1 of the Oxford Local Plan and that the applicant has demonstrated that the development provides evidence of exceeding the Councils target of 40% reduction in carbon emissions.
- 2.10. Subject to the imposition of appropriately worded conditions and a section 106 legal agreement, the development would accord with all policies in the Oxford Local Plan 2036 and 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), UN Convention on the Rights of the Child (UNCRC) and the Wildlife and Countryside Act 1981 (as amended)..

3. LEGAL AGREEMENT

- 3.1 This application is subject to a legal agreement with:

Oxfordshire County Council to secure:

- £3,840 Traffic Regulation Order (if not dealt with under S278/S38 agreement) towards removal of parking bay space and installation of e-bike hire parking
- £2,035 Travel Plan Monitoring
- Off-site highway works:
 - Stopping up of car park access off Stile Road
 - Changes to the servicing access off Stile Road
- Undertaking to enter into a S278 Agreement for highways works.

Oxford City Council to secure:

- Biodiversity Net Gain
- Community Employment and Procurement Plan

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL amounting to £353,122.32.

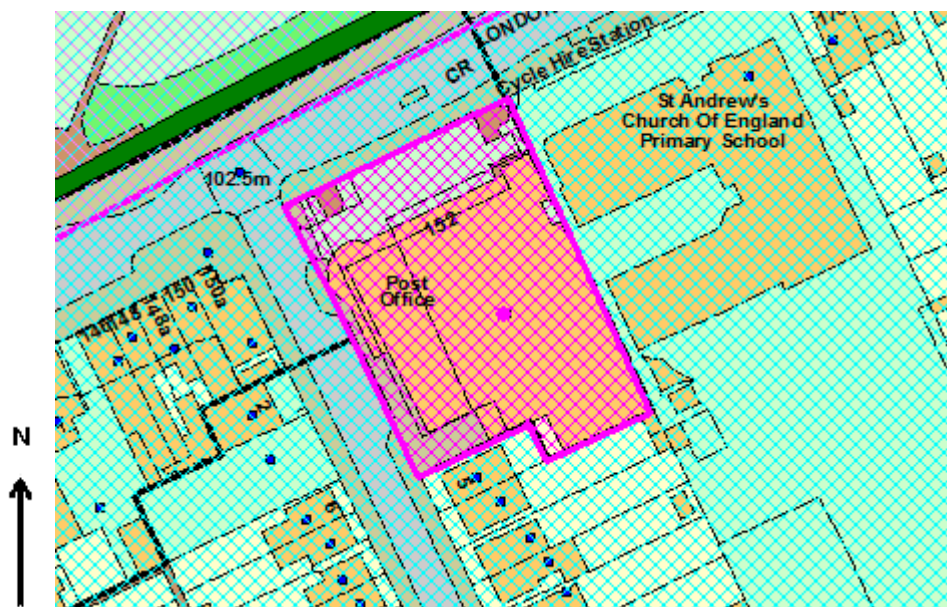
5. SITE AND SURROUNDINGS

5.1. The application site comprises the existing Co-Op local store, located fronting onto the London Road in Headington. The existing building is a white clad low level structure with a wide frontage and plan depth occupying a corner plot on the corner of London Road and Stile Road. The building is characterised by a mainly flat roof, with a linear second storey in part, with projecting canopy to the front and side. To the front of the shop is a car park which serves the store. To the rear is the servicing area for loading/unloading.

5.2. The site lies within, but on the edge of Headington District Centre as defined in the Policies Plan of the Oxford Local Plan, within primary shopping frontage. The site thus has a mixed commercial and residential character. To the west of the site across the junction with Stile Road is a retail unit on the ground floor and residential above. To the east is St Andrew's Primary School. To the south is Stile Road, which is a road comprising Edwardian semi-detached houses. Across the site, to the north of London Road, is Bury Knowle Park.

5.3. The application site lies just outside of the boundary of the Old Headington Conservation Area, which is on the north side of London Road and includes Bury Knowle Park.

5.4. See location plan below:



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6. PROPOSAL

- 6.1. The application proposes to demolish the Co-Op building and to redevelop the site to provide a Class E (Commercial) building for research and development (R&D) and offices.
- 6.2. The main entrance to the proposed building would be from the front (London Road). This entrance would open onto a lobby and circulation space including WC's, a lift and a goods lift. Large open plan rooms are shown for office/R&D on the ground, first and second floors. The staff entrances would be from a service area accessed from Stile Road.
- 6.3. The proposed building would be 4 storeys overall including a basement. The highest point would be on the corner of London Road with Stile Road. The heights of the building drop down to reflect the height of the existing structures towards St Andrews School and 5/7 Stile Road.
- 6.4. The 'T' shaped basement level extends under the building on the London Road and Stile Road frontages. The rooms within the basement are labelled as storage on the submitted plans along with plant, comms and electronics room. An area has been identified as bike storage along with shower rooms. Both the lift and goods lift both extend into the basement.
- 6.5. At first floor level an open air plant area is proposed which contains the Air Sources Heat pumps (ASHP's) and other plant. Within the building running parallel to the primary scheme a mezzanine area, within the roof space, is lit by roof lights. The mezzanine floor is set approx. 4m from the sides of the building and some 1.6m below the glazed area of the rooflights. This building also contains a number of roof line solar panels. Further solar panels are shown on the roof of the three storey element of the building.
- 6.6. To the rear of the site there would be a gated service yard to serve the building. This service area would contain the bin store and bike storage along with seating areas and planting.
- 6.7. The plans indicate the building would comprise the use of two complementary bricks. Buff bricks are proposed for the higher corner section of the building. Red brick is proposed to the areas of the building closest to neighbouring properties. The fenestration is proposed in a symmetrical manner with aluminium frames and reconstituted stone reveals. The roof plans would include zinc metal roof, green roof sections to the part of the building located on the site's frontage with London Road and the erection of PV panels.
- 6.8. The application scheme is proposed to be car free development. There is an existing lay by on Stile Road which would continue to provide car parking space. However, the southern end would be converted to e-bike and e-scooter parking.

7. RELEVANT PLANNING HISTORY

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

21/03361/FUL - Demolition of existing retail store (Use Class E). Erection of new building at 1 to 5 storeys containing retail store (Use Class E) and hotel (Use Class C1). Service area, landscaping, cycle parking, and drop off bays on Stile Road. REFUSED 16th March 2022.

23/00272/FUL - Demolition of existing retail store (Use Class E). Erection of new building at 1 to 4 storeys containing retail store (Use Class E) and hotel (Use Class C1). Service area, landscaping, cycle parking, and drop off bays on Stile Road. Appeal dismissed. Decision notice attached as **Appendix 2**

23/00386/OUT - Outline application seeking the approval of access, layout and scale for the demolition of existing retail store (Use Class E). Erection of new building at 2 to 4 storeys to provide Use Class E floorspace comprising use for research and development and offices (including Life Sciences); ground floor coffee shop. Service area, landscaping, cycle parking, and drop off bays on Stile Road. Withdrawn.

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	131-141	DH1 - High quality design and placemaking DH6 - Shopfronts and signage DH7 - External servicing features and stores AOC6 - Headington District Centre		GSP4 - Protection of the setting of the site CIP1 - Development respect existing local character CIP2 - Protecting locally important views CIP3 - Innovative design
Conservation/Heritage	202-221	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets		CIP4 - Protecting important assets
Commercial	85-87	V1 - Ensuring the vitality of centres V4 - District and Local Centre Shopping Front		

		V5 - Sustainable tourism		
Natural environment	152-188	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		
Social and community	96-102	V6 - Cultural and social activities V7 - Infrastructure, cultural and community RE5 - Health, wellbeing, and Health Impact Assessment		
Transport	109-118	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	TRP1 - Parking at major employment sites TRP2 - Connectedness
Environmental	7-14, 124-128, 162-182, 187-201	S1 - Sustainable development RE1 - Sustainable design and construction RE2 - Efficient use of Land RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	

Miscellaneous	7-14	V8 - Utilities RE7 - Managing the impact of development	External Wall Insulation TAN,	
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9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 20th May 2025 and 5th August 2025. An advertisement was published in The Oxford Times newspaper on 29th May 2025.

Statutory and non-statutory consultees

Active Travel England

- 9.2 Active Travel has no comments

Environment Agency

- 9.3 The proposed development will be acceptable if the 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.

- 9.3 The previous history of the proposed development site as fuel station with accompanying car servicing and car washing facilities with potentially 5 foam filled tanks and 7 concrete slurry filled tanks beneath the site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive and vulnerable in this location because the proposed development site is located upon a secondary aquifer A with no superficial deposits.

- 9.4 In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework.

- 9.5 Two informatives for the applicant are suggested on Dewatering and On-site Waste.

- 9.6 In relation to Wastewater, in recent months, Thames Water has presented a programme of work, providing certainty it can provide capacity for planned growth and greater confidence in delivery, so water quality will be protected, and communities in the area can have the water services they need, while allowing projected growth to come forward.

Historic England

- 9.7 Do not wish to offer any comments

Natural England

- 9.8 No Objection – based on the plans submitted, the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.
- 9.9 Lye Valley Site of Special Scientific Interest – the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Oxfordshire County Council – Children’s Services

- 9.10 Oxfordshire County Council’s Children’s Services Directorate, on behalf of St Andrew’s Church of England Primary School has a number of concerns.
- 9.11 The applicant’s updated scheme in response to the previous refusal and appeal dismissal (application ref. 23/00272/FUL) the proposal has given rise to a wide range of significant concerns. The concerns arise from its role as provider of education services to the School, which is part of its statutory responsibilities.
- 9.12 The main concerns can be summarised as follows:
- Overbearing nature of development
 - Health and Safety
 - Safeguarding concerns

- 9.13 In summary, it is considered that the proposal does not accord with a number of the policies in the Local and Neighbourhood Plans, or with the spirit of those policies.

Overbearing Nature of Development:

- 9.14 The proposed development has been modified in response to the reasons for refusal of the previous application / appeal case which has led to a better, stepped, design. However, the proposal remains tall and monolithic in the context of an otherwise suburban locality with two storey development to the east and south and an open aspect to the north.
- 9.15 The proposal is for primarily 2.5-3 storey buildings; however the scale of the proposed building is still significantly larger than the scale of development in the block within which it is situated. The proposal site belongs to the character area situated east of Stile Road which has a “*more relaxed, domestic, lower scale character*” (paragraph 5, appeal ref. APP/G3110/W/23/3322566).
- 9.16 When looking at the northern elevation, the proposal steps up as it moves away from St Andrew’s School (a non-designated heritage asset). There are three main building heights proposed on this façade – 6.5m, 11.3m, and 12.5 from east to west. The School’s roofline measures to 7.5m. Whilst the closest section of the proposed building has a shorter roof height than the School’s the next section jumps up 4.5m, and then an additional metre in the final section. This is not reflective of the lower scale, domestic style that is existing of the area. For example, the 2 storey semi-detached houses along Stile Road measure to be 8m.

- 9.17 Furthermore, the proposal does not reflect the existing building line that all other development maintains to the east of Stile Road. The existing building line is shown in blue in the image below, whilst the proposed building line shift more than 2m closer to the road. This further stepping “*would give the building a prominent and bulky appearance when seen from both east and west along London Road*” (paragraph 6, appeal ref. 3322566).
- 9.18 Policy DH1 of the local plan highlights the importance of providing high quality design that creates or enhances local distinctiveness. Supporting paragraph 6.2 of the above policy states that development should be informed by the characteristics of the site and its setting, including the pattern, character and appearance of the streets, buildings and spaces. This is further supported by the Headington Neighbourhood Plan Policy CIP1 which notes that new developments must respond to and enhance the distinctive local character.
- 9.19 St Andrews CE Primary School is a non-designated heritage asset that is a primary feature along the London Road. It is now included on the Oxford City heritage Assets Register which provides further details of its local significance. The proposed height (5m higher than the roofline of the School) “*combined with the slight forward step in its building line adjacent to the school, would give the building an overbearing presence next to the school when seen from both east and west along London Road and would erode its setting*” (paragraph 10, appeal ref. 3322566).
- 9.20 In light of the above, the proposed scheme remains too bulky and out of character with the local area and therefore does not comply with policies DH1 of the Local Plan and CIP1 of the Neighbourhood Plan.

