

OXFORD CITY PLANNING COMMITTEE

18.07.2023

Application number:	23/00272/FUL		
Decision due by	10th May 2023		
Extension of time	None		
Proposal	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.		
Site address	152 London Road, Headington, Oxford, OX3 9ED – see Appendix 1 for site plan		
Ward	Quarry And Risinghurst Ward		
Case officer	Tobias Fett		
Agent:	Mr Nik Lyzba	Applicant:	Cantay Estates Ltd
Reason at Committee	The application is before the Committee because it is a major planning application that has been appealed to the Planning Inspectorate for non-determination, and guidance on the issues relating to the Council's case at appeal are sought.		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **resolve** that if an appeal had not been lodged the application would have been refused for the reasons given in the report; and

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended reasons for refusal in the report for the purposes of defending the appeal, including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

1.1.3. The reasons that the application would have been refused for are as follows:

1.The proposed development by reason of its scale, height and massing would result in an inappropriate overdevelopment of this open and prominent peripheral edge of District Centre location at odds with the prevailing character and appearance of the area. The development would be highly

visible and a strident building in the street scene, visually discordant in views on London Road and Stile Road resulting in a form of development that would fail to be locally distinctive and would not be of high quality design. The proposed development is therefore contrary to Policies DH1 and DH2 of the Oxford Local Plan, Policies CIP1, CIP2, CIP3 and GSP4 of the Headington Neighbourhood Plan, and paragraph 130 in the NPPF.

2. The proposed development fails to take into account the effect of the proposal on the significance of St Andrews CE Primary School, as a non-designated heritage asset. The proposal, by reason of its scale, siting, massing and height will dominate this Victorian school building and will reduce the school's prominence in views on London Road, resulting in a low to moderate level of less than substantial harm to the significance of this heritage asset. The proposal is therefore contrary to policy DH3 and DH5 of the Oxford Local Plan, policy CIP4 of the Headington Neighbourhood Plan 2017 and paragraph 203 of the NPPF.

3. The proposed development fails to adequately provide accurate trip generation of the existing retail store and appropriate TRICS data for the proposed development to accurately assess highway impact, including multi-modal breakdown. The proposed development has failed to provide any assessment of the capacity of public car parks in Headington to meet the demands of the proposal. There is also no site traffic survey. The failure to undertake and provide such assessments could result in adverse highway impacts to the detriment of highway safety and infrastructure contrary to policies M2 and M3 of the Oxford Local Plan 2036 and paragraphs 110-113 NPPF.

4. The proposed development by reason of its siting, scale, massing and height, and design and location of east, south and west facing windows, will create an intrusive and overbearing form of development and a loss of privacy through overlooking detrimental to the amenities of the occupiers of the adjacent school and neighbouring dwellings on Stile Road. The development would thus have an unacceptable impact on these neighbouring occupiers contrary to policy RE7 of the Oxford Local Plan 2036.

5. The proposed development by reason of its use of opaque glass will result in a poor outlook and amenity for the occupiers of the hotel, and a substandard level of accommodation, contrary to policy RE7 of the Oxford Local Plan 2036.

6. The proposed development fails to demonstrate that the proposal will meet BREEAM Excellent standard and be a sustainable design and construction, contrary to policy RE1 of the Oxford Local Plan 2036.

7. Had the above overriding reasons for refusal not applied, an amended drainage strategy would have been sought to address the lack of detailed drawings, clarifications on SuDS hierarchy and lack of SuDS for external hard standing areas and flood exceedance plan showing water to be drained outside site boundaries as well as clarifications on drop off bays and

infiltration testing. Due to the scale and amount of unresolved issues in relation to drainage there would be no reasonable condition that could be imposed, and therefore, as the proposal stands, it would be contrary to policies S1, RE1 and RE4 of the Oxford Local Plan 2036.

8. Had the above overriding reasons for refusal not applied, an amended Arboricultural Report would have been sought to address the quality of this submission as the report is below requirements for a major application and needs to allow more space for tree T3, and the proposed new tree near it to be moved to the west, as well as the unrealistic proposed retention of T1 due to the proposed footprint. Furthermore the landscape plan proposed is considered inadequate as it does not sufficiently cover the site and there are issues with the red line boundary and therefore some of the landscaping shown is outside of the applicant's control which is not acceptable. Due to the scale and amount of unresolved issues in relation to trees there would be no reasonable condition that could be imposed and, therefore, as the proposal stands, it would be contrary to policies S1, G7 and G8 of the Oxford Local Plan 2036.

9. Had the above overriding reasons for refusal not applied, more information in regards to the landscape framework plan and ecological enhancements would be required prior to decision making to ensure a Biodiversity Net gain is achieved. Due to the prominent nature and siting of the proposed green roofs and green walls, officers would require the specifications of those elements, including details of the proposed substrates and their depth, the number, size, species and density of the proposed planting and where necessary, management plans. These should include details of the maintenance regime and irrigation requirements. In addition, confirmation should be provided that the proposed sedum roof, biodiverse green roof, and green walls 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). This is to ensure the visual impact as well as the ecological impacts can be adequately assessed. Due to these unresolved issues, there would be no reasonable condition that could be imposed and therefore, as the proposal stands, it would be contrary to policies S1, G1 and G2 of the Oxford Local Plan 2036.

2. EXECUTIVE SUMMARY

- 2.1. The applicant has lodged an appeal for non-determination prior to officers being able to provide a full assessment and make a recommendation for a subsequent planning committee meeting.
- 2.2. This report sets out the recommendation had the Council been in a position to determine the application and seeks the Committee's view on how they would have been minded to determine this application in those circumstances. The Committee's endorsements of the reasons for refusal to form part of the Council's Statement of Case on appeal is sought.

- 2.3. This report considers the redevelopment of the existing Co-Op store, with a scheme for the erection of a replacement retail unit and a 92 bed hotel above. The uses would be provided in a rectangular footprint at ground floor and a C shape building form above. The retail unit will comprise 455 sqm on the ground floor. There would also be a separate hotel lobby entrance on the ground floor with hotel rooms on the 1st to 3rd floor. The overall building mass would extend in height from 3 storeys on the boundary with St Andrews CE Primary School and 5/7 Stile Road rising to 4 storeys on the corner of London Road and Stile Road with a number of setbacks and set downs along the boundary lines. A service yard is proposed to the rear.
- 2.4. 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.
- 2.5. The report considers the policies for hotel and retail development having regard to its location in the District Centre, and notes that whilst the footprint of the existing retail use has been reduced significantly in floor area, that the proposed retail unit is acceptable in principle. The report also considers the location criteria for short stay accommodation and notes that as the site is located in a sustainable position on a main arterial road, that the principal of the proposed hotel is acceptable.
- 2.6. 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 14.3m would result in a significant and incongruous building form, inappropriate in its siting and context and an overdevelopment of the site.
- 2.7. Officers have considered the wider impact of the building from long range views from Elsfield, and note that whilst the building would not be visible from this view and would not sit in the view cone of the historic skyline, that in local views by reason of its position forward in the streetscene, scale, height and massing would be visually discordant in the streetscape, out of character with this part of the District Centre, detrimental in views along London Road, and views from Stile Road.
- 2.8. 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. However, Officers consider that the proposal by reason of its siting, scale, height and massing would fail to take into account the effect of the development on the significance of St Andrews

CE Primary School, as a non-designated heritage asset, as the development would reduce the schools prominence in views on London Road.

