

## WEST AREA PLANNING COMMITTEE

31st October 2017

**Application Number:** 17/02109/FUL

**Decision Due by:** 18th October 2017

**Extension of Time:** 7th November 2017

**Proposal:** Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans)

**Site Address:** Bardwell Court, Bardwell Road, Oxford, Oxfordshire

**Ward:** St Margarets Ward

**Case Officer** Robert Fowler

**Agent:** Peter Brampton **Applicant:**

**Reason at Committee:** Called in (agreed by Head of Planning, Sustainable Development and Regulatory Services)

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposals to substantially alter and extend Bardwell Court, provide new bin, cycle stores and landscaping. The proposed development would be acceptable in principle and would represent an improvement in terms of the appearance of the application site in the streetscene and in terms of its impact on the Conservation Area. The proposed development would not give rise to an unacceptable impact on the amenity of surrounding residential occupiers. Other aspects of the development including its impact on

biodiversity, surface water and trees are either acceptable or can be resolved through the recommended conditions.

2.2. The key matters for assessment set out in this report include the following:

- Principle of development;
- Design;
- Impact on the Conservation Area
- Impact on neighbours
- Trees and landscaping
- Biodiversity
- Access and parking
- Flooding and surface water drainage

### 3. LEGAL AGREEMENT

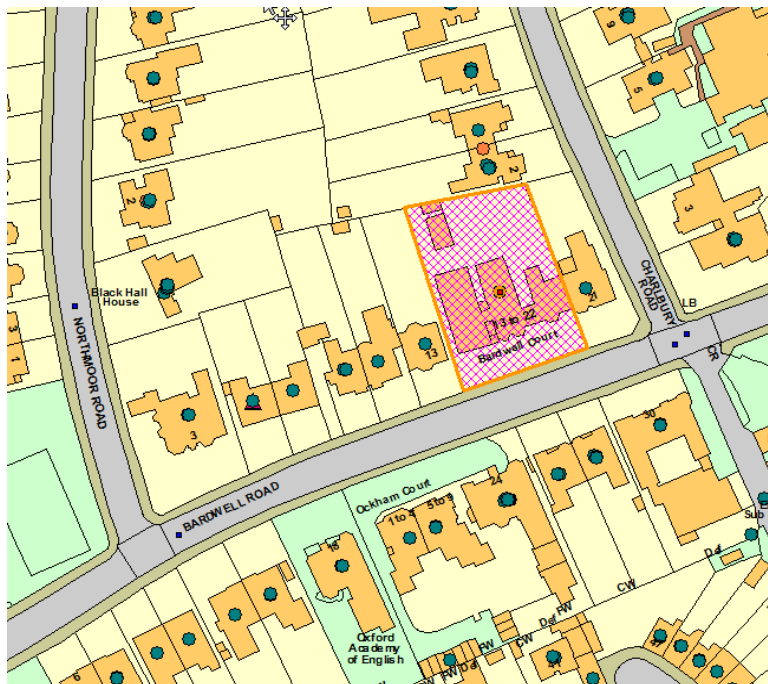
3.1. This application is not subject to a legal agreement.

### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would not be liable to a CIL payment.

### 5. SITE AND SURROUNDINGS

5.1. The site is located within North Oxford and is within the North Oxford Victorian Suburb Conservation Area. The area is characterised by larger properties (detached and semi-detached) usually with large front and rear gardens.