Health and Safety:

- 9.21 The construction phase of the development proposals give rise to a number of concerns which have not been adequately addressed in the application submission thus far. Further information is required in order to be able to properly consider the impact of the development on the School, its staff and pupils. In particular further information is required in the following areas:
- 9.22 1. *Air Quality (dust and asbestos)* - the submitted air quality assessment (section 4) appears to downplay the sensitivity of the school’s occupants by instead referring to them in the round in table 8, together with other receptors in the area, and determining that collectively the receptors will experience no greater than medium sensitivity to impacts overall. This then translates to an overall assessment of a low risk of impacts from dust overall (table 9). It is highly unlikely in practice that the proximity (only 0-20 metres) of the construction site to the school will not give rise to materially significant impacts at times during the construction period, especially give the prevailing wind direction which will tend to blow dust and debris from the application site onto the school site
- 9.23 The applicant’s Rapid Health Assessment rather strangely assesses the potential health impacts from dust / noise / vibration and odours as positive and proposes no mitigation, yet this cannot be the case given that the dust assessment in the

air quality report confirms there will be negative effects and that they will need to be mitigated to (in their view) make the development acceptable.

- 9.24 No asbestos assessment has been provided in support of the application proposals and this is a further omission which must be rectified and – if asbestos is found to be present – fully addressed and a mitigation strategy agreed prior to a decision being made on the application because it is of fundamental concern to the School given the proximity of pupils and staff to the application site and the prevailing wind direction.
- 9.25 A more detailed assessment of the effects of the development on air quality and an asbestos survey and impact assessment – looking at the specific context of those who will be most impacted (i.e. the school and neighbouring residents) - should be undertaken to properly inform decisions in this regard. Without additional evidence that satisfactorily assesses and proposes mitigation for the impacts of the development on the School, its staff and pupils, the proposal will be contrary to Local Plan policies RE5, RE6 and RE7 (health, air quality and the impact of development). and the NPPF (in particular paragraph 199). It should be noted that schools are mentioned in policy RE6 as being ‘sensitive uses’ in the context of air quality.
- 9.26 2. *Noise and Vibration* – the applicant’s noise assessment only considers the impact of the development on the amenity of future occupants of the offices, and not the noise impacts of the proposed development on the surrounding areas. Again, this additional analysis must be undertaken to enable decision-makers to understand whether the proposals will give rise to acceptable development or not. The Health Impact Assessment indicates the effect on adjacent users will be positive, but this cannot be verified without any assessment having been undertaken. No assessment of vibration impacts has been made and this will also need to be addressed in further submissions.
- 9.27 Furthermore, details of noise during construction has not been submitted. It is considered that noise levels during demolition and construction will be high and will impact on the learning environment for people within the School. Details of how this will be mitigated so as to not impact on the School should be provided within a Construction Environment Management Plan (CEMP).
- 9.28 Without further assessment work that satisfactorily assesses and mitigates the impacts of the development on the School, its staff and pupils, the proposal will be contrary to Local Plan policies V5 (sustainable tourism), RE8 (noise and vibration) and M2 (assessing and managing development) in respect of noise and vibration impacts. They are also contrary to the NPPF (paragraph 198 in particular).
- 9.29 3. *Construction Environment Management Plan* – the absence of a CEMP (as required by Local Plan policies RE7, RE8 and M2) is a significant omission given the sensitivity of the site and neighbouring uses. This should be requested at the application stage so that it can properly be assessed to determine if the impacts can be adequately mitigated. Local Plan Policy V5 is clear that development proposals must not result in an unacceptable level of noise and disturbance to nearby residents.

9.30 The proposal to condition a CEMP is not appropriate in the circumstances. One should be provided now, and the measures secured through a legal agreement as indicated in Local Plan Policy RE8.

Safeguarding Concerns:

9.31 The proposal has been amended, so as to reduce the amount of windows looking east towards the School. A majority of these windows are rooflights, from the drawings provided (Section CC) it is considered unlikely that overlook will occur.

9.32 However, the third floor, eastern window within the circulation corridor is not proposed to be obscure glazing and it is considered there may be some overlook into the School's rear play areas – depending on the height of proposed users. Further details should be provided (for both window types) to ensure that there would be no degree of overlook from proposed users of various heights.

9.33 Safeguarding is absolutely critical and central to the operation of all schools in Oxfordshire. The Schools Safeguarding Policy for 2021-22 makes clear that it is the responsibility of all staff to establish and maintain an environment where children feel secure, are encouraged to talk and are listened to.

9.34 It goes on to explain that the Governing Body has additional responsibilities to ensure they facilitate a whole school approach to safeguarding. This means ensuring safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the best interests of the child at their heart.

9.35 As a consequence, those responsible must do all they can to ensure that the children at their care are protected, especially within the School site. Paragraph 200 of the NPPF supports this approach, noting that:

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

9.36 Furthermore, paragraphs 96 and 135 of the NPPF make similar observations in relation to community safety and the fear of crime. Paragraph 135 explains that:

“135. Planning policies and decisions should ensure that developments:

..... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

9.37 As currently proposed, the development is considered to conflict with policies V5 (sustainable tourism), V7 (community facilities) and RE7 (managing development impacts). Policy V5 advises that proposals should not result in an unacceptable level of noise and disturbance to nearby residents. Policy V7 advises that the “*City Council will seek to protect and retain existing cultural and community facilities*” and policy RE7 advises that “*planning permission will only be granted for development that: a) ensures that the amenity of communities, occupiers and neighbours is protected*” having regard to various matters including visual privacy and outlook. Neighbourhood Plan policy EDP1 also indicates the value that the local community places on education facilities in the locality.

9.38 The proposals do not achieve these important policy objectives in the context of safeguarding children

9.39 The applicant’s Rapid Health Assessment indicates that the development will deliver positive impacts in relation to crime (section 6) and social cohesion (section 9) but this is not an outcome that is recognisable to our client in the context of the current scheme as there is a risk that situations may arise which would put at risk the integrity of the School’s approach to the safeguarding of children attending St Andrew’s School.

Conclusion:

9.40 As set out at paragraph 8 of the NPPF, there are three interdependent, overarching objectives to sustainable development - economic, social and environmental. In relation to each objective the application fails to accord with the social and environmental objectives for the following reasons:

- a social objective – of relevance to this application “*by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.*” The proposed scheme could potentially put the safeguarding of the children at St Andrew’s School at risk, it could adversely affect their health and wellbeing due to noise, dust / asbestos and construction impacts, and upon completion the development would adversely impact the amenity of users of the school’s indoor and outdoor spaces due to the overbearing nature of the development and the attendant loss of daylight and sunlight.
- an environmental objective – more specifically ‘*contributing to protecting and enhancing our natural, built and historic environment*’. The proposal would negatively impact upon the quality and character of the locality which is predominantly sub-urban and residential in scale, with some heritage significance.

9.41 The proposed development is considered to be contrary to the NPPF and Development Plan policy in specific respects, as described in detail above, and in particular it is considered to conflict with Local Plan policies M2, RE2, RE5, RE6, RE7, RE8, DH1, V5, V7 and Neighbourhood Plan policies CIP1 and EDP1. There are no material considerations that would justify departing from the policies in the Development Plan.

Oxfordshire County Council (OCoC) – Lead Local Flood Authority

9.42 Objection. Detailed comments: Confirm the details of the party that will conduct the maintenance for the proposed Sustainable Urban Drainage (SuDS).

Oxfordshire County Council (OCoC) – Transport

9.43 Objection for the following reasons:

- It has not been demonstrated that safe access can be achieved for all users. The proposals are therefore not in line with paragraph 115 of NPPF.
- The applicant has not provided adequate cycle parking.

9.44 If despite OCoC’s objection permission is proposed to be granted then OCoC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives] as detailed below.

- S106 Contributions as summarised in the table below and justified in this Schedule:
- An obligation to enter into a S278 agreement as detailed below.
- Planning Conditions as detailed below.
- Note should be taken of the informatives stated below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Traffic Reg Order (if not dealt with under S278/S38 agreement)	£3,840	April 2024	RPI-x	Removal of parking bay and installation of e-bike hire parking
Travel Plan Monitoring	£2,035	April 2025	RPI-x	
Other obligations:				
<ul style="list-style-type: none"> • Off-site highway works: <ul style="list-style-type: none"> Stopping up of car park access off Stile Road Changes to the servicing access off Stile Road 				

9.45 Key points

- The proposal includes the demolition of the existing retail store and erection of a new 3 storey office and research building with a GIA of 3,485sqm.
- The development will be car-free with no on-site car parking.
- The applicant is required to demonstrate how suitable access for cyclists can be obtained including a dropped kerb and sufficient width.
- The applicant is required to prepare a highway layout drawing showing proposed works for the footway, carriageway and vehicular crossover. Dimensions on the proposed widths should also be included.
- Further information is required on the type of vehicles that will service the site and a swept path analysis is required of the largest vehicle accessing the servicing area.
- The proposed development is likely to reduce the number of person and vehicle trips generated, compared to the existing use. As the proposed development will be car-free, the vehicle trips that will be generated will be to car parks and Park & Rides in the wider area.

Comments, in summary, from Highways:

Pedestrian and cycle access arrangements

9.46 An updated drawing has now been submitted, drawing 0111 Rev P3, GA Plans Proposed LG - Level Ground, which now includes a pedestrian route segregated from the loading area. However, it is unclear whether this route is for cyclists as well as pedestrians. If it is for cyclists, there appears to be insufficient space at the eastern end.

9.47 The applicant is required to amend the drawing and clearly explain how access for cyclists can be obtained. Sufficient width needs to be available for cyclists to wheel their bike to the parking.

9.48 A dropped kerb is required in front of the cycle access to allow cyclists to access the footway.

Vehicular access

9.49 It was previously explained that a proposed highway layout plan was required for both the stopping up of the existing access and the relocated retained access. This has not been provided but the updated general arrangement ground level plan (0111 Rev P3) includes more information.

9.50 The 45 degree angle between the footway and the parking bay has been changed to a 90 degree angle with the southern space changed into an e-scooter / e-bike parking bay. However, there is still a lack of information on the proposed changes especially with regards to the vehicle crossover and dropped kerbs. The applicant is required to prepare a highway layout drawing showing proposed works for the

footway (including the location of dropped kerbs), carriageway and vehicular crossover. Dimensions on the proposed widths should also be included.

- 9.51 The Highway Agreements Team have also requested that the location of the highway boundary is confirmed with highway records.

Sustainable transport connectivity

- 9.52 The e-scooter / e-bike parking bay has now been shown on the layout. As explained in the previous response, the applicant will be required to fund the amendment to the Traffic Regulation Order (TRO) to change this bay.

Cycle parking

- 9.53 Further information was requested to demonstrate that 30 cycle parking spaces in the form of Sheffield stands could be provided within the cycle store and basement. Double decked or vertical cycle parking should not be used unless agreed by OCoC in specific circumstances and a proportion of the cycle parking should be provided for non-standard cycles.

- 9.54 The DAS Addendum states that the cycle parking in the cellar has increased from 17 to 22 spaces. The applicant has provided no further information on the dimensions or the type of parking to be provided.

- 9.55 The applicant has now provided three spaces for cargo bikes, situated at the eastern end of the servicing bay. This location would only be accessible if there are no vehicles in the service bay. If there is a large vehicle, a cargo bike would not have enough space to pass, and the location is therefore not suitable.

- 9.56 In total there are now 38 staff spaces proposed. Based on 1 space per 5 staff, the required number of cycle parking spaces for 130 people would be 26 and based on 1 per 90m² of GIA (excluding basement), the required number of cycle parking spaces would be 30. The provision of 30, easy to access and use, Sheffield stand spaces (including 2 or 3 larger spaces) is preferred over the provision of 38 semi vertical spaces.

- 9.57 It is therefore considered that the proposed cycle parking is still not adequate. The applicant is requested to amend the proposals and provide adequate space for the number and type of cycle parking required.

Servicing

- 9.58 The applicant is therefore required to explain what type of vehicles will service the site, how often and provide a swept path analysis of the largest vehicle accessing the servicing area.

Traffic impact

- 9.59 The applicant has now provided a person and multimodal trip generation for the proposed development, using the TRICS database. However, a person and multimodal trip generation has not been provided for the existing use. The TRICS

data for the existing use is for car and vehicle trips only. In addition, a survey of nearby car parks was conducted.