- 2.9. Officers have considered the highway implications of the development and concluded that the application is not supported by an appropriate assessment of the existing trip rate of the existing retail store and note that the local public car parks have not been surveyed to assess whether there is capacity to meet the demands the development may place on these car parks and to assess highway impact. Officers also consider that the site is in a Controlled Parking Zone (CPZ), that the development offers two operational parking spaces to meet the needs of the development to the front. However the design and layout appears too prominent and would not be high quality design.
- 2.10. The report considers the impact of the siting, scale, height and massing on the amenities of the school 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 harm the amenity of the school and local residents through loss of privacy from substandard means to safeguard against views from hotel room windows; would be overbearing and intrusive, in siting, scale height and massing impacting on sunlight and causing shade. The report also considers the use of substantial opaque glass on windows will cause loss of outlook to the occupiers of residents.
- 2.11. Officers have raised concerns and request for more information that would be required prior to a determination for SuDS, biodiversity and tree issues, which would be used as refusal reasons if the Council were in a position to make a decision.
- 2.12. Finally officers have assessed the impact on land quality 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 fails to demonstrate that the development provides evidence of meeting BREEAM Excellent.

3. LEGAL AGREEMENT

- 3.1. Had the application been recommended for approval, an agreement would have been required in relation to travel plan monitoring for 5 years at an amount of £3,780 and public transport infrastructure contributions for £37,424 for 4x real time passenger information displays.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal would be liable to CIL of £111,098.91.

5. SITE AND SURROUNDINGS

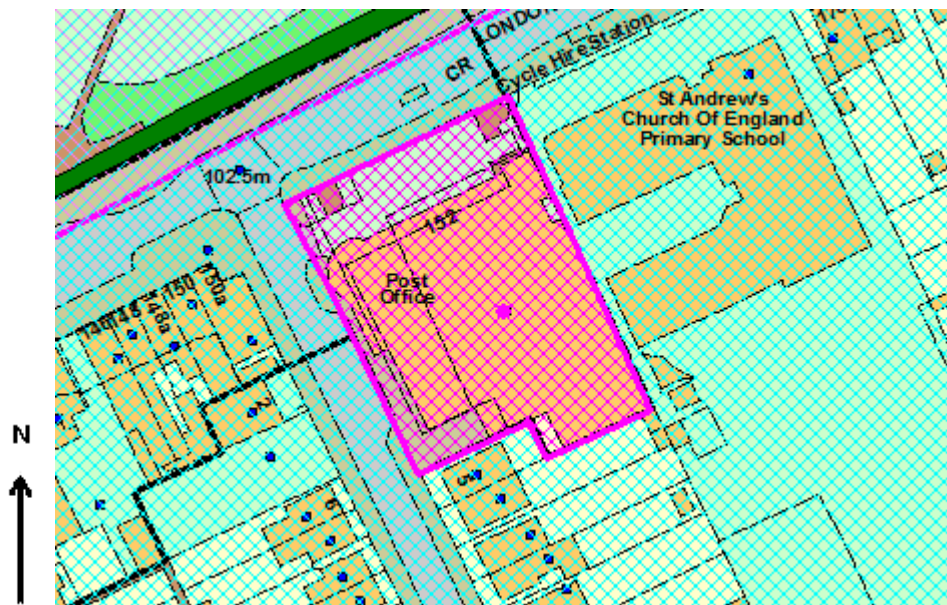
- 5.1. The application site comprises the existing Co-Op local store, located fronting onto the London Road Headington. The building is a white clad low level structure with a wide frontage and plan depth occupying a corner plot on the

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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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes to demolish the Co-Op building and to redevelop the site to provide a retail unit and hotel entrance lobby on the ground floor with a hotel above.

6.2. The proposed retail unit would occupy approximately half of the ground floor footprint occupying a floor area of 455sqm. The entrance to the retail unit would be from the front (London Road). This is a reduction in the floor area of the retail unit from 1377 sqm to 455 sqm.

6.3. The proposed hotel would provide a total of 92 beds. On the ground floor there would be an entrance lobby along with back of house supporting

facilities including, staff room, office, luggage room, plant and housekeeping. Above it is proposed to provide an additional 3 storeys to accommodate the bedrooms. Of the 92 rooms, 87 would be standard size, and 5 would be Disability Discrimination Act (DDA) compliant rooms (5%).

- 6.4. The building would be 4 storeys overall to its highest point which would be on the corner of London Road with Stile Road up to 14.3m. The building at 1st floor upwards would have a C shape footprint with green roof spaces at some of the available roof setbacks.
- 6.5. To the rear of the site there would be a service yard which would serve both the retail unit and the hotel.
- 6.6. The plans indicate the building would comprise the use of both buff brick and red toned brick, with the use of the lighter brick on the corner of the building with Stile Road where the building would be at its tallest at 4 storeys and some dominant sections of the frontage elevations. Red brick is proposed for the 'wings' of the building and would appear in the more set back and set in sections. The fenestration is proposed in a symmetrical manner with aluminium frames and reconstituted stone reveals. The roof plans would include a green roof sections to part of the building located on the site's frontage with London Road as well as a living wall and the erection of PV panels on the rear roof.
- 6.7. The application scheme is proposed to be car free development with two operational parking spaces to the front of the building. There is an existing lay by on Stile Road which would continue to provide for car parking as it does now, but this is outside of the red line boundary for this application. Guests would access the hotel from the front entrance. Cycle parking is proposed to the front of the building and adjacent to the retail entrance for public use, with facilities to the rear for staff.

7. RELEVANT PLANNING HISTORY

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

60/09742/A_H - Installation of petrol storage tank to replace existing tank. PERMITTED 16th August 1960.
62/12220/A_H - 156 London Road - Outline application for partial demolition of building and rearrangement of forecourt. PERMITTED 12th June 1962.
63/13005/A_H - Enlargement of entrance in Stile Road, conversion of workshop to stores and insertion of new offices. PERMITTED 8th January 1963.
66/18290/A_H - 154-156 London Road - Extension to front entrance. PERMITTED 13th December 1966.
67/19407/A_H - 154-156 London Road - Installation of petrol pump.

PERMITTED 24th October 1967.

70/23581/A_H - Eyles and Coxeter 152-156 London Road - Erection of covered way as reception area. PERMITTED 24th November 1970.

73/00159/P_H - Eyles and Coxeter 152-156 London Road - Internally illuminated panel sign. PERMITTED 21st March 1973.

77/00296/A_H - 154-156 London Road - Redesign of existing forecourt and demolition of parts of existing building and erection of new building for supermarket. PERMITTED 6th July 1977.

92/00991/NF - Single storey extension to sales buildings with new shop front. Installation of underground tank. PERMITTED 15th December 1992.

92/01110/A - (1) Retention of existing pylon sign. (2) Internally illuminated shop fascia signs. (3) Two internally illuminated island signs. PERMITTED 18th December 1992.

97/00083/A - (1) Internally illuminated free-standing 4.75 m high pole sign. (2) 2 x internally illuminated logo signs on canopy. (Amended plans). PERMITTED 17th June 1997.

07/01604/ADV - Midcounties Co-op. Display of adverts: 1x internally illuminated totem advert (1.25m x 4m); 3x externally illuminated fascia signs (2m x 2m); 2x externally illuminated fascia signs (above fascia 6m x 0.9m). PERMITTED 3rd September 2007.

14/01852/ADV - Display of 1no. non-illuminated fascia sign. PERMITTED 3rd September 2014.

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. This application, that has been appealed to the Planning Inspectorate for non-determination.

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. Pending.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	126-136	DH1 - 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	189-208	DH2 - Views and building heights DH3 - Designated heritage assets DH4 - Archaeological remains DH5 - Local Heritage Assets		CIP4 - Protecting important assets
Housing	119-125			
Commercial	81-83	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	92-97	V6 - Cultural and social activities V7 - Infrastructure, cult		

		ural and community RE5 - Health, wellbeing, and Health Impact Assessment		
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD	TRP1 - Parking at major employment sites TRP2 - Connectedness
Environmental	7-14, 119-125, 183-186	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	7-12	V8 - Utilities RE7 - Managing the impact of development	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application for the statutory minimum of 21 days and an advertisement was published in The Oxford Times newspaper on 23rd March 2023.

Statutory and non-statutory consultees

9.2. Oxfordshire County Council (Highways): Objection, due to vital data and information missing from plans and submission:

- 9.3.
- A traffic survey of the existing retail unit is required.
 - Multi modal trip generation estimates are required.