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## 6. PROPOSAL

- 6.1. The application site is composed of what were once three original houses (converted into flats in the 1930s). The links between these houses are of a lower quality than the original houses. Planning permission is sought to demolish the existing links and to replace one of the links with a new link and entrance. The demolition of the other link would create a new gap (with access into the garden at the rear).
- 6.2. The existing flat roofed extensions to the rear of the properties are proposed to be improved and altered. Dormer windows at the rear are also proposed to be removed (to re-instate a more sympathetic and original roofscape).
- 6.3. The proposals also include extensive internal alterations to the flats with no change in the overall number of flats but improvements to provide layouts that are more suited to modern living. The improved flats would also benefit from improved communal areas, some of the flats are also proposed to benefit from private gardens or terraces at the first floor level.
- 6.4. It is proposed to replace existing windows with slimline double glazing to all units. A new lift is proposed within the building to provide improved accessibility to the flats.
- 6.5. An existing coal store and cycle store are proposed to be demolished in the rear garden.
- 6.6. The proposals include alterations leading to a reduction in car parking at the front of the building. It is proposed for the front gardens to be partially re-instated with new landscaping.
- 6.7. New cycle and refuse and recycling stores are proposed to the front and sides of the buildings.

## 7. RELEVANT PLANNING HISTORY

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

57/06034/A\_H - Conversion and alterations of one flat into two. PER 28th May 1957.

61/10251/A\_H - Store shed, cycle shelters and coal store.. PER 10th January 1961.

77/00284/AH\_H - Conversion of existing 1 flat into 3 self-contained flats.. PER 16th June 1977.

12/01518/CAT - Fell dead tree in the North Oxford Victorian Suburb Conservation Area.. NNR 9th July 2012.

13/00749/CAT - Fell Cedar tree and prune 2no Cypress trees (reduce height by 1m approx) in the North Oxford Victorian Suburb.. RNO 24th April 2013.

17/02109/FUL - Partial demolition of existing building, alteration and extension to create a new link, rear extension and provision of bin and cycle stores. Removal of trees and landscaping. (amended plans). PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	11, 14, 17, 56	CP1, CP6, CP8, CP10, CP11	CS18, CS9	HP14	
Conservation/ Heritage	128, 131, 139	HE7			
Housing	49	CS23	CS2	HP2, HP4, HP9, HP10	
Commercial					
Natural Environment		NE16			
Social and community					
Transport	29			HP15, HP16	Parking Standards SPD
Environmental					Energy Statement TAN
Misc		CP19, CP20, CP21		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 12th October 2017 and an advertisement was published in The Oxford Times newspaper on 7th September 2017.
- 9.2. The application has been subject to re-advertisement with new site notices displayed for amended plans from 12<sup>th</sup> October until 27<sup>th</sup> October.

### **Statutory and Non-Statutory Consultees**

Oxfordshire County Council (Highways)

- 9.3. No objections subject to conditions relating to cycle parking and car parking layout.

### **Public representations**

- 9.4. 6 no. objections were received from residents in Bardwell Road

The Victorian Group of Oxfordshire Architectural and Historical Society, Linton Road Neighbourhood Association and Oxford Preservation Trust have commented.

In summary, the main points of objection were:

- Concerns about impact on amenity of neighbouring occupiers
- Privacy and overlooking
- Noise and disturbance (particularly from first floor terrace areas)
- Concerns that buildings would extend beyond building line (at rear)
- Lack of consultation with neighbours
- Concerns that a precedent for terraces could be established
- Impact on character of area
- Impact on trees
- Concerns about impact on biodiversity
- Impact on transport provision and accessibility
- Concerns about proposed use of materials
- Design
- Lack of traditional appearance of aspects of scheme
- Lack of landscaping details
- Impact on car parking
- Impact on highway safety
- Impact on noise during construction
- Impact of dust during construction
- Impact of prolonged building work (if construction phase overruns)
- Impact on Conservation Area
- Concerns about bin and bike store in front garden

Some positive comments were received about the potential improvements to the appearance of the building that would result from the proposed development.

The proposed creation of the gap in the terrace was also raised as a positive contribution of the proposals.

**NB.** Following the submission of amended plans to include privacy screening at the rear the application has been subject to further public consultation for a two week period expiring on 27<sup>th</sup> October. The above comments included above are up to date as of 23<sup>rd</sup> October (when the report was published). Any comments received between the agenda publication and 27<sup>th</sup> October will be presented as verbal updates at committee.