- 9.60 The existing store generates 82 two-way car trips based on surveys in the AM peak hour, but this would be 37 trips based on TRICS. In the PM 77 two-way car trips were calculated using TRICS while the survey suggested 76 trips.
- 9.61 Based on the TRICS assessment, the proposed development is likely to generate 65 two-way person trips in the AM peak hour and 70 two-way person trips in the PM peak hour. Of these person trips, 51% is expected to be car driver trips, 33 two-way trips in the AM peak hour and 36 in the PM peak hour.
- 9.62 The application removes 7 car parking spaces from the site and all of the parking in the immediate vicinity of the site is short term. The car trips to the new development will therefore be to car parks and Park & Rides in the wider area rather than to the site.
- 9.63 It can therefore be concluded that the proposed development is likely to reduce the number of person and vehicle trips generated, compared to the existing use. As the proposed development will be car-free, the vehicle trips that will be generated will be to car parks and Park & Rides in the wider area.

Planning Conditions:

- 9.64 In the event that permission is to be given, the following planning conditions should be attached:

Cycle Parking
Delivery and Servicing Management Plan
Travel Plan
Construction Traffic Management Plan

Thames Water

- 9.65 No objection in principle (Foul Water, Surface Water, Waste Water and Water Supply). Request conditions to cover submission of the piling method statement and informatives in relation to protection of water assets and water pressure

Thames Valley Police

- 9.66 Building Security: Without knowing the tenant of the buildings or the holdings that may be contained within, it is not possible to provide full guidance for appropriate security specifications to be provided. With this in mind, the recommendations of Secured by Design Non-Residential 2025 should be used as the minimum standard across the development. Once tenants for the building are identified, recommend a 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, CCTV systems, alarms and any additional lighting requirements throughout the development.

9.67 A detailed security and access strategy should be provided, that demonstrates how building security will be managed to prevent unauthorised access. This strategy should include details of secure lines and access control points, and how these will protect secure areas of the development. Where multiple tenants are envisaged, access controls should be zoned across floorplates and cores with plans provided to illustrate accordingly.

Public representations

9.68 Comments and objections have been received from 74 properties in:

Barton Lane, Beaumont Road, Burrows Close (3), Canal Street, Chestnut Avenue, Coltman Avenue, Dorchester Close, Finch Close, Gardiner Street, Hazel Crescent, Horwood Road, Kennett Road (2), Larkfields, Lime Walk, Margaret Road, Mark Road, Mattock Close, Mileway Gardens, New Cross Road, Norton Close, Old High Street, Old Road, Osler Road, Perrin Street, Pitts Road (2), Quarry Road (2), Quarry Road, Railway Lane, Ramsey Road (7), Saxton Road, Sermon Close, Shotover Kilns, St Leonards Road (2), Staunton Road (3), Stile Road (13), Stoke Place, Troy Close, Upwey Road, Wantage, Wharton Road (7), and Windmill Road (2).

9.69 In summary, the following general points/concerns have been raised by residents:

Effect on existing community facilities

Loss of local shop, post office, in person banking, community facility

Access

Amount of development on site

Contaminated land issues

Effect on adjoining properties

Effect on character of area

Effect on pollution

Effect on privacy

Effect on traffic

Flooding risk

General dislike or support for proposal

Height of proposal

Information missing from plans

Impact on Light - daylight/sunlight

Local ecology, biodiversity

Noise and disturbance

Not enough info given on application

Information missing from plans

On-street parking

Open space provision

Parking provision

Public transport provision/accessibility

Proposals do not fit in with the community

Enough research and office space already

Not suitable location for research and offices

Other better locations available for this use

The use won't add to the community

The community needs post office, shops and houses
What dangerous substances are going to be used/stored in building
Who is responsible if there is an accident?
The building overlooks a school /safeguarding risk to pupils
Detrimental to setting of Heritage Asset (school)
Will degrade the public realm
Contrary to Local Plan / Neighbourhood Plan
Inadequate space for parking/loading/turning of service vehicles

Specific comments / concerns include:

Another dominating Building
Welcome the retention of the existing warehouse walls
No continuation of retail space
No attempt to prove a demand for this quality of office and lab space
Type of research not specified – concern about potential excessive noise or cause health and safety risks
Alternative Post Office site should be identified in Headington before construction starts
Loss of well-used retail and Post Office in exchange for a under-used large building – detriment to community, neighbourhood, local residents, elderly and those with access needs
Residential badly needed in Headington and should be considered on upper floors in accordance with the neighbourhood Plan Policy CIP1
Do the developers have a user for the building or is this speculative – could result in a change of use
Sceptical about the claim of a car-free development
In reality, lack of parking space means more cars looking for spaces in the already over-crowded roads
Dispute Interim Travel Plan that ‘bus services will complete the journey to (Oxford Station) in 20 minutes’ – this is highly unlikely during the day
Concern about large number of delivery and services vehicles for existing shops and businesses
Service vehicles – what size are anticipated? Will they wait in Stile Road until the gate is open? Is the service area sufficient for vehicles to turn/reverse? The service area includes seating - reserving trucks/pedestrians/cyclists should not mix.
Will the floors/lifts cope with a 2.5tonne, 2 m wide pallet?
Rubbish disposal area inadequate and will need servicing daily – how will collectors know which route to take to access (currently no entry into Stile Road)
Contaminated land – site contaminated by previous uses.
Disturbance of hazardous materials including asbestos/petrol from previous uses
Request suitable precautions taken during demolition and construction to prevent contamination and dust spread as well as vibration from any piled foundations
No mention of Asbestos on site
Construction impacts, noise and disturbance, should be minimised as much as possible
Noise from operational plant should be minimised
Work should minimise impacts on existing plants and trees
The site should have a Construction Management Plan

Demolition and construction activities should consider impact on community ie no demolition during school terms and construction take place only on weekdays between 8am and 6pm
Disturbance to swifts
Known issues should be addressed beforehand rather than by conditions
Environment Agency caution on groundwater should be acted on

Local Body/Group Comments

9.70 Detailed comments have been received from Highfield Residents Association and St Andrews Primary School which are set out below.

Highfield Residents Association

9.71 Several of the general comments outlined by residents above are repeated within the representation. Comments also reflect concerns which were raised with previous applications. In addition, the following comments are made:

9.72 The recurring objection is that in terms of its design and the function, the building is out of character with the area, Even in its revised plans, the building would be too large, and would in, in effect, overdevelopment of the site in this area of Headington. The proposals claims that the building would be two storeys (plus basement), the 'Design and Access Statement' shows a substantial third above the ground storey.

9.73 Among the residents of Headington there remains much concern about the effect of the development on the adjacent St Andrews C-of-E Primary School. In relation to the school, the research building would a dominant structure, overbearing and instructive, and its presence would mean additional risk to children in particular and reduction of privacy.

9.74 One of the major deficiencies of the proposals is the lack of a stated purpose for the project. The proposal does not make clear what is meant by 'research and development'. Is there a research institution or company or local authority department that needs space for research and has commissioned this development? If the proposals cannot be specific on the question of purpose, it would seem that the project is wholly speculative and as such is a potential threat to the nature and character of this area. The objections that have so far been lodged in connection with 25/00799/FUL point to the need to retain a post office for Headington, and to provide additional housing. If these were the aims of the development, it would then have prupose.

St Andrews Primary School

9.75 Summary: Serious concerns about this building/construction in close proximity to the school on grounds of safeguarding, impact on children's education during construction/demolition, need/requirement in area, site suitability.

9.76 The impact on quality of education provided in the short terms is a major issue. However, The school appreciates the reduced scale of the latest application, the

attempt to minimise the change in aspect from the school, and the landscaping alongside London Road beside the front of the school.

9.77 Heritage Site: School is now on City Council Heritage Asset Register

9.78 Size of Building and Use of adjoining wall: the side boundary wall is shown as retained, the similar roof structure/height of the building near the school means the impact on daylight in the school would be minimal. However, is it realistic that the boundary wall could be retained and has this been checked on site? If the wall has to be reconstructed this will have a major impact as the pathway next to it is the main access in and out of school for pupils.

9.79 Overlooking/safeguarding: The latest plan indicates attempts to prevent overlooking of the school. However, the window facing Shotover Hill does appear to give a partial view of the east end of the school courtyard. It would appear possible for a tall person to see through the velux windows, especially if they could be opened.

9.80 The removal of the square block at the front of the Co-op will mean the west site of the school pathway is not protected. The fencing and gates at that entrance will need to be rearranged. Safeguarding is a prime concern of schools.

9.81 Noise: No details have been included of noise from the new building such as from extractor fans or air conditioning units. What is the noise impact on the school? None of the classrooms face London Road so additional noise at the back/side of the school would be disruptive. On the other hand, workers in the proposed building should not expect a quiet lunch or break times.

9.82 Demolition/Construction Phase: Is a major issue for the school.

9.83 Timing of demolition – could this be carried out in summer school holidays due to the risk to children and staff? Will the school be updated on risks during demolition?

9.84 Health and Safety: Insufficient consideration has been given to the risks during construction due to the proximity of the school. An independent assessment should be agreed by impacted parties and carried out to assess the risk to the school.

9.85 Noise – No assessment of noise impact on school during construction/demolition. This will be very disruptive to school, especially SEN children, and if windows are open in warmer weather.

9.86 Fuel tanks: Old tanks have been identified as a risk – apart from during removal will there be any ongoing contamination risks?

9.87 Asbestos: Little mention of asbestos in planning submission. There should be no risk from airborne fibres during construction due to impact on child/staff health. A full asbestos survey should be carried out by an independent accredited surveyor (agreed by the stake holders)

- 9.88 Dust: can affect all people at St Andrews particularly those with asthma. Can dust levels be independently monitored? Additional cleaning (premises/building/solar panels) is likely to be needed during construction
- 9.89 Safeguarding: How will safeguarding be ensured when construction above boundary wall is being carried out?
- 9.90 Foundations and Structure of School Buildings: Proposed basement is only 6m away from oldest school buildings. It would be a major disruption if subsequent repairs are needed – who would assess this and fund them?
- 9.91 School Management Time: Time spent dealing with construction issues will lead to less effective teaching, stress on staff, cost of management time
- 9.92 School Loss of earnings/expenses: Would the developer reimburse the school for loss of earnings e.g. for holiday club which the school relies on?
- 9.93 Local of Local Supermarket and Post Office: Parents and staff will be greatly inconvenienced
- 9.94 Need for Science Facility: There are already science facility in may parts of Oxford, Headington doesn't need another employer but does not community assets.
- 9.95 Future Use of the Building: Will there be information about the use of the building for research in order for any ongoing risks to be assessed?

Officer response to public representations

- 9.96 In respect of the comments made in relation to the Post Office, it is a separate commercial enterprise and there are no policies within the Local Plan that provide protection of post offices.
- 9.97 The concerns of the residents are noted. However, under planning legislation the existing uses on the site, shop and post office, fall with Use Class E (Commercial). Planning permission is not required for changes of use between uses in the same use class. In this case, Class E is being proposed. Therefore, planning permission is not required for the use change from a shop/post office to research/development and offices.
- 9.98 Under the previous refused application, representations were made, and which tie in with representations summarised above, querying whether planning controls exist that would enable the Post Office to open temporarily in another unit, including a unit under the ownership of the applicant, whilst the site is being redeveloped. However, Officers advised that the imposition of any planning condition, or planning obligation, would be contrary to the advice in the NPPF regarding the 6 condition tests and advice on the use of planning obligations.
- 9.99 Some concerns have been raised about the location of research and development facilities on the edge of a residential area. The proposal is for Class E (Commercial) building which contains a range of uses including shops and offices. The national planning legislation states;

Use, or part use, for all or any of the following purposes ...

a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,...

c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,...

g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

In this case, the proposal falls within Class E(g) and the loss of the retail unit and post office cannot be controlled in planning terms.