- Detail regarding the carriageway and footway widths is required.
 - Visibility splays are required.
 - A Stage 1 Road Safety Audit is required
- 9.4. Furthermore if planning permission was to be granted there would be a requirement for planning obligations under S106 and S278 to mitigate the development on top of the issues to be resolved under the above mentioned reasons for refusal.
- 9.5. Oxfordshire County Council (Flooding): Objections, due to missing and insufficient information which leaves officers unable to make a full assessment of the proposals.
- 9.6. Oxfordshire County Council (Education, including 3 additional comments from individuals attached to the primary school): Objection, due to short term and long term impact on school
- 9.7. Historic England: Historic England do not wish to offer any comments
- 9.8. Environment Agency: Comments. The proposal includes development on a site where the previous use may have caused land contamination and the environmental risks in this area relate to : Groundwater protection
- 9.9. If infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. Consider any infiltration SuDS greater than 3m below ground level to be a deep system and generally not acceptable. All infiltration SuDS require a minimum of 1m clearance between the base of the infiltration point and the peak seasonal groundwater levels. All need to meet the criteria set out in our Groundwater Protection publication. In addition, they must not be constructed in ground affected by contamination.
- 9.10. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. The proposed foundation design will need to ensure that steps are taken to prevent contamination of groundwater in the event that previous uses have resulted in contamination of the land within the site.
- 9.11. Thames Water Utilities: Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thame Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in time available so Thames Water request that a condition is imposed.
- 9.12. In respect of surface water network infrastructure capacity, Thames Water do not have any objection to the application.

- 9.13. In respect of water, the proposed development is located within 15m of underground water assets and as such would recommend an informative on any permission. Thames Water do not have any objection to the planning application.
- 9.14. Thames Valley Police: Raises concerns about the application not having adequately addresses crime and disorder as required by the para 92 and 130 of NPPF. This should be resolved by conditions to submit how issues are to be addressed.
- 9.15. Oxford Preservation Trust: Raise no objection but concern about the scope of the application having been assessed from multiple views cones as well as the proposed use, considering a severe shortage of sites for housing.

Public representations

- 9.16. 76 local people commented on this application from addresses in Stile Road, Gardiner Street, St Leonards Road, Jack Straws Lane, Chestnut Avenue, Kennett Road, Burdell Avenue, Old Road, Ramsey Road, Sandfield Road, Wharton Road, Binswood Avenue, Holyoake Road, , London Road, Ash Grove, Osler Road, Northway, Staunton Road, Headington Heritage, Slaymaker Close, Little Acreage, and London Place.
- 9.17. One objection has been received from the Highfields Residents Association
- 9.18. In summary, there were 73 letters of objections and 2 letters of support and 1 neutral comment. The main points of objection were:
- London Road is heavily congested and at a standstill.
 - Parking is often next to the Co-Op on double yellow lines, causing loss of view of oncoming traffic/poor visibility causing a hazard.
 - Increased demand for parking in the area, where will visitors park. Local car parks already full. No drop off for visitors. The ongoing provision of parking in car parks is vital for the viability of Headington District Centre to enable businesses to offer parking nearby.
 - Pedestrian traffic is high on this corner which is a safety concern.
 - Challenge validity of TRICS data used. No cumulative assessment of the implications this development may have.
 - Shops have limited parking and parking capacity has not been assessed.
 - The retail unit is very much scaled back from its current size.
 - Height and massing too large for the space, with height significantly higher than the neighbouring buildings. 1 storey should be removed. Excessive over-development of the site which looks overpowering and overwhelming.
 - Over-development of the site.
 - Out of character for Headington and not in keeping. Sticks out like a sore

thumb.

- Proposal out of keeping and spoil the view from Bury Knowle Park, which is bounded by a well maintained local stone wall. Would not preserve or enhance the setting of Old Headington Conservation Area.
- This is an opportunity to build an elegant piece of modern architecture. Sadly this opportunity has not been grasped and instead a dull monotonous design. Will be an eyesore and not fit in with Headington. Is bland and height is overbearing.
- The building breaches the building line by being constructed closer to the street.
- The building is much taller than all the others other than those in the central Headington area. It will have a significant effect on views towards London Road. Buildings around it are all low level domestic scale. Will dominate the skyline and dwarf the Victorian school, which is a heritage asset.
- Impact on the view from Elsfield.
- Impact on the quiet amenity of the park, changing character to urban space from a green space. This is an enviable green space and will be dwarfed by its bulk.
- Will impact on the neighbouring primary school and homes with overlooking and increase in height.
- Will look the same as the new hotel in Summertown.
- This is dreadful and unnecessary. There is no evidence for a hotel. The submitted Opinion of Need is not correct. Need more affordable housing than a hotel and to develop the site for people who can't afford to live in Oxford like keyworkers.
- No plans for replacing the post office (PO). This is essential for the Headington Community. The other PO is in Wood Farm which is too far for people.
- Concern for impact on and proximity to St Andrews CE Primary School with concerns regarding safeguarding and safety of young children. Increase in traffic could be dangers. It will be disruptive to learning.
- Impact on light to the school and welfare of local school children. Impact of construction noise for children.
- Not acceptable to have a hotel next to a school.
- Hotel brings unknown people into the area.
- Impact on local B&Bs and hotel. The occupancy levels of existing facilities referred to have been understated. There are many B&Bs in the area already, and a planned hotel at Thornhill.
- This doesn't provide for ecology, will destroy 2 mature trees.
- Will be at odds with domestic character of Stile Road.

- Will impact on retail behaviour in Headington.
- Infrastructure of Headington i.e. drains won't cope and this has been confirmed by Thames Water.
- Impact on trees on Stile Road.
- View images proposed of the development are misleading. From Bury Knowle Park it doesn't allow for seasonal variation to the view to account for Winter.
- Views from the hotel will impact on neighbours amenity. Impact on privacy – insufficient to use opaque windows up to eye level.
- Insufficient details on shading in summer time.
- Insufficient publicity with residents and public.
- Long standing contamination on site and there are still hazardous materials in the ground including asbestos and petrochemicals, despite what is in the report.
- Impact on noise levels in vicinity of the site and high disturbance to residents.
- Contrary to the Headington Neighbourhood Plan.
- Will harm the Lye Valley SSSI and drainage.
- Light pollution
- Litter
- Dust and noise concerns from construction. When would demolition occur as this must be outside of school term. Impact of construction on children's learning. Concern also from asbestos in the building and the need for buildings to be demolished in summer outside of school as well as removal of fuel tanks.

9.19. There were 3 letters of support or neutral commentary who made the following comments:

- Hotel will be a real benefit for Headington.
- Improvement for Headington side of Oxford.
- Will bring much needed visitors to Headington and its shops.
- Location of the hotel is good for the Oxford to London route.
- No objection to a redevelopment just the monotonous design of the structure.
- Support for Coop and Post Office to remain, otherwise objections.

Officer response

9.20. As with the previously refused application comments received in respect of business competition and impact on visitor accommodation cannot be taken into account, as competition is not considered a material planning consideration. Other comments have been addressed in the evaluation of the report.

9.21. 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. Under the previous application that was refused, 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.

9.22. 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:

- I. Principle of development
- II. Design
- III. Impact on Heritage Assets
- IV. Highways
- V. Managing the Impact of the Development
- VI. Trees
- VII. Flooding and Drainage
- VIII. Energy and Sustainability
- IX. Biodiversity
- X. Archaeology
- XI. Air Quality
- XII. Land Quality
- XIII. Health Impact Assessment

I. 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 Co-Op 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 areas 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. Members will be aware that the Government announced in September 2020 that retail uses (Use Classes A) amongst others, have been amalgamated with other uses to create Use Class E. 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.
- 10.8. The proposal seeks to redevelop the site but would retain a reduced retail unit and introduce a hotel lobby on the ground floor. It is acknowledged that the proposed retail unit is considerably smaller than the existing unit but in policy terms, the scheme does not seek to lose a retail unit, and it is acknowledged that the policy does not stipulate a loss of floor area. On that basis it is considered that the smaller retail unit would comply with Policy V4 of the Oxford Local Plan 2036.