### **Officer Response**

- 9.5. The above points were taken into account when drafting this report. Specific amendments were sought in relation to the provision of privacy screening to overcome the impact on privacy for neighbouring occupiers. Whilst the design concerns are noted the proposals were the subject of detailed pre-application.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Impact on the Conservation Area
- iv. Impact on Neighbours
- v. Trees and Landscaping
- vi. Access and Parking
- vii. Flooding and Surface Water Drainage
- viii. Biodiversity

### **i. Principle of Development**

#### Principle

- 10.2. The application proposes substantial alterations to the inside of the property. Despite these changes there would no overall change in the number of residential units and as a result there would not be a loss of dwellings (which would require consideration of Policy HP1). The proposals would also not involve the loss of a family dwelling and would therefore be acceptable in the context of the Council's policies dealing with the loss of family dwellings (Policy CS23 of the Core Strategy (2011) and the Balance of Dwellings Supplementary Planning Document (SPD)).
- 10.3. The proposed development would involve the extension of the building at the ground floor (along with substantial rebuilding). The application site is considered to be largely composed of previously developed land; though some of the proposals would involve development on residential garden land. Policy CS2 together with the National Planning Policy Framework (NPPF) require that previously developed land should be the focus of new development. Whilst residential garden land is not considered to be previously developed land for the

purposes of the NPPF the proposals would only involve a small area of garden land being used and the residual garden land that would remain (including the area that would be gained through the demolition of ancillary structures) would be acceptable.

- 10.4. In addition to the above, the proposals would provide a more updated quality of amenity space for the flats on the site and would provide a more efficient use of the space. As a result, it is considered that the proposed development would be broadly supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016.

#### Affordable Housing

- 10.5. The application site currently contains ten dwellings and there would be no change in the number of units. Whilst the proposals would slightly increase floor area in some of the flats there is a fairly modest amount of floorspace gained. The overall capacity of the site is for more than four units where we would normally require an affordable housing contribution (on the basis of the requirements of Policy HP4 of the Sites and Housing Plan (2013)), despite this the bulk of work to re-arrange the units internally would not require planning permission. As a result, an affordable housing contribution would not be required.

#### **ii. Design and Impact on Character of Surrounding Area**

- 10.6. The proposed demolition of the existing links between the terraces would represent an improvement in design terms. These elements of the existing building are later interventions and lack the detailing that is seen elsewhere on the building and the quality of materials used is of a lower quality. The existing entrance to the site (which is within one of the link sections) is of particularly poor quality. The design response to the removal of these link sections is to re-instate a gap which is welcomed in the context of the historical development of the site (by re-instating detachment between the dwellings that was lost by the joining of the units). The gap will create glimpses into the rear garden and vegetation which would have a positive impact on the appearance of the site, the streetscene and the Conservation Area.
- 10.7. The demolition of the other link is proposed to create space for a new contemporary link. This link would facilitate a new entrance to some of the residential units as well as provide the communal staircase etc. needed to access upper floors. The proposed link would be set in from the front and rear elevations and would be set down in height from the ridge of the roof. The resultant link would therefore have a more discrete and subservient presence. The proposed materials to be used with the link are a bronze roof and copper clad walls (with a bronze finish). The link would be perforated with glazing behind which would give it a lighter finish. Whilst the proposed use of materials would not match the rest of the building it would have a complementary appearance as the bronze finish would soften to a colour that would harmonise with the surrounding brick. Officers consider that this link is better constructed with a contemporary design as it would ensure that there is a clearer delineation

between the plots which would assist in ensuring that the buildings have the appearance of being individual large properties that are a feature of the Conservation Area. The choice of detailing on the front elevation of the link, specifically the lack of windows and the perforations would further establish this link as a lighter weight gap and the perforations themselves have a resemblance to the hanging tiles on the dormers on the front elevation (therefore forming a continuity with existing architectural details on the front elevation).