9.100 Any other issues have been addressed in the main body of the report if material to the planning application.

10 PLANNING MATERIAL CONSIDERATIONS

10.1 Officers consider the determining issues to be:

- Principle of development
- Design
- Impact on Heritage Assets
- Highways
- Managing the Impact of the Development (including residential and school)
- Trees
- Flooding and Drainage
- Energy and Sustainability
- Biodiversity
- Archaeology
- Air Quality
- Land Quality
- Health Impact Assessment
- Utilities
- Best Interests of the Child

Principle of development

- 10.2 The site lies within the Headington District Centre Area of Change in the Local Plan, controlled by Policy AOC6. The site lies on the edge of, but within, Headington District Centre as defined in Policy V4 of the Oxford Local Plan 2036. The site is also included as District Centre Shopping Frontage as defined in Policy V4 of the Oxford Local Plan 2036.
- 10.3 Policy AOC6 of the Local Plan has regard to the characteristics of the Headington District Centre and reflects the part of the historical, rural character of the area with remnants of stone buildings and boundary walls, which are an important part of the area's character. Regard is had to the inter and post war housing that surrounds the district centre in addition to the Victorian and Edwardian terraces. Bury Knowle Park is noted as a historic parkland located to the east with its grade-II listed boundary walls and the Old Headington Conservation Area to the north.
- 10.4 The Area of Change policy has regard to the defining character of 2-3 storey buildings and large 3-4 storey commercial infill buildings. It is recognised there may be an opportunity to redevelop some of these sites in a more intensive way that would still be in keeping with the character of the area. It does state however that at 15m (approximately 5 storeys) that there may be a sky-lining effect in views from Elsfield that will need careful design and justification.
- 10.5 The policy thus states planning permission would be granted for new development within the area of change where this would take opportunities to deliver, where relevant, improved connectivity across London Road; make more efficient use of land by consolidating uses and through infill and taller development; enhance the public realm.
- 10.6 Policy V4 relates to district shopping frontages and states planning permission will only be granted at ground level within Headington District Centre for Class A1 uses; or Class A2 – A5 uses where the proposed development would not result in the proportion of units at ground floor level in Class A1 uses falling below 50% of the total number of units within the defined shopping frontage; or other town uses where the proportion of A1 use does not fall below 85% of the total number of units within the defined shopping frontage.
- 10.7 Objections and concerns have been raised in representations. The primary concerns related to the loss of the shop and post office which are valued local community facilities. In planning terms, there is no change of use since the existing and proposed uses fall within the same definition of commercial.
- 10.8 Members will be aware in September 2020 that retail uses (Use Classes A) amongst others, have been amalgamated with other uses to create Class E Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The policy above clearly predates this change and what that means is that the distinction in the policies between A1 (retail) and other A classes cannot now be made. However, the reference in the policies to Class A uses (apart from use as a public house or a hot food takeaway) could equally apply

to Class E uses. Therefore, there will be no separate threshold for any equivalent of Class A1 uses and Class A2 and A3 uses and their thresholds will be taken to be represented by Class E.

- 10.9 Objections have been received in respect of the need for further office / research and development space, stating that the site would be best served to provide affordable housing. It is recognised that there is a need for new homes within the city. The site is currently in use for Class E and this use category remains with the proposed development. Therefore, in planning terms, there are no objections to the continued use of the site for Class E uses. In addition, the site is not allocated in the Local Plan for development therefore there is no stipulation that the site must deliver housing.
- 10.10 The development would provide a maximum of 130 jobs (FTE), and a net increase of 110, for Oxford and the economy as a whole once operational. Jobs would also be created during the demolition and construction period, 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 In general terms, it is considered that the proposals are acceptable in respect of policy V4 to compliance with the policy criteria specified and development management policies outlined below.

Design

- 10.12 A previous planning application on the site (reference 23/00272/FUL – Hotel Scheme) was dismissed on appeal by the Planning Inspectorate (decision notice attached as **Appendix 2**). The main issues on appeal were, firstly, the effect of the proposed development on the street scene; secondly, the impact on the setting of St Andrews CE Primary School, which is a non-designated heritage asset; and thirdly, the effect on parking, congestion and highway safety in the area. The Planning Inspector in reaching his decision did not consider that the scheme would create problems in respect of car parking, congestion or highway safety. However, the Inspector stated *'The building's height, bulk, design and siting would be inappropriate in this location and would harm the street scene and the setting of the adjacent school which is a non-designated heritage asset'*. This report will consider whether the current scheme overcomes the design issues raised by the Planning Inspector.
- 10.13 Policy DH1 of the Oxford Local Plan 2036 states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.14 All developments would be expected to be supported by a constraints and opportunities plan and supporting text and or visuals to explain their design rationale in a design statement proportionate to the proposal in accordance with the checklist in Appendix 6.1. Planning permission would only be granted when

proposals are designed to meet the key design objectives and principles for delivering high quality development.

- 10.15 Policy DH2 of the Oxford Local Plan 2036 states that the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will be granted for developments of appropriate height or massing, as demonstrated by a range of criteria including design choices regarding height and massing; regard had to the High Buildings Study Technical Advice Note, in particular impact on skyline, competition and change of character should be explained, and demonstrating how proposals have been designed to have a positive impact with the relation of the building to the street and the potential impact on important views to the historic skyline and out towards Oxford's green setting. The site does not sit in the view cone of the historic skyline from Elsfield, but has been assessed on impact on views from Elsfield. It is also not a site within 1200m of the Historic Core Area.
- 10.16 Policies in the Headington Neighbourhood Plan (HNP) are also relevant. Policy GSP4 of the HNP states development will be permitted where its design responds appropriately to the site and the character of the surrounding area.
- 10.17 Policy CIP1 of the HNP states new development will only permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments.
- 10.18 Policy CIP2 of the HNP states development will seek to protect importance views within Headington itself and out of the Headington Neighbourhood Plan Area as identified on the Viewpoint Map.
- 10.19 Policy CIP3 of the HNP states high quality development proposals which are of an innovative and/or contemporary design will be permitted where they accord with the policies in the Local Plan; respect and take account of local heritage and enhance the distinctive identity, character and setting in terms of scale, layout, density, orientation and massing.
- 10.20 The site is located at the edge of Headington District Centre adjacent to Bury Knowle Park, which forms the boundary of Old Headington Conservation Area. The block on which the site is located is characterised by low density 20th Century semi-detached housing, wrapping around St. Andrews School which is adjacent to the site. The site is currently occupied by a 1-1.5 storey Coop supermarket and post office. The site occupies an open prominent corner on London Road and Stile Road. The site is located opposite the attractive leafy green setting of Bury Knowle Park, enclosed by a historic stone wall. Bury Knowle Park lies in the Old Headington Conservation Area. Whilst the existing shop occupies a wide frontage, the building is set back into the site behind car parking.
- 10.21 The proposed development seeks to demolish this building and erect a building of staggered heights. The previous hotel scheme (23/00272/FUL) had mainly 2-3 storey elements rising to 4 storeys height (approx. 14.3m) on the corner of London Road and Stile Road. The building adjacent to St Andrews CE Primary

on the frontage was to be 3 storeys, rising to 4 storeys after 5.5m at a distance of 2 metres away from the boundary line. On Stile Road, the building was to be 4 storeys to the north and extend down to 3 storeys closest to 5B/7 Stile Road.

10.22 The Planning Inspector in reaching his decision stated that *'The development would unacceptably disrupt the transition to the lower scale at the edge of the shopping centre and would be an unattractive and out of scale feature in the street scene. In addition, the three storey and four storey elements would be overly dominant in relation to the adjacent school...Part of the proposed building would present a bulky three storey elevation towards the school and, behind a set back, the building would rise to four floors. This scale and design, combined with the slight forward step in its building line adjacent to the school, would give the building an overbearing presence next to the school when seen from both east and west along London Road and would erode its setting. Further into the site the upper floors would be set back a little more, but even this part of the development would appear too dominant in scale in relation to the school.'*

10.23 The current proposals have a lower built form to both London Road and Stile Road. The overall height of the tallest element of the building has been reduced by some 1.3m. The height and profile of the building form along Stile Road has been more significantly reduced forming a transition in height along this road elevation.

Below - Extract from Design and Access Statement showing proposed Stile Road frontage with previous Hotel Scheme marked in red/dashed.



Below - Extract from Design and Access Statement showing proposed London Road frontage with previous Hotel Scheme marked in red/dashed.



2 - London Road Elevation - Current proposal

The built form closest to St Andrews Primary school has been stepped further away from the side site boundary at first floor level. These changes, along with a step back, around 1m, in the footprint to the building line adjacent to the school, are felt to overcome the Planning Inspectors design concerns about bulk and dominance.

- 10.24 The site and its context: As outlined above, the proposals positively engage with the site edges, and the proposed building positions largely respect the building line established by the neighbouring properties e.g. stepping back from the street edge to align with St Andrew's Primary School, and stepping forward at the corner of Stile Road to positively engage with the street and align with the building line established by the properties on the opposite corner of Stile Road (146-150a London Road).
- 10.25 The overall arrangement of building(s) on the site results in a large footprint, which is not in-keeping with the grain of development / scale of properties in this area of London Road, even taking into consideration the larger buildings in the District Centre. The provision of an internal courtyard towards the centre of the site provides some relief to the overall footprint.
- 10.26 The advanced building line at the corner of London Road and Stile Road positively addresses this corner, however this does result in a significant change in how this site is experienced in long views along London Road, particularly when viewing from the west. The existing tree on the corner of Stile Road and London Road (within the site) is proposed for removal. This tree is currently softening the views to the uninspiring retail building. The addition of new trees within the proposed frontage to London Road would help manage the change.
- 10.27 This existing tree on the corner is the start of notable street tree planting which corresponds to the site's threshold position between Headington District Centre and the more residential character of London Road to the east. This tree-planting is particularly noticeable when travelling from west to east. Therefore, the loss of this tree changes the viewer's experience of that transition from district centre to a more domestic character, and the proposed tree must be given maximum opportunity to thrive and establish itself at the corner. Further detail is requested through a proposed condition to ensure measures are taken to ensure the proposed corner tree can establish and flourish.

- 10.28 The removal of the existing surface parking, within the site, to London Road is positive and improves the pedestrian experience. It also encourages sustainable forms of travel to/from the site by staff and visitors.
- 10.29 Plots: The overall configuration of accommodation on the site is broadly positive, with office space facing the surrounding streets. The main entrance is appropriately located on London Road.
- 10.30 The ordering principles of the internal spaces are positive. The central lobby and circulation space is legible from both entrances (main entrance to the north and additional staff entrance to the south) and access to all office spaces are arranged off this central circulation. The internal door screens in the lobby and circulation space should be glazed to ensure that views from the main entrance through to the staff entrance and courtyard beyond are maximised.
- 10.31 The service entrance location corresponds with the existing site access arrangements and the provision of gates and planting to Stile Road will improve the experience for passers-by from the current situation, where bin clutter is visible from the street.
- 10.32 Built form: This site is a large open site, highly prominent in views along the London Road. The existing building sits comfortably in this location as this site blends into the suburban surroundings of its location on the edge of the centre. As mentioned above, the submitted street views looking east along London Road demonstrate that the proposals are clearly visible, however the articulation of the roof form is such that the intervention is in-keeping with the varied roofscape of the street, albeit at an increased scale.
- 10.32 An appropriate language of bays with gables is employed along Stile Road, taking their cues from the bay windows of the neighbouring houses. The variation of the roof form with strong windowed gable adds to the buildings interest and breaks what could otherwise be a monotonous roof form. This language turns the corner onto London Road to create a strong corner building, which although is larger in height and scale than its immediate neighbours, presents a well-considered building form.
- 10.33 When approaching the site from the east, the pitched roof angle of the 2-storey element is in keeping with roofscape seen further down street e.g. 144-148 London Road. Areas of green roof are proposed which are supported, however, further details (through planning conditions) are required to ensure that these areas will flourish.
- 10.34 In respect of views from Elsfeld, a wireline (which is an outline of the buildings mass) has been provided of the position of the building in that view. This indicates that in this view the building will not be visible and will sit behind the trees and therefore not impact on the skyline.
- 10.35 Movement The overall access points into the building are logical and well-placed. Due to the relatively constrained nature of the site, there are potential areas of conflict when considering staff arriving by bike and/or using the southern staff entrance, with the servicing area. The separate pedestrian gate on Stile Road is a positive inclusion in the design, however further subtle

delineation between pedestrians and vehicles could be incorporated into the paving materials within the servicing area.