- 10.9. The proposal includes a hotel with an entrance lobby on the ground floor. In terms of the criteria of V4 it is considered this falls within other town uses listed in policy V4. Moreover, on the basis this is providing an additional use and is not a change of use from a unit, then this is acceptable against this policy.
- 10.10. The proposal includes a hotel on the upper floors. Applications for short stay and holiday accommodation are covered by Policy V5 of the Oxford Local Plan 2036. This policy states that planning permission would only be granted for the development of new sites for holiday and other short stay accommodation in the following locations: in the City Centre, in District Centres, on sites allocated for that purpose, and on Oxford's main arterial roads where there is frequent and direct public transport to the city centre.
- 10.11. This locational requirement does not apply to proposals to refurbish or expand existing sites. Proposals for new, refurbished or expanded holiday and short stay accommodation must meet all the following criteria: a) it is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; b) there is no loss of residential dwellings; and c) it would not result in an unacceptable level of noise and disturbance to nearby residents.
- 10.12. In this instance the application site is located in the District Centre on a main arterial route. There is excellent provision of public transport to the city centre, with frequent and direct public transport. Therefore the assessment of an application for a hotel falls to be considered against the three considerations listed above in respect of being acceptable for highways; no loss of residential units and is acceptable in respect of noise and disturbance to nearby residents. This can only be satisfied through the assessment of the application and consultation.
- 10.13. Objections have been received in respect of the need for further hotels, stating that the site would be best served to provide affordable, key worker housing. In response, it is advised that Policy V5 stipulates the criteria for assessing applications for hotels and this does not require developers to demonstrate need. Furthermore, the site is not allocated in the Local Plan for development therefore there is no stipulation that the site must deliver housing/key worker housing.
- 10.14. Therefore in general terms, it is considered that the principle of the smaller retail unit and the proposed hotel has the scope to be acceptable in respect of policy V4, and the principle of a hotel above has the scope to be acceptable in respect of policy V5 subject to compliance with the policy criteria specified and development management policies outlined below.

II. Design

- 10.15. 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.

- 10.16. 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.
- 10.17. Policies in the Oxford Local Plan recognise that land in Oxford is scarce and that taller buildings have the scope to make the most efficient use of land. However, this must be the subject of sensitive analysis to ensure that the buildings are appropriate to the site's context and critically do not adversely harm the historic skyline of Oxford's dreaming spires which is vulnerable to change. Design choices about building heights are informed by an understanding of the site context and the impacts on the significance of the setting of Oxford's historic skyline. Taller buildings will be possible in many locations but they must be designed to ensure they contribute to the existing character and do not detract from the amenity of their surroundings. Higher buildings will often be appropriate in district centres and on arterial roads.
- 10.18. 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.
- 10.19. Guidance is contained in the Oxford High Buildings Study about the design of high buildings and in the High Buildings Study Technical Advice Note.
- 10.20. 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.
- 10.21. Policy CIP1 of the HNP states new development will only be permitted where they respond to and enhance the distinctive local character where it is described in the Character Assessments.
- 10.22. Policy CIP2 of the HNP states development will seek to protect important views within Headington itself and out of the Headington Neighbourhood Plan Area as identified on the Viewpoint Map.
- 10.23. 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.

- 10.24. Response to site and Context: 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.
- 10.25. The proposed development seeks to demolish this building and erect a building of staggered heights with mainly 2-3 storey elements rising to 4 storeys height on the corner of London Road and Stile Road. The building would be built further forward than the existing building on London Road and measure a total of 34m in width on the London Road frontage and 38m in depth along Stile Road. The building adjacent to St Andrews CE Primary on the frontage would be 3 storeys and measures 10.33m in height, rising to 4 storeys at 13m in height after 5.5m at a distance of 2 metres away from the boundary line. The building then increases again slightly in height to 14.3m at 4 storeys on the opposite corner. On Stile Road, the building would extend 38.8m in depth along the length of the Stile Road frontage. The building would be 4 storeys to the north and extend down to 3 storeys closest to 5B/7 Stile Road, at a height of 10.6m.
- 10.26. The new proposed frontage and set back space from the highway is also dominated by two areas of cycle parking and 15 metre of access and two operational parking spaces from Stile Road. The access and parking area are covered, with hotel rooms above.
- 10.27. The proposed design is of a height, bulk and massing that is not typical of its location. Despite the stepping of the form and reduction in the rear wing since the previous application, it still dominates the 1-1.5 storey non-designated heritage asset, St. Andrews School, when seen from the London Road (Submitted plan called View 02) - providing an overcomplicated massing as a backdrop. It also dominates the neighbouring residential properties on Stile Road (View 4), where it fails to transition sufficiently to the scale and grain of the residential street. While it is clear that the applicant has made modifications to the massing since the previous application in View 2, the changes to the massing in View 4 are minor, with new issues added such as the extent of blank façade in this view.
- 10.28. While there is potential for height at the corner of Stile Road/London Road, the proposal maintains this height for most of its depth, eventually making an abrupt transition down to the domestic, low rise scale of Stile Road - against

Officers advice. The other large buildings in Headington District Centre effect a greater step down from the blocks facing London Road to the blocks facing the residential streets. When seen from the District Centre (proposed view 3) the red brick Stile Road elevation is obvious at the top of the building, presenting large amounts of blank wall at height, exposing the scale of the building and a lack of articulation at its top.

- 10.29. Further, the submitted wireline from Bury Knowle Park has limited use explaining how the proposal will appear from the park, with no image of the proposal seen from this view, its lighting or how it will appear in winter despite previous request.
- 10.30. Plots: The C-shaped layout of the proposal on levels 1 and above orientates the courtyard away from the sun-path, with the rear wing putting both the courtyard and north facing courtyard windows into shade. The reduction in the rear wing has probably ameliorated the internal daylight/sunlight issues from the previous application to some extent, however it is impossible to know, as the internal daylight sunlight report has been conducted on the previous scheme. Therefore it is not clear how setbacks introduced for townscape reasons and oriel windows introduced to prevent overlooking have affected the result. Neither, is clear from the report if opaque windows have been treated as such in the calculations and the window considered as the portion of glazing which is actually transparent. It should be noted that opaque windows would let in very limited light (unlike obscure or translucent).
- 10.31. The C-Shape block also creates privacy issues, resulting in 24 rooms still relying on opaque windows (22 as their only windows) to avoid direct overlooking of other rooms or to avoid direct overlooking of Stile Road gardens. The proposal also requires 6 opaque corridor windows to avoid overlooking of St. Andrew's School. While the corridor windows are undesirable, opaque windows for the rooms would have a more serious effect on the individual rooms meaning no outlook and increased reliance on artificial lighting inside the room, i.e. poor design. In the previous application, a third of rooms featured opaque windows. While this has been reduced (along with the overall number of rooms), they still represent approximately a quarter of rooms in the current scheme. Officers suggested vertical louvres be explored to direct views however this has not been followed.
- 10.32. The C-shape block also leads to an uncomfortable appearance in the View from London Road (View 2) where the rear wing appears uncomfortably close to the London Road wing. While reduced from the last application, it still provides a confusing backdrop for the school, where the narrow courtyard makes the rear wing jostle for prominence with the main block on London Road. The image provided represents the best case scenario with trees fully in leaf, obscuring parts of the proposal and the school nearest the proposal.
- 10.33. Officers have suggested that the rear wing be removed completely to make the building a more conventional perimeter block. This would largely address the overlooking, internal daylight/sunlight and townscape issues caused by the rear block's appearance from the London Road.