- 10.8. At the rear it is proposed to rebuild parts of the rear extension elements and provide more sympathetic fenestration design. The existing roofline would be altered to be more sympathetic and a dormer and chimney (which do not positively contribute to the appearance of the rear elevation) would be removed. The rear of the new link would have a light weight glazed appearance. The overall appearance of the rear elevation would be substantially improved and would have a more cohesive and less muddled appearance.
- 10.9. Officers recommend that conditions are included to ensure that the submission of material samples are required prior to the commencement of development on site if planning permission is granted.
- 10.10. New terraces are proposed at the rear of the site; this would be on top of the ground floor elements (and provide private amenity spaces for the first floor flats). The proposed terraces would not extend across the whole of these roof areas and so would not dominate the rear elevation. Whilst there are not extensive balcony or terrace areas in the surrounding area one neighbouring property does have a small balcony. The proposed terrace areas would be acceptable in design terms especially considering the overall size of the buildings and the plot which means that these features would not be visually dominant or appear out of character.
- 10.11. The proposed demolition of the existing coal store and cycle store would be acceptable as these buildings are of limited architectural merit and this would create a more pleasant garden space on the site.
- 10.12. The internal living spaces within the flats would be substantially improved as a result of the proposed development. Whilst the degree to which this can be considered in terms of the acceptability of the development is arguably not relevant as the proposals do not amount to the creation of new dwellings (only the reconfiguration of existing dwellings) it is worthwhile to consider that the application would bring about higher living conditions for occupiers of the building. The resultant configuration of the building would mean that the flats would be compliant with national space standards and the requirements of Policy HP12 of the Sites and Housing Plan (2013).
- 10.13. Further to the above, in addition to the improvements of internal amenity to the flats there would be improvements to the access to amenity space for some of the flats. The existing flats share a rear garden. The proposals would be for the rear garden to be divided into three private gardens for use by the ground floor units. Three first floor flats would also benefit from the creation of three terraces (which are mentioned above). The other flats in the building would not have



outdoor amenity space but having considered the overall provision of amenity spaces it is considered that the proposals would amount to an improvement in the context of outdoor space and the requirements of Policy HP13. Further to this, whilst some of the flats would lose the benefit of a shared amenity space they would be the smaller upper floor flats that would be less likely to be occupied by as many people as the larger ground floor units (with some of the ground floor units being capable of being occupied by families benefiting from the new private amenity spaces).

- 10.14. It is not clear from the proposals whether there is any external lighting proposed as part of the scheme. Given that the area is surrounded by residential gardens it is recommended that a condition dealing with the provision of external lighting is required.
- 10.15. The proposed development would include the installation of refuse and recycling stores for the use by the occupiers of the flats. The proposals for refuse stores would be an improvement in terms of providing screened refuse provision. Whilst the provision of one of the refuse stores at the front elevation is not a preferable option in terms of its appearance in the Conservation Area it would need to be in this location so that it is accessible and practical for all the flats (as bin stores at the rear would not be possible if these gardens would be private). On balance, having considered the overall improvements that would take place at the front of the building it is considered that the small-scale refuse store at the front would be acceptable and it would be partially screened by a wall and vegetation.
- 10.16. Overall it is considered that the proposed development would be acceptable in design terms having had regard to the impact of the proposed development on the streetscene and the character of the area. The proposed development has been carefully considered and represents high quality development that complies with the Council's requirements set out in Policy CP1 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

### **iii. Impact on the Conservation Area**

- 10.17. The application site lies within the North Oxford Victorian Suburb Conservation Area. The proposals have already been considered in design terms but it is necessary to consider their specific impact on the Conservation Area. The existing building contains some features which neither complement the appearance of the existing building nor do they have a positive impact on the character, appearance or special significance of the Conservation Area. The proposed development proposes to remove the existing links (and their poorly considered fenestration) together with the existing entrance area which is particularly obtrusive as it draws attention to a part of the existing building which is not visually harmonious. The proposed development would re-instate a gap which would be a benefit to the appearance of the Conservation Area as it would create a glimpse into the garden (and trees to the rear) which is a feature of the Conservation Area.
- 10.18. The proposed development would also be beneficial in terms of restoring aspects of the original plot layouts so that the constituent parts of the site would

read as larger detached and semi-detached villas and thereby would appear more in character with surrounding properties. This would be achieved through the re-instatement of the front gardens; specific landscaping is proposed to delineate the original plots. The new link would be visually subservient and have a light and elegant design which would also mean a gap would be created in part between those two original villas.