- 10.36 The success of the additional cycle storage located in the basement will require careful consideration of the journey through all access points (lifts and lift doors, stairs, size of door openings). Further information has been submitted during the course of the application to demonstrate how a cycle could reach the basement area if the lift was not available. Further details are needed to show that a cycle or cycles can be wheeled into the lifts and/or goods lift without having to lift cycles or require awkward manoeuvres. A condition is suggested to address this.
- 10.37 Public Realm New landscaping is proposed on the London Road frontage with the aim of enhancing the public realm. The area includes a proposed poetry route which comprises a laser cut hard path with local poetry which is intended to weave art, poetry and play for local children. No seating is proposed in this area due to concerns about anti-social gatherings. Further details of the maintenance and planting species will need to be conditioned to ensure that the area remains an attractive addition to the street frontage. Likewise the planting areas to the Stile Street frontage, helps to soften the built form at ground level.
- 10.38 Materials and Detailing The success of the elevations will rest on achieving the crisp, modern profiling demonstrated in the application visuals, particularly the verge details to the pitched gables, the recessed Rain Water Pipes (RWPs) and the window reveal framing. The articulation of elevations through the use of recessed RWPs will rely on quality of detailing and ensuring sufficient depth is provided to create shadow gaps without compromising the overall wall-build-up and performance. Further details of these have been submitted during the course of the application which address this point.
- 10.39 There are no officer objections to the materials palette proposed of bricks, metal and green roofs. These are felt to reflect materials in the local area. However, to ensure a high quality of development sample panels are required to ensure the proposed materials are appropriate in relation to each other and to the wider context. Likewise, due to the quantity of this material proposed in street elevations (the window frames, window reveal linings and roof) the precise material and colour proposals will be key in ensuring a high-quality development that sits well into its surroundings. Conditions are proposed to ensure that the materials reflect the local area and are acceptable in their final finish.
- 10.40 Conclusion: Policy DH1 states that planning permission would only be granted for development of a high-quality design that creates or enhances distinctiveness. It is considered that for the reasons as set out above, that the siting, scale, height and massing of the proposal would be acceptable as this would be in keeping with character of development in the area. The proposed development is considered to be of a high-quality design. The proposals have been altered enough when compared to the previously refused scheme to overcome the previous refusal reasons and Inspectors concerns. This application would create or enhance local distinctiveness. The development is in accordance with policies DH1, DH2 and AOC6 of the Oxford Local Plan 2036,

policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan and the paragraph 130 of the NPPF.

Impact on Heritage assets

- 10.41 The NPPF requires proposals which are likely to have an impact upon designated heritage assets to be based upon an informed analysis of the significance of all affected heritage assets and be sufficient to understand the potential impact of the proposal on their significance (paragraph 207). Local Planning Authorities should identify and assess the particular significance of any heritage asset affected by a proposal, and take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal (para 208).
- 10.42 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (para 210). Paragraph 215 of the NPPF advises that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.43 Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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. It is accepted that this is a higher duty.
- 10.44 Policy DH3 of the Oxford Local Plan states planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment, responding to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions great weight will be given to the conservation of that asset. An application for planning permission which would or may affect the significance of any designated heritage asset, should be accompanied by a heritage assessment that includes a description of the asset and its significance and assessment of the impact of the development proposed on the asset's significance. It goes on to state that 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. Clear and extensive justification for this harm should be set out in full in the heritage assessment.
- 10.45 Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset would be affected by a development proposal, that development proposal will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.
- 10.46 The site is located outside of and opposite Bury Knowle Park which is sited in Old Headington Conservation Area. The park is an attractive feature within the Conservation Area and is bounded by a stone wall on its southern boundary

and a row of trees, which add considerably to the character and attractiveness of the park. The stone wall is also listed at grade II.

- 10.47 To support the application, a Heritage Statement has been submitted which considers the impact on the Conservation Area, and a wireline has been created of the building which considers the impact of the building on views from within the park. This indicates that the building would not exceed the height of the trees that define the southern boundary of the park and would be contained by these trees in views. Arguably however, this would not be the case when the trees are not in leaf.
- 10.48 The application site does not lie within any of the designated view cones set out in the Oxford View Cones Study but lies within the setting of the Elsfield View cone and therefore has the potential to impact upon this important long-distance view of the Oxford skyline. To support the application a wireline has been submitted by the applicant to demonstrate the impact of the proposal on the Elsfield view cone. Unfortunately, the submitted document is of low quality, and it is too pixilated to tell if the wireline is a dotted or solid line and therefore confirm whether the proposal would be visible. However, previous schemes on the site were understood to sit behind an area of vegetation and had no adverse impact on the view. As the current proposal is reduced in scale there is no anticipated adverse impact on this view.
- 10.49 Turning to its more immediate context, the application site is located opposite Bury Knowle Park, which has formed part of the Old Headington Conservation Area since the designated area was expanded in 1985. The park is an attractive and vibrant part of the Conservation Area that is well used by the community as a spacious green area for recreation and relaxation and represents a well-preserved example of the pleasure grounds historically associated with the mansion houses built around the village by Oxford merchants in the late-18th and early-19th centuries. The Park is bounded to the south by a stone wall and a row of trees, which make an important contribution to the character and significance of the Park, with the boundary wall designated as a Grade II listed building. Considerable objection has been received that the erection of the building would harm views from within the Conservation Area.
- 10.50 Officers have considered the views from the Conservation Area looking south across the London Road and consider that the impact is considered to be acceptable in terms of the views from the park. The park is inward looking and contained by the boundary wall, as well as the trees on the southern boundaries. It is considered in those views, the London Road represents a physical feature and border, and beyond which are not as critical to the Conservation Area. By comparison, those views that are important and contribute to the setting of the Conservation Area are those views along London Road that are focussed on the north side of the road and exclude those views south of the London Road.
- 10.51 Equally in considering views from Stile Road looking north towards Bury Knowle Park it is considered that the scale and massing of the building would not cause harm to the setting of the Conservation Area, again for the reason that the London Road is a physical and separate barrier that is distinct.

- 10.52 Therefore, Officers are satisfied the development would not cause harm to the setting of the Old Headington Conservation Area.
- 10.53 Officers have also considered the impact on the Grade II listed wall, listed for its scenic value, and note that the wall was modified in the mid-1980s when it was lowered. Whilst the stone wall is a key feature that encloses Bury Knowle Park, it is considered that the walls' separation from the application site by the London Road and the wall being to the north of the London Road and the application site to the south would result in no adverse impact on the setting of this designated heritage asset.
- 10.54 As was established in the Officer reports for the 2021 and 2023 applications on the site, the Park is inward-looking and contained by the boundary wall and trees, with the London Road representing a physical feature and border beyond which the Conservation Area's setting is not as critical to its significance. The wireline submitted by the applicant indicates that views of the proposed building from the Park will be heavily filtered by the canopies of the trees along the Park boundary; and whilst it would be more visible during the winter months, and in views along London Road, its scale and architectural design are such that it would not harm the setting of the Conservation Area nor that of the Grade II listed boundary wall.
- 10.55 The application site lies directly adjacent to the St Andrew's Primary School, which was recently added to the Oxford Heritage Asset Register and must therefore be considered as a non-designated heritage asset (as it was in the Inspector's Report for the dismissed 2023 appeal).
- 10.56 Dating to the late-19th century, St Andrew's Primary School is a single storey structure (as is typical of the period) and is characterised by red brick elevations, with gable ends facing onto London Road, stone mullion and transom windows, and pitched clay tiled roof with gable parapets, finials and brick chimney stacks. Whilst the building has subsequently been extended, its original form and character remain legible, and it is considered to possess a good deal of aesthetic value, as well as social and communal value as a school that was built to and continues to educate the local community. There are similar examples throughout the city and through the East End of Oxford, and the building is notable as the first significant building constructed to the south of the historic turnpike road [now London Road], built in open fields prior to the development of the residential suburbs. Currently, views of the asset from and along the London Road are partly filtered by the trees along the school's front boundary, nonetheless the building makes an important contribution to the streetscape, and it is in these views that the historic and architectural interest of the building is best appreciated. As outlined in the design section of this report, the development scheme has been amended to address the concerns raised by the Planning Inspector on the Hotel Scheme appeal.
- 10.57 Conclusion The scheme represents a significant improvement on the previous proposals for the site, with its reduced scale, building line that steps back towards the Primary School, reduced building heights next to the Primary School, an overall reduction in height, lowering of the buildings on the transition to the lower houses in Stile Road, and more articulated roof form. The proposed

design successfully mitigates the overbearing presence the previous schemes had next to the Primary School when seen from both east and west along London Road. The amended design successfully reflects the corner and end position of the site in a District Centre. The proposed design is considered by officers to overcome the design concerns of the Planning Inspector in relation to the Hotel Scheme. The current scheme would still represent a notable change to the setting of the non-designated heritage asset but would not harm one's ability to appreciate its historic and architectural significance. Conditions are suggested to ensure that the materials and design details of the development reflect the setting of the site and nearby buildings.

- 10.58 Subject to the suggested conditions, it is considered that the scheme would not have an adverse impact on non-designated heritage assets. Special attention has been paid to the statutory test of preserving the setting of the listed building or its setting or any features of special architectural or historic interest which it possesses and preserving the character and appearance of the setting of the Conservation Area under Policy DH3 of the Local Plan and the NPPF. It has been concluded that the development would preserve the setting of the listed building and the character and appearance of the setting of the Conservation Area and thus accords with the relevant sections which it is accepted are a higher duty.

Highways

- 10.59 Chapter 9 of the NPPF has regard to promoting sustainable transport and states that significant development should be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.60 The Oxford Local Plan 2036 seeks to prioritise walking, cycling and public transport and states in policy M1 that planning permission will only be granted for development that minimises the need to travel. Policy M2 requires Transport Assessments must be submitted for development that is likely to generate significant amounts of movement, assessing the multi-modal impacts of development proposals and demonstrate the transport measures which would be used to mitigate the development impact. Policy M3 assesses motor vehicle parking for different types of development and whether located in a CPZ or not, assessing proposals against the standards in Appendix 7.3. Policy M4 assesses the provision of electric charging points for additional parking needs. Policy M5 assesses bicycle parking against the standards in Appendix 7.3.
- 10.61 Sustainability: The site lies in the Headington District Centre which is highly sustainable and has good access to public transport which serves the City Centre, the Park and Ride at Thornhill and further afield, London. The site is on a main arterial road. The development is proposed to be car free other than the operational parking space within the service yard) which is supported in principle to reflect the sustainability of the site.

- 10.62 Access and Parking: The site is located at the corner between the A420 London Road and Stile Road. The current vehicular access is however off Stile Road where both the car parking and servicing arrangements are undertaken. One vehicular access off Stile Road, closest to London Road, would be removed. However, the second existing vehicular access would retain the delivery and servicing access to the rear of the proposed building.
- 10.63 The A420 London Road is a major tributary into Oxford, with cycle, pedestrian facilities, and public transport including bus stops in the vicinity of the site. Along the site frontage on London Road is a city-bound bus gate that performs to terminate a bus lane into the main traffic flow. A zebra crossing exists about 45m west of the bus gate, providing a crossing opportunity for those wishing to get to access to the Headington car park and the Bury Knowle Park.
- 10.64 The Transport Assessment (TA) indicates that visitors would access the site in a number of ways. Either through public transport to the site, or by parking at a nearby public car park or from a Park and Ride facility.
- 10.65 The Transport Assessment states that a number of Park and Ride facilities are available around Oxford and shall enable occupiers who require car travel to park outside the city and complete their journeys by bus.
- 10.66 The application proposes to utilise several public car parks in the vicinity of the development, namely behind Waitrose, Old High Street and St Leonards Road for occasional parking demand. This approach is considered in principle to comply with the principles set out in the Local Plan to reduce car parking provision. Surveys have been carried out of these car parks to show there is sufficient space to meet this need. Within the Transport Assessment it is noted that all surrounding streets are covered by an area wide controlled parking zone (CPZ).
- 10.67 Paragraph 7.24 of the Local Plan recognises that developments that may result in additional parking pressure locally and where this has not been adequately addressed may have their planning permission refused.
- 10.68 County Highways have raised concerns about the location/size of dropped kerbs. The submitted drawings show those existing accesses which are proposed to be stopped up and the accesses proposed including the width on scaled drawings. The construction details of the access will be the subject of a S.278 agreement: there will be a dropped kerb, as exists at the existing access, which is being altered in this position.
- 10.69 Delivery and Servicing: This will take place off the highway through a servicing entrance on Stile Road. Swept path analysis has been undertaken utilising a 7.5t Panel Van and 11m long refuse collection truck respectively. Although the tracking appears to show a slight infringement/overrun on the western kerb of Stile Road, Highways have raised an objection about the lack of a swept path analysis and confirmation of the type of servicing vehicles. In the previous Hotel Scheme, Highways considered that a small overrun of the kerb in Stile Road could be avoided by careful driving.