- 10.34. The proposal makes such a dense utilisation of a deep plot that is not typical of Headington.
- 10.35. The buildings footprint still occupies a substantial width and depth and is positioned forward on the London Road frontage and is situated on the edge of the pavement on Stile Road. From this siting and footprint, coupled with the overall height and massing of the building, it is clear that the proposed development will have a significant impact on the streetscape on this edge of centre location. The use of this, along with the photomontage views provided by the applicant indicates that the development, by reason of its siting, scale, massing and height of the building, would result in an overbearing and incongruous building at stark odds to the peripheral location in which the site sits on the edge of the District Centre.
- 10.36. Officers consider that such a building would dominate this corner plot and would appear out of character with the domestic character and form of surrounding building typologies, and would be a stark contrast to the vernacular of this part of the District Centre.
- 10.37. 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. However, the siting, width, depth and massing of the building as proposed and the considerable height would look out of scale and appear discordant in this low key transient position. Indeed, the height of the building at 14.3m is comparable only with those tallest buildings at distance within the hub of the District Centre, at Holyoake Hall and the adjacent Skipton Building Society building, which lie in the middle of the District Centre. However, it is important to note than even in this central location, these building typologies are limited to 4 storeys and only because of their location, are they suitable to their context. By comparison the application proposal is for 4 storeys and not addressing its immediate or wider context.
- 10.38. The mass of the building is broken down into smaller blocks ranging from 1 to 4 storeys with setbacks to hide the size and bulk of the building. However, while these set backs are intended to break up the massing and disguise its size, they often have the opposite effect, exposing large amounts of blank brickwork on the façade (the rotation of the fixed layout hotel room causes this problem). Because the setback storey is also articulated in brick and now has large areas of blank facade, the proposal looks unduly heavy in all views where it is seen over the top of the buff brick facade. The articulation of the set forward and set back massing in different colours appears worse than the previously submitted scheme which had greater clarity between different blocks. Nor does it seem to have been based on any particular example in the context, adding complication without achieving a contextual response.
- 10.39. A building of this scale and depth would appear strident in its domestic context. What contributes to this harm is that the building has been built forward of the existing pattern of development, or building line of adjacent building. The result of this is that the application building when viewed from

the east would block views of along London Road. Likewise, when viewed from the west, the building will block views of St Andrews CE Primary School on the London Road. Moreover, in both directions the views would reveal the bulk and massing of the buildings set over the top of St Andrews School when viewed from the east and over the frontage of buildings at 150, 148 London Road when viewed from the west. In local views, this scale and massing would be highly visible, and harmful to the streetscene.

- 10.40. Whilst Policy AOC6 of the Oxford Local Plan allows for making efficient use of land, the supporting text has regard to building heights and density in the District Centre and notes in the text in para 9.67 that “The centre is characterised by 2-3 storey, moderate sized terrace properties whose lower floors have been converted to shop frontages and large 3-4 storey commercial buildings of varying quality that infill plots.” The paragraph goes on to state “There may be an opportunity to redevelop some of these sites in a more intensive way which would be still be in keeping with the character and function of the centre. At 15m and above buildings may create a skylining effect in views from Elsfeld and will need careful design and justification”.
- 10.41. Whilst it is recognised that there may be opportunities for redeveloping this site, and that the proposal has the scope to be making an efficient use of land, is it not considered that the design approach taken here responds to its context or is justified in its approach despite not exceeding 15 metres for this currently proposed scheme as opposed to the 16.3 m of the previously refused scheme.
- 10.42. On London Road (View 3), the addition of a thick band of brick for the plant parapet furthers the impression of bulk at height, especially in contrast with the buildings in the district centre. The articulation of a thick brick band is more typical of the new developments at Barton Park than Headington district centre, however on Barton Park these are often articulated more. Further, the roof plan appears to show lifts serving the roof level but these are not shown in any of the views. It is unclear whether this is a drawing error or whether access is proposed for plant replacement/access.
- 10.43. From Stile Road, the areas of blank façade with a heavy upper storey are particularly noticeable in contrast to the scale and fenestration of the neighbouring houses. This only goes to emphasise the difference between them and suggest the apparent depth and width of the building would tower over the simple form of traditional housing and would appear as a strident bulky mass which coupled with its height, would be particularly harmful in its setting.
- 10.44. 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.
- 10.45. Natural Environment: It is welcome that the roofs accommodate both a biodiverse roof and solar panels and that new trees on London Road are

proposed. The building footprint covers most of the site with a service yard to the rear, hence opportunities to introduce landscaping around the street perimeter of the building and biodiversity on the terraces should have been taken.

- 10.46. It is disappointing that most of the rooms overlooking the courtyard garden would not be able to see it out of their opaque glazed window and that this would be a sedum roof despite the opportunity for some enhanced visual amenity for hotel guests who do have a view of it.
- 10.47. More detail on this is discussed in the related section on trees and biodiversity later in the report.
- 10.48. 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 not be acceptable as this would be incongruous and strident in this peripheral location at odds with the prevailing character of development in the area. The proposed development is not considered to be of a high quality design and has not been altered enough when compared to the previously refused scheme to overcome the previous refusal reasons. This application would fail to create or enhance local distinctiveness. The development would comprise an overdevelopment of the site, resulting instead in a poor building form, strident in its siting, massing, scale and height. The development is contrary to 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.

III. Impact on Heritage assets

- 10.49. 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 194. 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 195).
- 10.50. 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 199). Paragraph 202 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.

- 10.51. 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.
- 10.52. 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.
- 10.53. 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.
- 10.54. 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. Considerable objection has been received that the erection of the building would harm views from within the Conservation Area.
- 10.55. 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.
- 10.56. The application site does not lie within any of the designated viewcones 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. It appears that this wireline has not been updated since it was submitted in support a previous application on the site 21/03361/FUL, meaning it does not accurately reflect the current proposals.

However, as the massing of the building has been slightly reduced in comparison to this previous scheme, it does still serve to show that the building would sit behind an area of vegetation and therefore would not impact adversely on the view.

- 10.57. 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 in its own right 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.
- 10.58. 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 considered to be 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 considered to be 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.
- 10.59. 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.
- 10.60. Therefore Officers are satisfied the development would not cause harm to the setting of the Old Headington Conservation Area.
- 10.61. 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 will result in no adverse impact on the setting of this designated heritage asset.
- 10.62. Officers have also considered the impact on St Andrews CE Primary School. This building is not listed but the submitted Heritage Statement includes an extract from the Old Headington Conservation Area appraisal which identifies the school as being an historic building of local significance.

- 10.63. Para 203 of the NPPF states 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.
- 10.64. Para 2.1.6 of the Heritage Statement makes reference to the NPPF policy relating to non-designated heritage asset which is set out at para 203 of NPPF. At 3.1.4 the Heritage Statement in considering the historical evolution of the site and its surroundings identifies that in the late C19 (1887 OS) the School for Boys was a building surrounded by open fields across which ran a footpath (connecting to the settlement of Headington Quarry).
- 10.65. At 3.2.7 in analysing the character and appearance and the pattern of built form on the south side of London Road near the application site provides a description of the school buildings, explaining that the original building of 1847 was 'replaced' with new buildings in 1894. Those that form the core of the school buildings and those fronting on to London Road today, but does not set out the significance of the building or identify it to be particularly important.
- 10.66. At para 4.3.2 of the Heritage Statement, in describing design changes through the process, acknowledges that the design responded to officers concerns and was reduced in height to three storeys adjacent to the school.
- 10.67. At 5.1.3 a conclusion suggests that the proposed design, its scale, form and the proposed materials to be used indicates that due regard has been paid to the relationship to adjacent buildings, however, no specific acknowledgement of the significance of the school.
- 10.68. Thus the Heritage Statement gives a sense of acknowledgement of the school as a neighbouring building but there is concern that the building's local significance overall hasn't been properly considered in the document.
- 10.69. The school has important aesthetic value as a Victorian School building. Social and communal value as a school built to educate the local community, albeit segregated as a boys' school, in its earliest manifestation and provided by the Church for the community. There are similar examples throughout the city and in particular through the East End of Oxford. Importantly the school was built in open fields and was the first significant building to the south of the turnpike road pre-dating the development of the residential suburbs.
- 10.70. Having considered the proposed development, Officers consider that the importance or value of the school in views along the Turnpike would be diminished by virtue of the dominance of the building proposed to be built at 152 London Road which would overshadow the late Victorian school buildings.
- 10.71. Consequently Officers consider there would be a degree of harm caused to the significance of the non-designated heritage asset which officers consider

would be a moderate to low level of less than substantial harm due to the school's reduced prominence in views along London Road.

- 10.72. The proposed development would fail to meet the objective not to cause harm to heritage assets and the level of harm that would be caused would be a low to moderate level of less than substantial harm to the significance of the non-designated heritage asset. Although the proposed design has evolved to try to mitigate this harm it has not responded sufficiently enough to officer comments as the new building at 152 would dominate views up and down London Road thus diminishing the significance or importance of the school buildings in these views. The proposal would fail to meet the objectives of the NPPF, including those specifically relating to any heritage asset in para 195 of the NPPF and to non-designated heritage assets in para 203, as well as the policies relating to appropriate contextual design that are set out in Section 12 of the NPPF. The development is therefore contrary to policy DH3 of the Oxford Local Plan and policy CIP4 of the Headington Neighbourhood Plan, and paragraph 203 of the NPPF.
- 10.73. 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 sections 66 the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 199-203 of 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.

IV. Highways

- 10.74. 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 (paragraphs 110-113). 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.
- 10.75. 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.

- 10.76. 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 two operational car parking spaces) which is supported in principle to reflect the sustainability of the site however this needs to be the subject of additional assessment to ensure the impact of the development is limited on the highway.
- 10.77. 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. The application intends to remove the car park and replace it with two operational a drop off spaces to the front of the hotel lobby with access off Stile Road and would retain the delivery and servicing access to the rear.
- 10.78. 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.
- 10.79. The Transport Assessment 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.
- 10.80. Paragraph 3.2.6 of the Transport Assessment states that a number of Park and Ride facilities are available around Oxford and shall enable visitors who require car travel to park outside the city and complete their journeys by shuttle bus. However, Officers consider this is misleading and it is not clarified whether there is the provision of a shuttle bus from Park and Ride facilities for hotel users. And should this be the case, it remains to be known where the shuttle bus would park for the visitors to alight.
- 10.81. 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. This approach is considered in principle to comply with the principles set out in the Local Plan to reduce car parking provision. However, whilst the County Council are in support of this approach, Officers have some concerns regarding the capacity of these public car parks to be able to accommodate visitors to the hotel. It is considered that a parking accumulation survey is necessary to establish whether the public car parks have capacity to accommodate the likely demand from the development. However, at this stage, no such survey has been undertaken and this cannot be demonstrated.
- 10.82. The application refers to two disabled parking spaces, but it is noted that these are on public highway and outside the red line of the application site.

The Highway Authority would not allocate private parking on public highway and hence there is no guarantee that these spaces would be available solely for the development's use. With this in mind, the drop off area now provided to the front of the development would be able to fulfil this need. A parking management plan would be required by condition if this application was acceptable or the Council in a position to determine it.

- 10.83. 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. The Local Highways Authority states that there is a substantial shortfall in data provided by means of surveys and information to address the full impact of the development on parking. Oxford is a major tourist attraction where coaches are known to ferry in groups of tourists especially in the summer months. Due to the nature of London Road and in the vicinity of the site, any impacts must be fully assessed.
- 10.84. County Highways raised concerns with access to the hotel from parking within the public car park at Headington car park behind Waitrose. Highways consider that the access is via a narrow walking route at the back of properties that leads to the Headington public car park and argue that the nature of this route is unsafe as it is not overlooked. Whilst this position is understood, it is not considered that a reason for refusal were the Council in a position to determine the application on this alone is sustainable as there are other means of connecting to this car park than through this route adjacent to Bury Knowle Park.
- 10.85. 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 12m long rigid and 11.3m long refuse collection truck respectively as appended to the TA. Although the tracking appears to show a slight infringement/overrun on the western kerb of Stile Road, Highways consider that this can be avoided by careful driving. It is also noted that the servicing and delivery arrangement shall be maintained as is currently used with the convenient store.
- 10.86. However, the layout of the rear service yard is very tight and there is concern that vehicles may not be able to use the loading bays at the same time. Highways note that if the gate is closed and a lorry cannot enter immediately, it will be waiting in a place where it could cause a safety hazard to vehicles in Stile Road. A delivery and servicing plan should be 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.
- 10.87. Had the other reasons for refusal not applied, a Delivery and Servicing Plan would have been sought.
- 10.88. Traffic Impact: The submission has utilised TRICS to determine the likely trip generation assessments both from the existing development and as

proposed. While it is considered acceptable to use TRICS for forecast trip generation, Highways consider that it is not acceptable to use the same approach to assess current travel movements. To do this, Highways consider that this information should be garnered by using a site survey to establish trips, which would give a more accurate representation of the arrival/departure pattern rather than using TRICS.

- 10.89. The assessment of the predicted traffic likely to be generated by the proposed hotel has also utilised data from TRICS. The trip rates have been submitted as part of the TA and Highways consider that the data used is too low. Utilising the TRICS database with the same parameters as those used in the TA would generate slightly higher trips. The TRICS output appended to the TA reveals that a further deselection was done to manually remove survey sites with allocated parking. However, an assessment of the selected sites shows that some do indeed have on site. Highways consider therefore that these sites are not suitably representative of the application site and without the use of comparable sites, the assessment is not comparable or as robust as it could be. It also does not reflect the impact of whether on-site parking provision or the lack of it (with the use of an alternative nearby public car park) would influence demand. It is therefore considered that this assessment is not robust.
- 10.90. 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 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.
- 10.91. Cycle Parking: Cycle Parking has been shown at the front of the site for visitors and shoppers with separate staff cycle parking to the rear of the building. County Highways have confirmed cycle parking has been provided in accordance with the required standards but details for enclosures and designs could be secured by conditions if planning permission was to be granted.
- 10.92. 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 to the proposal that have not been considered by the applicant. Those objections relate to the lack of analysis of parking capacity in the area to accommodate the demand for parking generated by the hotel; the inadequate survey data to assess traffic impact and concerns in respect of delivery and servicing. The proposal therefore fails to adequately consider highway impact and would lead to an unacceptable impact on highway safety and hazard contrary to policies M2 and M3 of the Oxford Local Plan 2036.

V. Managing the impact of development

- 10.93. 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.
- 10.94. 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.
- 10.95. 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.
- 10.96. Noise rating levels for any new mechanical equipment relating to plant, mechanical ventilation and air conditioning has not been proposed in relation to the measured background noise levels, but this can be controlled through conditions.
- 10.97. The potential for the proposed development to introduce new noise sources into the area which may impact upon existing sensitive receptors has been submitted.
- 10.98. The current redevelopment proposals are for the provision of multiple bedrooms. Given that the proposed end-use for the site is for residential (hotel) 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.
- 10.99. Comments have been made in respect of the impacts of dropping off of residents by taxis and cars along this road. Whilst it is appreciated that the hotel would be available for residents to access 24hrs, officers consider that in light of the current use of the top part of Stile Road, and existing car parking along the front of this highway, that the noise implications would not be so at odds with this existing usage such to justify a reason for refusal.
- 10.100. 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.