10.70 The applicant has responded to the concerns raised:

In relation to service vehicles, the largest which would service the site is likely to be the Council's refuse vehicle (assuming that a private service is not taken on). The swept paths for this are shown on drawing no. TK01.RevA-03 together with a large panel van which is expected to be the largest service vehicle for the Class E use. The proposals obviously compare favourably to the existing arrangement which has articulated vehicles servicing the site as well as other service vehicles to and from the supermarket by varied retail suppliers constantly stocking up. The Transport Statement notes that there would be a lower level of servicing compared with the existing supermarket. No doubt the Council will also wish to have a service delivery plan and will impose a condition to this effect which will take account of the particular occupier, not known at this stage.

10.71 The layout of the rear service yard is tight and concern has been raised that there could be a conflict with vehicles, pedestrians and cyclists. A delivery and servicing plan should therefore be provided demonstrating how this situation would be avoided, and indicating suitable off site waiting areas should delivery vehicles arrive early or be unable to enter the yard for any reason.

10.72 Traffic Impact: The submission has utilised TRICS to determine the likely trip generation assessments both from the existing development and as proposed. In summary, the proposed car free development would represent a reduction in the vehicle movements to the site. The existing trips to the store were, on survey, 76 between 8.00-9.00am and 82 between 17.00-18.00pm.

10.73 The trip rates have been submitted as part of the TA and Highways consider that the data used is too low. However, Highways have accepted that the number of trips generated by the proposed building will be less than the existing use. In addition, the proposal is for a car-free development in an accessible location. It is considered that any traffic impacts can be mitigated by the use of a s106/s78 Agreement (as described in the Highways comments) and by the suggested conditions.

10.74 Travel Plan: The proposed development is in an area with a good opportunity to promote active and sustainable travel. The proposed development would trigger the requirement for a Travel Plan and associated monitoring fee in line with Oxfordshire County Council guidance and which would be secured by a S106/S278 Agreement. The Travel Plan should include information on how active and sustainable travel would be encouraged to and from both the hotel and retail shop.

10.75 Cycle Parking: Cycle Parking has been shown on the site frontage, within the service yard and within the basement. County Highways have confirmed cycle parking has been provided numerically in accordance with the required standards. However, an objection is raised as the details of the cycle access and design of the stands are not in accordance with the standards. A condition is considered to be an appropriate way of addressing this concern rather than the refusal of planning permission.

10.76 The applicant has responded to these concerns:

The requirements for cycle parking have been met and the type of provision can be controlled by condition as suggested in the County Council's comments. However, I have previously noted the difference in the type of cycle parking favoured by the County Council and the acceptance in the City Council's TAN 12 of different types of provision, as proposed and as approved elsewhere. You will note that the County Council merely expresses a preference for an alternative type and, given the City Council's TAN it would be entirely inappropriate to consider that it is a relevant reason sufficient to reject what is proposed.

The visitor cycle parking at the site frontage has a more interesting design than the standard Sheffield-style plain hoop but permits the same arrangement for cycles either side. Given the limited level of servicing, the cargo bike parking arrangements are considered to be appropriate and the accessibility of the spaces will simply require careful management on site and which is not unusual.

Clearly there will be a dropped kerb at the service access, as existing, and this will also enable cyclists to access the footpath before entering the separate cycle/pedestrian access alongside.

10.77 Details of the cycle storage design/dimensions, dropped kerbs and management are included in the suggested conditions.

10.78 Conclusion: Having considered the proposal in the light of the TA and the assessment undertaken by the Highway Authority, there are a number of objections from Highways to the details of the proposals that have been considered by the applicant and could be addressed through the use of planning conditions and the s106/s278. The proposal therefore adequately considers highway impact and would not lead to an unacceptable impact on highway safety and hazard contrary to policies M2 and M3 of the Oxford Local Plan 2036.

Managing the impact of development

10.79 Policy RE7 states that planning permissions will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected and does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network, and provides mitigation measures where necessary.

10.80 The site is located next to an existing school and existing housing on the edge of the Headington District Centre. The site is located on a principal arterial road. It is considered for the purpose of assessing the impact of development that the site is located in a mixed-use area and in an area populated by residential houses, flats, retail, commercial and restaurants.

10.81 Noise: A Noise Exposure Assessment of the sound insulation performance for all elevations has been provided. This assessment indicates that adequate glazing specification has been proposed, and the use of appropriate ventilation has been recommended. This should be sufficient to achieve recommended

internal noise levels for the proposed development according to BS 8233: 2014, World Health Organisation and requirements of the Local Authority.

- 10.82 Typical sources of noise generation from laboratory and office-based uses derive from mechanical plant equipment, including ventilation and extract systems and Air Source Heat Pumps. Noise sensitive surrounding uses include the Primary School and homes in Stile Road/London Road. Given the proximity to these noise sensitive uses, the application is accompanied by a Noise Assessment. It should be noted that specific plant equipment has yet to be selected, given that the end user of the building is not currently known, however with appropriate mitigation, the submitted Noise Assessment indicates that the development would not have an unacceptably adverse impact on the amenity of surrounding noise sensitive uses.
- 10.83 Noise rating levels for any new mechanical equipment relating to plant, mechanical ventilation and air conditioning has not been proposed, at this stage, in relation to the measured background noise levels. However this could be controlled through suggested conditions.
- 10.84 Given that the proposed end-use for the site is for Class E (commercial) purposes, the main potential sources of noise impacts on existing sensitive receptors is assessed as likely to be from construction noise and vibration during the construction phase, building services plant and any potential increases in local traffic flows associated with the proposed development. This would need to be controlled by an appropriately worded construction management plan condition that controls the time of activity and other measures to control dust and vibration.
- 10.85 A condition is proposed for demolition not to take place during term time school hours to mitigate any adverse impacts on the education of children in St Andrews Primary School.
- 10.86 In respect of deliveries, it would be necessary to secure a Servicing and Delivery Plan in any approval to ensure that this is managed in a way that safeguards local residents' amenity and of those children in the school. A condition would need to be imposed if planning permission was granted.
- 10.87 Subject to these conditions, having considered the information submitted with the application and acoustic assessment, the site is considered acceptable for the proposed development in terms of its noise impacts.
- 10.88 Privacy and Child Safeguarding: Given the proximity of the neighbouring school and residential properties, concerns have been raised about potential overlooking, particularly to the school and child safeguarding.
- 10.89 On the eastern elevation, there are a number of high-level roof lights. These rooflights have been designed at a height that downward overlooking cannot occur. There is also a second-floor window serving circulation space. The applicant advises that *'the view ... is blocked by the ridge of the brick block adjacent to the school.'* However, officers consider there remains a level of

potential oblique overlooking from this window. A condition is proposed to ensure that a strategy is submitted for overlooking reduction measures.

- 10.90 There are 2 south facing roof windows. Likewise, it is not clear from the submission whether oblique views would be possible from these. Concerns have been raised in representations about potential overlooking. It is suggested that a condition is added to any permission to ensure that a strategy is submitted for overlooking reduction measures.
- 10.91 All other windows are clear on the western and northern elevations.
- 10.92 In relation to the southern elevation there are houses and gardens to properties in Stile Road. 5 and 7 Stile Road have rear gardens immediately adjoining the existing rear walls of the co-op. It is proposed to retain these walls with no openings. However, there is a second-floor rooflight which faces these properties. To ensure that the amenity of these neighbours is not adversely impacted the potential overlooking should be minimised within the submission of an Overlooking Reduction Measures Strategy.
- 10.93 In summary, officers consider that the design approach to safeguarding against loss of privacy is acceptable and can be addressed by conditions.
- 10.94 Overbearing: The building on site would be greater in overall scale, height and massing than the existing building on site. It is acknowledged this is set further away from the boundary with 5 Stile Road than the current building or previously proposed schemes. There would be an impact on these neighbours, which would be partially addressed by the suggested conditions, officers do not consider that the impacts would be significantly detrimental to warrant a refusal of planning permission.
- 10.95 Sunlight/Daylight: A Daylight Sunlight Assessment has been submitted with the application which considers the impact of this onto the school and neighbouring residences.
- 10.96 Having regard to impact on residential dwellings on Stile Road and the school, the analysis reveals the impact of the building to be negligible.
- 10.97 In summary, the application is considered to be in accordance with Policy RE7 of the adopted Local Plan.

Trees

- 10.98 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.
- 10.99 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.

- 10.100 There are no special tree protections present on site.
- 10.101 There are three existing trees relevant to the application. A semi mature ash tree (T2) on site on the corner of London Road/Stile Road; a semi mature Scots pine off site (on the London Road frontage in the grounds of the Primary School) and a mature Ailanthus (T1) (tree of heaven) on site on the Stile Road frontage. A group of trees on the London Road frontage close to the Scots pine will be removed as a result of the development. This group of trees are considered to be of low quality.
- 10.102 In respect of the semi mature Ash (T2), this is proposed to be lost to the development. This tree is relatively small and of moderate quality. The stem of this tree has started to grow into the metal guard around it and the species is at future risk of ash dieback disease. Its loss therefore is considered only of minor harm which can be adequately mitigated through replacement tree planting on the site's frontage on London Road. This can be secured by condition.
- 10.103 In respect of the semi mature Scots pine (T3), this is in the adjacent school frontage on London Road. This tree is developing well and is likely to be a significant positive landscape feature for 40+ years (A category), and is within a few metres of the site's boundary. This tree is included in the application's tree report (Arboricultural Implications Assessment (AIA)) and the RPA has been reconfigured from the previous Tree constraints Plan (TCP) to indicate ingress into the site. The area within the site where the tree's notional Root Protection Area (RPA) extends is designated in the application design to a small garden feature space, which is acceptable.
- 10.104 Officers consider that whilst the tree should not be adversely affected by the proposed scheme, this needs to be considered in tree protection measures that can be secured through a condition.
- 10.105 In respect of the mature Ailanthus (T1) off site, in the pavement on Stile Road; the root-plate of this tree is causing deformation of the surrounding tree grille and hard surface; this probably indicates restricted depth of ground conditions suitable for root growth, which would also explain the tree's relatively low vitality and modest size for its age. The scheme proposes to retain this tree, and subject to robust measures this is considered feasible. Its retention will maintain an element of landscape maturity to the site but given its condition (20-40 Year remaining contribution), and the issue of the deformation of the surrounding hard surface, a replacement tree might be a better long-term option in Arboricultural terms.
- 10.106 In respect of the previous use of the site, the site was at one time a petrol station and thus there is a need to consider the implications for contamination. Contamination may have potential implications for the treatment of the proposed tree planting along the frontage to the London Road, subject to findings of intrusive investigation and contamination risk assessment, together

with any remediation that may be required under Land Quality conditions. Consideration of soil contamination, and its suitability as a growing medium generally, for tree planting is required (a biologically based soil scientist report is required). Adverse findings may potentially necessitate soil replacement, but these elements can be conditioned.

- 10.107 In respect of tree canopy, given the low amount of existing canopy cover on the site, and extent of new tree planting proposals, a net increase in canopy cover over 25 years as per the policy requirement of G7, for Major developments, would be anticipated. However, the application does not include a Tree Canopy Cover Assessment study to demonstrate and quantify compliance.
- 10.108 The proposed indicative landscape design proposals include indicative new tree planting along the proposed site's frontage to the London Road, and some form of multi-stem shrub cover integrated into rain garden features along the western side of the building facing onto Stile Road. This is a welcome design strategy, but it requires further detail, which can be secured under landscape conditions, of tree species to be of suitable type, form and scale to fit the streetscape and to enhance its character.
- 10.109 Design information submitted in compliance with landscape conditions will need to show details of tree planting pits, which for the London Road frontage should involve a linear trench to accommodate the maximum potential soil volume for rooting requirements to ensure successful establishment and development of new tree plantings. The phasing of ground investigations and planting pit design should be considered carefully.
- 10.110 The application is considered acceptable, subject to the suggested conditions, and would not be contrary to policies S1, G1, G7 and G8 of the OLP 2036.