- 10.101. Subject to these conditions, having considered the information submitted with the application and acoustic assessment, the site is considered acceptable for the creation of a hotel and the retail unit in terms of its noise impacts.
- 10.102. Privacy: The hotel has been designed with full level windows to provide light to the hotel rooms and for outlook. However, given the proximity of the neighbouring school and residential properties, the full length windows have been designed to incorporate opaque glass from ground level up to eye level to prevent direct overlooking on two elevations. 24 rooms are still relying on opaque windows (22 as their only windows) to avoid direct overlooking of other rooms or to avoid direct overlooking of Stile Road gardens. The proposal also requires 6 opaque corridor windows to avoid overlooking of St. Andrew's School.
- 10.103. On the eastern elevation, there are no hotel rooms, but end of corridor windows but these have a similar treatment with opaque glass to eye level and clear glass above.
- 10.104. All other windows are clear on the western and northern elevations.
- 10.105. Officers consider that this approach to safeguarding against loss of privacy is substandard as this is considered an overreliance on this feature to maintain privacy, and secondly it does not guarantee privacy as people could still achieve views out.
- 10.106. It is also considered that this would be intrusive for those residents and the school as introducing windows on the building of this scale increases the perception of loss of privacy and being overlooked.
- 10.107. Officers consider therefore that this does not address the issue of privacy and leads to the conclusion that overreliance on such features indicates that amenities haven't been considered from the outset of designing the building and would therefore be considered an overdevelopment of the site.
- 10.108. Outlook: It is considered that the provision of opaque glass up to eye level would provide for poor outlook for guests occupying rooms on the southern elevation or wing of the building within the courtyard and is a substandard arrangement.
- 10.109. Overbearing: The building on site would be far greater in scale, height and massing than the existing building on site. Whilst it is acknowledged this is set further away from the boundary with 5 Stile Road than the current building or previously proposed schemes, the scale, height and massing of the building, its proximity to the eastern boundary, as well as the number of windows on the southern elevation when viewed as a whole would be detrimental and be overbearing to the amenities of these occupiers.
- 10.110. Sunlight/Daylight: A Daylight Sunlight Assessment has been submitted with the application which considers the impact of this onto the school and

neighbouring residences. It appears that this is the same as submitted for the previously refused scheme. The DAS includes details of shading at winter and Summer Solstice. Therefore the details require further refinement to be suitable for the assessment for this scheme.

- 10.111. From the submitted report, it is apparent that the proximity of the development, and its proposed massing would have an adverse impact on the level of sunlight hours received into certain rooms within the school. This has been accounted for in an annual assessment of annual probable sunlight hours, and it indicates that the most affected neighbouring windows are within the School. This assessment is taken from the BRE guide and states that sunlight is adversely affected if there is a reduction of sunlight of more than 4%. Access to sunlight is necessary for learning and for mental health and this is a consideration in the analysis of the impact on the school. It does however state that average daylight factor is unaffected or a “negligible” change.
- 10.112. The shading analysis is rather restricted as it only considers summer and Winter Solstice at 9am, 12pm, 3pm and 5pm. For the school it indicates that the massing of the building creates additional impact at Winter Solstice in the afternoon. The analysis does not indicate at what point in the year that this impact begins to improve. However it indicates that when the sun is at its lowest in winter that greater shading, coupled with less sunlight hours into certain rooms of the school, there is an impact. To balance this it is indicated that the school does impact upon the light received into the courtyard itself within the school, and it is noted that in the report the daylight factor is unaffected.
- 10.113. The same document also identifies a high impact on light received on the ground floor to 150 London Road, as well as additional shading to this building in winter. However as this is a retail unit on the ground floor, it is considered that this is less sensitive to reduced daylight than the occupiers of the school and it is noted that these windows are high level.
- 10.114. Having regard to impact on residential dwellings on Stile Road, the analysis reveals the impact of the building to be negligible. In respect of shading analysis, this reveals that the development would be an improvement as the buildings improve the relationship with 5 and 7 Stile Road, being set further back from the boundary and there being a negligible change to average daylight factor.
- 10.115. It is also necessary to consider the impact of daylight and sunlight of occupiers of the hotel. In respect of shading, it is noted that the bedroom windows onto the central green space would be in shade throughout the day in winter due to the proximity of the building mass and it being a narrow courtyard space that has been created.
- 10.116. Further there is concern with the use of opaque glass that is relied upon as a means to address amenity. It is not clear in the Daylight and Sunlight Assessment whether it takes into account the use of opaque glass. As

discussed above a significant amount of windows are utilising this to address concerns of impact on overlooking and would not let light in so would not contribute as described in the Assessment. In that report it states *“All of the habitable areas will benefit from large areas of glazing to increase the amount of daylight within the internal spaces where possible. This is expected to reduce the need for artificial lighting whilst delivering pleasant, healthy spaces for occupants.”* The modelling as shown in the Sunlight Daylight Assessment indicates floor to ceiling windows, but this would not be the case if $\frac{3}{4}$ of the windows are opaque. It is not clear whether the report considers either just the top area of clear glass or the whole pane and accounted for opaque glass. Although the report does appear to state that there would still need to be lighting in some rooms in the internal daylight sunlight conclusion. Certainly for those rooms that utilise opaque glass that the use of opaque glass rather than obscure means that only natural light comes in from the high level window.

- 10.117. Cumulatively, whilst the analysis reveals that the proposed development would not impact on the majority of residential buildings in respect of shading and loss of sunlight or daylight, the school would certainly be impacted upon through additional shading and reduced sunlight hours created by the additional scale and massing of the building. It is accepted that the school day is limited to around 3pm, but in the winter months the impact would be apparent through the day until 3pm. This indicates that the development would be harmful in terms of its impact and this would be to the detriment of school users.
- 10.118. Whilst the report is unclear over whether the use of opaque glass has been considered in its analyses, it is considered that the use of opaque glass and the design of the building would result in substandard accommodation for occupiers of the hotel rooms within the central courtyard area through shading throughout the day in the winter months, and potentially other times of the year.
- 10.119. It is also considered that the use of opaque glass would have an adverse impact on outlook to those occupiers of the hotel rooms.
- 10.120. In respect of privacy there is an overreliance of opaque glass to prevent overlooking of the school and of 5 and 7 Stile Road. This on its own is not considered an acceptable measure for preventing loss of privacy and would increase the perception of being overlooked.
- 10.121. Finally the building is considered by reason of its scale, height and massing to be overbearing to local residents and occupiers of the school.
- 10.122. For these reasons the application is considered to be contrary to Policy RE7 of the adopted Local Plan.

VI. Trees

- 10.123. 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.
- 10.124. 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.
- 10.125. There are no special tree protections present on site.
- 10.126. The Arboricultural report submitted is not considered an adequate impact assessment, but a tree constraints exercise, and as such the submissions falls short of the requirements for a major application.
- 10.127. There are three existing trees relevant to the application. A semi mature ash tree (T2) on site; a semi mature scots pine off site and a mature Ailanthus (T1) (tree of heaven) off site.
- 10.128. 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 could be secured by condition if approval was granted.
- 10.129. 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), however this has not been included in the application's tree report and is within a few metres of the site's boundary. Officers consider that whilst the tree should not be adversely affected by the proposed scheme, this needs to be considered in tree protection measures through a condition if the proposal was to be recommended for approval.
- 10.130. In respect of the mature Ailanthus (T1) off site, this is in the pavement on Stile Road. The root plate of the tree is causing deformation of the surrounding tree grille and hard surface, which indicates ground conditions are restricted for tree growth. The proposed retention of T1 is unrealistic and arguably undesirable to its root plate development/deformation of surrounding hard surfaces, and alien invasive species status. The proposed new build reduces its already very limited rooting area by virtue of a slightly larger footprint, and officers are sceptical of the practicality of retaining this tree during construction; the option to replace it should be explored as part of the landscape details with new large volume designed tree pit and suspended hard surface to allow sufficient soil volume for sustainable root

development and establishment without a repeat of the root-plate/surface humping.

- 10.131. 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.
- 10.132. 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.
- 10.133. Overall, additional details and information would be required as well as a compliant Arboricultural Impact Assessment. The application is not acceptable in its current form and would be contrary to policies S1, G1, G7 and G8 of the OLP 2036. Officers consider that the issues raised could likely be mitigated by conditions, but as the application stands would form another reason for refusal if the Council were in a position to determine the application.

VII. Flooding and Drainage

- 10.134. 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 have considered the strategy and have raised an objection to the proposal due to numerous shortcomings and insufficient information
- 10.135. The drainage strategy drawing fails to include pipe numbers which should read in line with the calculations produced. Surface water discharge rate is not shown and should be 2l/s as stated in the Thames water confirmation letter.
- 10.136. The applicant has failed to provide clarification on how the drainage strategy follows the SuDS treatment hierarchy. For instance drop off bays, service areas and roof areas needs surface water treatment before discharging into the public sewer. There are also SuDS construction drawings missing.
- 10.137. The flood exceedance plan shows surface water draining outside the site boundary. All proposed external levels should be adjusted to ensure surface water is contained within the site boundary and away from structures.

- 10.138. On the drainage plan there is no SuDS or drainage infrastructure proposed to pick up the drainage from the service area, cycle parking and drop off bays.
- 10.139. Furthermore clarification is missing on how the surface water would be treated and be picked up by the drainage network. The drainage plan lacks to clearly demonstrate all proposals and does not show the extent of the drop off bays, service area and cycle parking.
- 10.140. Infiltration testing would need to be provided to conclude infiltration is not feasible on site.
- 10.141. Objections have been received from residents in respect of the capacity of the Thames Water sewerage network for foul waste. The Strategy advises that foul water would be discharged to the Thames Water sewer in Stile Road via a new connection. A consultation with Thames Water advises that they will need to undertake modelling work to establish capacity but that this does not mean that planning permission should be refused on this basis, but that this work can only be undertaken if permission has been approved as Thames Water would be required to do this only if planning permission is granted.
- 10.142. Thames Water advise in respect of surface water and water capacity, that the proposals are acceptable.
- 10.143. Concerns have also been received from third parties 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.
- 10.144. The above could be dealt with by the provision of additional information and details had the Council been in a position to determine the application. In the absence of the vital drainage details these matters form an additional reason for refusal, if the Council were able to make a decision, in accordance with policies S1, RE1, RE3 and RE4 of the Oxford Local Plan 2036.

VIII. Energy and Sustainability

- 10.145. 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.
- 10.146. In terms of sustainable design and construction principles, this is mostly covered in the submitted energy statement, albeit it is noted that the proposed Air Source Heat Pumps are not shown on the plan and it does not state how it will create a building that is flexible and adaptable to future occupier needs (principle f. of policy RE1). The statement also sets out that

in terms of assessing overheating risk, 'the majority' of areas have passed the criterion for limiting solar gains, however does not explain which areas did not.

- 10.147. Had the above reasons for refusal not been raised, further information would have been sought.
- 10.148. An Energy and Sustainability 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.
- 10.149. The report demonstrates that the building can achieve a 43.7% reduction in carbon emissions over the 2021 building regulations. This is in accordance with policy RE1. The application includes evidence that they are on track to achieve BREEAM excellent. However, policy RE1 requires 4 credits in WAT01 equivalent to 50% improvement over the baseline. Section 3 page 15 of the BREEAM report states that only 3 credits are set to be achieved which amounts to a 40% improvement over the baseline.
- 10.150. The above outlines a shortfall which subsequently fails to meet the requirements as stated and as such results in a reason for refusal. To comply with policy RE1 it states that for this building type, it must be demonstrated that the scheme falls within BREEAM excellent standard. In that regard the Energy Statement does not fully address that component of the policy and therefore compliance with policy RE1 has not been demonstrated.
- 10.151. Therefore the application is contrary to Policy RE1 of the Oxford Local Plan 2036.

IX. Biodiversity

- 10.152. 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.
- 10.153. In this instance, the application seeks the removal of the existing Co-Op building. To support the application a protected species survey report has been submitted and indicates that the building was surveyed for bats. The building is assessed as being negligible potential for shelter for roosting bats, and no bats or evidence of bats were found.
- 10.154. In light of this, officers are satisfied that the existing ecological value of the site is low, and that that a condition requiring ecological enhancements to ensure a net gain for biodiversity could be achieved and could be secured via condition to any permission if this application was to be approved.

- 10.155. The application also includes green roofs and walls 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.
- 10.156. Objections have been received regarding the lack of opportunities for biodiversity enhancements to be provided as part of the application. In response, it is considered that the proposal offers landscape opportunities, green walls and 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.
- 10.157. However due to the prominence in visual and ecological terms more details would be required. In addition, the Landscape Framework Plan indicates areas of sedum roof and biodiversity green roof would be provided, which is welcome.
- 10.158. 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 sedum roof and biodiverse 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 roofs and walls 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).
- 10.159. Officers consider that these details and information are vital and would be required prior to planning permission being granted, and as such would not be able to be reasonably mitigated by condition. If the proposed green wall or roof would not be able to work or managed, the scheme would have to be redesigned, which would materially change the appearance as well as the BNG element.
- 10.160. Therefore the lack of the information represents another reason for refusal, as the details required to make a full assessment fail the requirements of the NPPF paragraph 180 and 182 and policies S1, G1, G2 and G8 of the OLP 2036.

X. Archaeology

- 10.161. Policy DH4 of the Local Plan has regard to archaeology and the historic environment.
- 10.162. 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.

10.163. 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.

10.164. Subject to a condition it is considered the application is acceptable against Policy DH4 of the Local Plan.

XI. Air Quality

10.165. 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.

10.166. The baseline assessment shows that the Application Site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). Analysis of DEFRA's urban background maps and of all pollutant concentrations at monitoring locations in the area of the application site, show that current air quality levels are below all relevant air quality limit values.

10.167. 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.

10.168. 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 mixed-use development of a smaller store and a hotel. No car parking will be provided on site for either the hotel or retail unit.

10.169. All surrounding streets are covered by area wide CPZ which will prevent overspill parking being hazardous or a nuisance. Limited waiting/high turnover on-street parking bays adjacent provide opportunity for hotel drop-off and convenience store customers. 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.

10.170. 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.

10.171. 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. In the event that planning permission would be granted then it is considered that the necessary air quality measures described above could be required by condition to ensure that the proposals are acceptable in the context of Policy RE6 of the Oxford Local Plan 2036.

XII. Land Quality

10.172. Policy RE9 seeks to ensure that development proposals adequately assess contamination and their risks on the surrounding environment.

10.173. The former uses 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.

10.174. 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.

10.175. 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.

XIII. Health Impact Assessment

10.176. 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.

10.177. A Health Impact Assessment (HIA) has been submitted alongside an explanatory statement.

10.178. The Council's previous response highlighted the lack of analysis of local health context and detail involving monitoring and implementation. Officers are now satisfied that the added information is sufficient, though perhaps limited, for demonstrating that consideration has been had as to the impacts that the proposed development will have on the local environment and surrounding community as is required by policy RE5 of the OLP 2036, and would therefore be acceptable.

11. CONCLUSION

11.1. In this case the applicant has appealed to the Secretary of State against non-determination of the application.

11.2. Therefore the Council is no longer able to make a decision on the application. This report seeks the Committee's view on how it would have decided the application had it been put before them for a decision, and that the Committee would have refused the application for the reasons in this report. The Committee's endorsements of the reasons for refusal are to form part of the Council's Statement of Case on appeal.

11.3. Having regards to the matters discussed in the report, officers note 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.

11.4. Considering the above officers further note that the NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.5. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

11.6. In summary, the proposed development is not 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.

Material consideration

11.5. The principal material considerations which arise have been addressed in earlier sections of this report.

- 11.6. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.7. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.8. Officers consider that the proposal would not accord with the overall aims and objectives of the NPPF for the reasons set out within the report.
- 11.9. Officers would advise members that, having considered the application carefully, the proposal is not considered acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.10. It is recommended that the Committee resolve that had it been in a position to determine the application, planning permission for the development proposed would have been refused for the reasons given at paragraph 1.1.3 of this report.

12. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Previous Refused Committee Report

13. HUMAN RIGHTS ACT 1998

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to indicate that the application would have been refused for the reasons given in the report, had this application been put before the Committee for a determination. 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 to indicate that the application would have been refused for the reasons given in the report, had this application been put before

Committee for a determination, officers consider that the proposal will not undermine crime prevention or the promotion of community.