Flooding and Drainage

- 10.111 The site is located in Flood Zone 1. A drainage strategy and SUDS maintenance and management plan has been submitted. Oxfordshire County Council Lead Local Flood Authority (LLFA) have considered the strategy and raise an objection to the proposals. The LLFA object on the grounds that details of the party who will maintain the Sustainable Urban Drainage measures has not been specified in the application. However, officers consider that this point is better addressed by a condition. This point has been included in a suggested Sustainable Urban Drainage (SuDS) condition.
- 10.112 Concerns have been raised around the technical drainage calculations. It is noted that drainage calculations have been re-run using FEH-13 rainfall data, although no adjustments have been made to the Impervious Area Factor (PIMP) values, so they remain user-defined. There is an outside point in that the Councils Drainage Officers disagrees with the premise that the two values - PIMP and Volumetric Runoff Coefficient (Cv) - are interchangeable. Calculations should be re-run, using a PIMP value of 1.0 representing 100% impermeable for the roof and paved areas and the Cv values changed to 0.9/0.95 as per LLFA requirements. In this case, the LLFA have raised no

objections to the technical data/assessment. However, it considered that this technical issue could be addressed by the detailed submission in suggested conditions (Drainage Strategy Submission and Sustainable Urban Drainage (SuDS))

- 10.113 Thames Water advise in respect of foul, surface water and water capacity, that the proposals are acceptable.
- 10.114 Concerns have also been received in respect of impact on the Lye Valley SSSI, from increased surface and ground water flows, but this has not been identified as a concern and the County as Local Lead Flood Authority have not raised any objection on this. The only outstanding element of evidence required to show no impact on the SSSI is to demonstrate that there will not be a decrease in water quality. A water quality assessment is a requirement of a standard drainage strategy in any case, the applicant should make specific reference in acknowledgement of the site's location within the SSSI catchment when presenting the evidence within the Drainage Strategy required by the suggested condition.
- 10.115 The LLFA have raised an objection based a lack of confirmation on who will be responsible for the maintenance for the proposed Sustainable Urban Drainage (SuDS). It is not considered necessary, in planning terms, to have this body named at this stage of the development. It is considered by officers that a condition would be appropriate to address this point rather than the refusal of planning permission.
- 10.116 In summary and subject to the suggested conditions, the development is considered to be in accordance with policies S1, RE1, RE3 and RE4 of the Oxford Local Plan 2036.

Energy and Sustainability

- 10.117 Policy RE1 of the Oxford Local Plan states planning permission will only be granted where it can be demonstrated that the building complies with sustainable design and construction principles. In addition, an Energy Statement must be submitted that demonstrates a 40% carbon reduction in carbon emissions, as well as evidence that for non-residential development of over 1000sqm, the development will meet BREEAM Excellent standard.
- 10.118 An Energy and Carbon Statement has been submitted with the application which sets out how the proposal has been designed in respect of sustainability, carbon emissions, renewable energy and environmental impact, against policy RE1 of the Local Plan. The statement demonstrates how the development is able to exceed the Council's target of 40% reduction in carbon emissions as set out in policy RE1. The development can achieve this through good fabric measures, ASHP and solar PV. This can be secured through a suggested condition.
- 10.119 In summary, the application is in compliance with Policy RE1 of the Oxford Local Plan 2036.

Biodiversity

- 10.120 Policy G2 of the Local Plan states development that results in a net loss of sites and species of ecological values will not be permitted. Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity.
- 10.121 In this instance, the application seeks the removal of the existing Co-Op building. To support the application a protected species report has been submitted that indicates that the building was surveyed for bats. The building is assessed as having negligible potential for shelter for roosting bats, and no bats or evidence of bats were found. However, there are no details of whether the trees on site or adjacent are being used for bat roosts. The applicant has confirmed that the trees have no bat roosting potential.
- 10.122 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection.
- 10.123 Officers are satisfied that the existing ecological value of the site is likely to be low. However, residents have reported that the site is used by nesting birds. Conditions are suggested to establish any existing ecological interests and a condition requiring ecological enhancements to ensure a net gain for biodiversity could be achieved.
- 10.124 The application also includes green roofs would be a vital element in the biodiversity net gain scheme (BNG) as well as major visual elements and feature prominently in many views of the proposed development.
- 10.125 It is considered that the proposal offers landscape opportunities with the inclusion of green roofs. This in addition to requiring a scheme for ecological enhancements is considered to provide opportunities for biodiversity in accordance with Policy G2 of the Local Plan
- 10.126 Policy G8 of the Oxford Local Plan requires the inclusion of such features “where feasible”. It also requires that they are designed to be low maintenance, or a maintenance plan otherwise provided. The specifications of the proposed green roof, including details of the proposed substrates and their depth, the number, size, species and density of the proposed planting and management plans are required to make an informed assessment for these visually prominent elements. These should include details of the maintenance regime and irrigation requirements. This is vital to ensure these areas can be practically delivered, in accordance with all necessary regulations and best practice (including but not limited to consideration of vegetation growth, irrigation, and fire safety). A condition is suggested to ensure the detailed specification for and long term maintenance of these areas,

- 10.127 Overall, the landscape strategy is noted to include features such as green roofs, rain gardens and 10 trees that will contribute to the biodiversity of the site, wider green infrastructure and support the proposed ecological enhancements. These features are welcomed.
- 10.128 In relation to Biodiversity Net Gain, the application would be subject to the deemed biodiversity gain condition which is a pre-commencement requirement. As a Local Planning Authority, Oxford City Council has a legal obligation to ensure mandatory biodiversity net gain is applied to applications subject to the biodiversity gain condition in accordance with the Environment Act 2021 and Town and Country Planning Act 1990 as amended.
- 10.129 Subject to the suggested conditions and clarification of the bat survey, the development is considered to meet the requirements of the NPPF and policies S1, G1, G2 and G8 of the OLP 2036.

Archaeology

- 10.130 Policy DH4 of the Local Plan has regard to archaeology and the historic environment.
- 10.131 NPPF paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF Paragraph 218 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. In this case, in line with the NPPF, any consent should be subject to conditions to ensure a controlled demolition and trial trenching to protect potential non-designated heritage assets.
- 10.132 Officers have determined this site is of interest because it involves groundworks in a location that has potential for late medieval and post-medieval remains in the form of a historic trackway of unknown antiquity that linked Old Headington with the medieval settlement at Headington Quarry. The site is located in an area that has not been subject to significant archaeological investigation. The desk-based assessment includes an assessment of low to moderate potential for Saxon and medieval remains.
- 10.133 Having regard to the NPPF and policy DH4 and the contents of the desk-based assessment, any consent granted should be subject to a condition to secure archaeology trial trenching followed by further mitigation as appropriate.
- 10.134 Subject to a condition it is considered the application is acceptable against Policy DH4 of the Local Plan.

Air Quality

- 10.135 Policy RE6 of the Oxford Local Plan 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.
- 10.136 The assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the area of the application site, show that current air quality levels are below all relevant air quality limit values.
- 10.137 According to the site's energy statement, no gas-fired boilers or combustion plant are proposed within the site. The proposed development will be covering its heating demands with the installation of highly efficient Air Source Heat Pump in the majority of the building spaces and the PV technology, and as such there will be no negative impacts on local air quality from the use of these systems.
- 10.138 According to the site's transport and air quality assessments, the development will result in the loss of four parking spaces, and the demand to access the site is expected to decrease from the current food retail site to the proposed car-free commercial development.
- 10.139 All surrounding streets are covered by an area wide CPZ which will prevent overspill parking being hazardous or a nuisance. The site's highly sustainable location will also encourage use of alternative modes of transport and therefore fully complies with all Transport Assessment requirements of the Local Plan.
- 10.140 A quantitative assessment of the potential impacts on local air quality arising from the proposed development during the operational phase has been undertaken using the detailed dispersion model ADMS Roads. The model was used to predict the changes in NO₂, PM₁₀ and PM_{2.5} concentrations that would occur at nearby sensitive (human) receptors due to traffic generated by the proposed development. The assessment was completed in line with published methodologies and technical guidance and using several conservative approaches. The results of the assessment showed that the proposed development will have a negligible impact on air quality at all assessment receptors considered, once operational.
- 10.141 The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment. The site was identified as 'low risk' during the demolition, earthworks and construction phases. These different risk levels were used to identify appropriate site-specific dust mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. However, local residents and the primary school have raised concerns about dust and other air-borne pollutants from the site, particularly during construction. There is concern that the demolition and construction activities are not 'low risk' for the children or those with breathing limitations.

- 10.142 Officers consider that these concerns can be addressed through suggested planning conditions. The suggested Construction Management Plan conditions include the requirement for details of dust and asbestos mitigation. The suggested Demolition Method Statement and Construction Management Plan includes a number of control measures covering dust, vibration etc.
- 10.143 The necessary air quality measures described above can be secured by condition to ensure that the proposals are acceptable in the context of Policy RE6 of the Oxford Local Plan 2036.

Land Quality

- 10.144 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, meaning the contamination poses an unacceptable risk to human health or the environment, under Part 2A of the Environmental Protection Act 1990. In accordance with policy RE9 of the Oxford Local Plan 2036, a Ground Condition Assessment report was submitted as part of the application.
- 10.145 The former use of the land includes use as a garage and fuel filling station. Underground fuel/oil storage tanks are confirmed to be present on site in the submitted Ground Condition Assessment report. Contamination risks are therefore considered likely based on this and historical information and an intrusive site investigation of the site is considered necessary to quantify potential contamination risks to groundwater, construction workers and future end users to include assessment of volatile vapour risks.
- 10.146 The submitted Phase 1 Ground Condition Assessment Report is considered acceptable, and planning conditions would be suggested to secure the recommended intrusive investigation and contamination risk assessment at the site, together with any remediation that may be required.
- 10.147 Subject to conditions being imposed, it is considered that the application would be acceptable in land quality terms and would meet the requirements of Policy RE9 of the Oxford Local Plan 2036.

Health Impact Assessment

- 10.148 Policy RE5 of the Oxford Local Plan states that Oxford seeks to promote strong vibrant and healthy communities. For major development proposals, the Council will require a Health Impact Assessment to be submitted, which should include details of implementation, and monitoring. A Health Impact Assessment (HIA) has been submitted.
- 10.149 Inclusive design has been considered both internally and externally throughout the scheme with wheelchair accessibility and flexibility available, considerations has been given to air quality and noise through submitted assessments, the site is in a sustainable location and does not promote additional car use, the development involves sustainable construction

techniques and renewal energy and therefore demonstrates where applicable that the development promotes health and wellbeing.

- 10.150 The HIA demonstrates that overall the development would have a positive impact on health. It is recommended that further enhancement to increase this positively through engagement between occupiers and the local community to ensure changing needs are met and establishing local procurement, training and employment agreements. Local procurement etc. would be dealt with and secured via the Community Employment Procurement Plan secured by the legal agreement.
- 10.151 The proposed development is considered to be in accordance with policy RE5 of the OLP 2036 and would therefore be acceptable.

Utilities

- 10.152 Policy V8 of the Oxford Local Plan 2036 requires there to be adequate capacity in utility networks to support the development. Thames Water have received two consultations on the application and no concerns have been received. Furthermore the site is already developed and served by utilities. The proposed development fits within this floorspace and therefore the proposal is considered acceptable in relation to policy V8 of the Oxford Local Plan 2036.

Best Interests of the Child

- 10.152 Article 3.1 of the United Nations Convention on the Rights of the Child provides that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. Section 11 of the Children Act 2004 requires Local Authorities to, “make arrangements for ensuring that...their functions are discharged having regard to the need to safeguard and promote the welfare of children...”
- 10.153 Article 3 and the Children Act 2004 principle of the ‘best interests’ of the child are accepted that in planning decisions concerning children. Planning case law says that their best interests must be of primary importance, and that planning decisions ought to have regard to that principle. This principle is a material consideration in planning decisions where Article 3 and Section 11 of the Children act are engaged. As outlined in the above report the education, safety and welfare needs of children, particularly those attending St Andrews Primary School have been carefully considered. In light of the mitigation through the use of planning conditions, it is not considered that the impacts of the proposal on children would warrant the refusal of planning permission. The mitigation of any potential impacts can be dealt with by the suggested planning conditions proposed to safeguard the welfare and education needs of children attending the St Andrew’s Church of England Primary School.
- 10.154 Several impacts on children were identified within the representations from St Andrews Primary School and County Council Education. These are broadly centred on design, health and safety and safeguarding. Many of these concerns are addressed within the suggested conditions such as noise and

vibration mitigation measures. The design concerns have been discussed in the above report and, in officers view, addressed. In relation to Health and Safety, a number of conditions are proposed to mitigate any impacts of demolition and construction. In relation to safeguarding, a condition for the submission of an Overlooking Mitigation Strategy is proposed to minimise any potential overlooking from the building into the school. In addition, a condition requiring the submission of a Security, Access and Safeguarding Plan is suggested. This Plan would include physical measures to control unauthorised access in the proposed development and into St Andrew's Church of England Primary School from the site.

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 on brownfield land to which substantial weight is given. The principle of the use on this site in this location is acceptable. It would deliver research and office space contributing 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 London Road. The development would not harm the setting of Old Headington Conservation Area or the setting of the listed wall that bounds Bury Knowle Park. However, Officers consider that the proposal by reason of its siting, scale, height and massing would take into account the effect of the development on the significance of St Andrews Primary School, as a non-designated heritage asset.
- 11.3 The proposed use is acceptable within the Flood Zone and the development would have an acceptable drainage scheme, subject to suggested conditions, 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 subject to the suggested conditions. A contribution towards highway improvements, traffic regulation order and travel plan monitoring would be secured by legal agreement.
- 11.5 On balance, there would not be an adverse impact on neighbouring educational and residential amenity from overlooking, overbearing, loss of daylight or sunlight, 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 In summary, the proposed development is considered acceptable for the reasons set out within this report and would not accord with the relevant policies of the Oxford Local Plan 2036 and the Headington Neighbourhood Plan.
- 11.10 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 Director of Planning & Regulation) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12 APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Planning Inspectorate Appeal Decision

13 HUMAN RIGHTS ACT 1998

- 13.1 Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation of approval for the reasons given in the report,. 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.

14 SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

15 RIGHTS OF THE CHILD

15.1 The UN Convention on the Rights of the Child (UNCRC) outlines the fundamental rights of every child, regardless of their race, religion or abilities. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights.. The UK ratified the UNCRC in 1991 making it binding under international law, however the UK does not automatically incorporate international treaties into domestic law. The principles of the UNCRC informed the Children Act 2004. As set out in the above report, in reaching a recommendation for approval, officers consider that the proposal will not undermine the rights of the child under the Convention and the Children Act.

16 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.

Approved Plans

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

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

Prior to Commencement of Works

Construction Management - Environmental

3. Prior to the commencement of the works including any demolition a Construction Environmental Management Plan (CEMP) including dust and asbestos mitigation shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be complied with at all times.

Reason: To ensure that the overall dust, air quality and asbestos risks and impacts on local residents and users of St Andrew's Church of England Primary School during the construction phase of the proposed development will remain as "not significant", i Policy RE7 of the Oxford Local Plan 2036.

Construction Traffic Management Plan (CTMP)

4. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This shall identify:
 - 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.
- 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 and St Andrew's Church of England Primary School 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.

The approved CTMP shall be adhered to at all times.

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 and to comply with policy M1 of the Oxford Local Plan 2036 and the NPPF.

Demolition method statement and construction management plan

5. Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include no demolition during the term time school hours of St Andrew's Church of England Primary School, control measures for dust, noise, vibration, overlooking, site security, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 - 18:00 Monday to Friday daily, 08:00 - 13:00 Saturdays and no works shall be undertaken on Sundays or bank holidays. The details shall include any demolition / repair works of the boundary walls to St Andrew's Church of England Primary School/5 and 7 Stile Road and measures for the reinstatement of these walls if demolition is necessary. The details shall include advance notification to neighbours, St Andrew's Church of England Primary School and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

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

CEMP

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

- a) Risk assessment of potentially damaging construction activities;
- 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 beforehand by the Local Planning Authority.

Reason: To prevent harm to species and habitats within and outside the site during construction in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), The Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

Drainage Strategy

7. Prior to the commencement of the works including any demolition a full drainage strategy, including any SuDS features and their maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be complied with at all times.

Reason: To ensure sustainable drainage and prevention of increasing flooding elsewhere in accordance with policies RE3 and RE4 of the Oxford Local Plan 2036.

Sustainable Design

8. Prior to commencement, details and plans shall be submitted to and approved in writing to the Local Planning Authority to show how the proposal will meet the Energy Statement prepared by ERS as well as details how the proposal achieves sustainable design and construction methods. The development shall be carried out in full accordance with the recommendations of the Energy Statement prepared by ERS. The development shall not be occupied until evidence (including where relevant Energy Performance Certificate(s) (EPC), Standard Assessment Procedure (SAP) and Building Regulations UK, Part L (BRUKL) documents) have been 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 (i.e. at least a 40% reduction in operational carbon emissions compared to a Building Regulations compliant base case) as approved.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with policy RE1 of the Oxford Local Plan 2036.

Tree Protection

9. Prior to commencement, details of protection and mitigation measures to ensure no harm to the tree on the public highway in Stile Road and the tree on the London Road frontage within the grounds of St Andrew's Church of England Primary School shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented.

Reason: To ensure tree protection measures for a public amenity tree in accordance with policies G1, G7 and G8 of the Oxford Local Plan 2036.

Tree Protection Plan

10. 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 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 beforehand 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.

Underground Services

- 11, 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 2036.

Arboricultural Monitoring Programme

12. 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 (LPA). 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 2036

Hard surfaces

13. Prior to their construction, 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 G7, G8 and DH1 of the Oxford Local Plan 2036

Contamination Risk Management

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

A Phase 1 (desk study and preliminary risk assessment) has been completed and approved.

A Phase 2 shall be completed to include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

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

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

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

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

Boreholes

16. No development approved by this planning permission shall commence until a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide 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. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 187 of the National Planning Policy Framework and Position Statement A8 - Building and decommissioning of structures of 'The Environment Agency's approach to groundwater protection'.

17. Piling/investigation boreholes/ any other engineering design to support geotechnical stability to the proposed development and installation of impermeable barriers such as bentonite or concrete slurry walls using penetrative methods shall not be carried out other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details only.

Reason: To ensure that the proposed Piling/investigation boreholes/any other engineering design to support geotechnical stability to the proposed development and installation of impermeable barriers such as bentonite or concrete slurry walls do not harm groundwater resources in line with National Planning Policy Framework and Position Statement N7, N9 and N11 of the 'The Environment Agency's approach to groundwater protection'.

Highways Details

18. Prior to commencement of the development, detailed plans, including dimensions, of the highway layout showing proposed works for the footway (including the location of dropped kerbs), carriageway and vehicular crossover shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall be implemented as approved unless agreed in writing beforehand by the Local Planning Authority.

Reason: In order to ensure the safety and convenience of pedestrians, cyclists and other users of the highway in accordance with Policy M1 of the Oxford Local Plan 2036.

Archaeology

19. No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement for controlled demolition to ground level to facilitate archaeological trenching and this has been approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

20. No development (other than demolition) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Prior to Above Ground Works

Materials

21. Prior to above ground works, samples of the materials to be used in the proposed development shall be displayed on site and details submitted to and approved in writing by the Local Planning Authority. These details shall include:
- All new facing materials (including windows)
 - Refurbished/cleaned existing materials
 - External store materials,
 - Boundary treatment materials
 - Hard landscape materials

There shall be no variation of the approved materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

Deliveries and Servicing

22. Notwithstanding the approved plans, prior to above ground works, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include contact details for staff responsible for delivery management, a swept path analysis for the service yard, management arrangements for access for bikes and details of the servicing and delivery vehicles to be used. Deliveries and servicing must be outside of school and network peak hours. The approved plan shall be implemented and maintained as approved unless agreed in writing beforehand by the Local Planning Authority.

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 policy M2 of the Oxford Local Plan 2036.

Security

23. Prior to above ground works, an application shall be made for Secured by Design (SBD) Commercial accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is safe and secure, and the design of the development reduces opportunities for crime in accordance with Policies RE7 and DH1 of the Oxford Local Plan 2036. Secured by Design

24. Prior to above ground works, a Security, Access and Safeguarding Plan shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how site and building security will be constructed and installed to prevent unauthorised access to the development and to St Andrew's Church of England Primary School. The plan shall include details of access control points, CCTV, alarms and liaison with St Andrew's Church of England Primary School. The development shall be carried out in accordance with the approved details and remain in perpetuity.

Reason: To ensure that the development and adjoining school is safe and secure, and the design of the development reduces opportunities for crime and ensures child safeguarding in accordance with Policies RE7 and DH1 of the Oxford Local Plan 2036.

Prior to Use / Occupation

25. Prior to first occupation of the development, an Interim BREEAM Report from the registered BREEAM assessor shall be submitted to and approved in writing by the Local Planning Authority. The report must contain:
- A copy of the interim design certificate confirming 'Excellent' certification has been achieved.
 - Evidence to show the development is on track to achieve a post-construction rating of 'Excellent' with a margin of comfort

Reason: To ensure the proposal meets policy RE1 of the Oxford Local Plan 2036.

Cycle Parking

26. Notwithstanding the submitted plans, prior to occupation of the development details of the cycle parking for users and visitors shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appearance, materials, provision for cargo bikes and electric bicycles and which shall be safe, secure and where possible covered, and details of the electric charging infrastructure. The approved details shall be installed and usable prior to first use of any part of the development. The cycle facilities shall be maintained for their intended use in perpetuity.

Reasons: To ensure sustainable methods of transport are provided in accordance with M1 and M5 of the Oxford Local Plan 2036.

Noise

27. Prior to use, details of the proposed plant installation and ducting at the development shall be submitted to and approved in writing by the Local Planning Authority

The plant 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.

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."

The plant details as approved by the Local Planning Authority shall be carried out by the first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority. The approved measures shall thereafter be maintained as approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers and users of surrounding premises and the school are not adversely affected by noise in accordance with Policy RE7 of the Oxford Local Plan 2036.

Landscape and Ecology

28. 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 (including green roofs), both on and off-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 organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures,
- j) Long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas including green roofs.

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

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

Reason: To facilitate the delivery of biodiversity net gain in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036 and to ensure compliance with the Wildlife and Countryside Act 1981.

Ecological Enhancements

29. Prior to occupation of the development, details of ecological enhancement measures including at least two bat roosting devices and two bird nesting devices shall be submitted to and approved in writing by the Local Planning Authority. Details must include the proposed specifications, locations, and arrangements for any required maintenance. The approved devices shall be fully constructed under the oversight of a suitably qualified ecologist prior to occupation of the approved development. Any new fencing will include holes suitable for the safe passage of hedgehogs. The approved devices and fencing holes shall be maintained and retained in perpetuity unless otherwise approved in writing beforehand by the Local Planning Authority.

Reason: To enhance biodiversity in Oxford City in accordance with Policies G1, G2 and G8 of the Oxford Local Plan 2036.

Landscape Plan

30. A landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, green roofs, 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. The landscaping proposals 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 2036.

Safeguarding and Residential Amenity

31. Notwithstanding the approved plans, prior to the occupation of the development a strategy and plans for obscure glazing and overlooking reduction measures shall be submitted to and approved in writing with the Local Planning Authority. Only the approved details shall be implemented and retained in perpetuity.

Reason: To ensure the development mitigated its adverse impact on the residential neighbours and the school, in accordance with policy RE7 of the Oxford local Plan 2036.

Contamination Risk Management

32. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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

Travel Plan

33. Prior to first occupation of the development hereby permitted a travel plan shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented, and any changes shall be agreed in writing beforehand with the Local Planning Authority.

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

Sustainable Urban Drainage (SuDS)

34. Prior to first occupation of the development hereby approved, 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:
- As built plans in both .pdf and .shp file format;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - The name and contact details of any appointed management company information.

Reason: To ensure sustainable drainage in accordance with policy RE4 of the Oxford Local Plan 2036.

Post Occupation

Lighting

35. External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting shall be minimised and glare and sky glow shall be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting in accordance with policy RE7 of the Oxford Local Plan 2036.

Landscape reinstatement

37. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals 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.

Informatives

- 1 **Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by Oxford City Council.**
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:
a Biodiversity Gain Plan has been submitted to the planning authority, and
the planning authority has approved the plan.
- 2 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 3 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 4 Your attention is drawn to the attached note relating to demolition and the requirements of The Building Act. 3 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from Considerate Contractors Scheme PO Box 75 Ware Hertfordshire SG12 9UY 01920 485959 0800 7831423 enquiries@ccscheme.org.uk www.considerateconstructorsscheme.org.uk
- 5 Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site

7. Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface.
- The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.
- This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.
- More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

8. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. Any hazardous waste must be consigned when it is removed from the producer's premises. There is no de minimis for this. The developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information.

9. All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume. PLEASE NOTE All local plan policies and proposals which are relevant to this decision are specific

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