- 10.19. At the rear of the site the proposals would remove poorly considered aspects of the site including the outbuilding, dormers and the unsympathetic roofslope. The more carefully considered rebuilding at the rear (along with the rear elevation of the proposed new link) would mean that the proposed development would have a design and quality that would be more in keeping with the surrounding area and specifically with the Conservation Area.
- 10.20. The proposed additions of the terrace and more contemporary link elements are more modern features. Whilst the Conservation Area is Victorian in character and this is an important part of its special significance it is considered that the small-scale introduction of the link and terrace areas (which would have a more contemporary appearance) would be acceptable additions that would not detract from the appearance of the site as a whole nor would they lead to a harmful impact on the Conservation Area.
- 10.21. The proposed development would result in the loss of seven trees at the rear of the site. It is considered that the contribution of these trees to the Conservation Area is low. The proposed development would also propose the removal of three trees on the frontage; these trees have not established themselves well since planting and therefore their replacement could be beneficial. Officers consider that the loss of any trees on the site would be acceptable and the proposals represent an opportunity to provide improved landscaping by condition. The re-instatement of the garden at the front of the building would be a particular enhancement to the Conservation Area and the streetscene as the mature planting at the front of plots is a positive feature of the Conservation Area.
- 10.22. Officers consider that the proposed development would not amount to substantial harm to the Conservation Area, specifically the Conservation Area's character, appearance and special significance. Any harm that would be caused to the Conservation Area would be less than substantial harm (as set out in Paragraph 134 of the NPPF). Officers recommend that there are enhancements that would be brought about as a result of the proposed development and these outweigh any less than substantial harm that would arise from the development. Further to the public benefits that would arise from the improvements to the appearance of the building and Conservation Area there are also public benefits in terms of providing a more viable use of the site that would provide better accommodation.
- 10.23. Officers recommend that the development would be acceptable in terms of its impact on the Conservation Area. The development complies with the requirements of Policy HE6 of the Oxford Local Plan 2001-2016, Policy CS18 of the Conservation Area and the NPPF.

#### **iv. Impact on Neighbouring Amenity**

##### Visual Impact

10.24. The surrounding properties benefit from mature vegetation along the boundaries on either side and this means that the visual impact of the proposed development would be reduced and softened. It is already stated above that the proposed development represents a design improvement as a whole. The outlook from adjacent properties would not be substantially altered by the proposed development. The proposed rebuilding at the rear would only increase the length of the ground floor elements slightly. Alterations at the upper floors would not alter the outlook for neighbouring properties. Privacy screening is proposed for the terrace areas but these would be set in from the boundaries and would therefore not substantially alter the outlook from neighbouring properties.

##### Impact on Privacy

10.25. The proposed development would not incorporate any windows at upper floor levels that would give rise to an adverse impact on neighbouring privacy.

10.26. The main consideration in terms of privacy impacts from the proposed development would be from the first floor terraces. These terraces could give rise to a loss of privacy from overlooking into the adjacent gardens of neighbouring properties (as well as compromise the privacy of the private gardens for ground floor units). The proposals have been altered to include privacy screens that would be sufficiently high to ensure that there would be no overlooking into neighbouring properties. The proposed terraces would also not extend across the whole ground floor roofs and would be set in from the boundaries which would limit the views from these terraces further. The proposed roofs around the terraces would include parapet walls which would also provide increase privacy for neighbours (and limit the overlooking that could be provided from first floor terraces down to ground floor private gardens). Officers recommend a condition is included to ensure that the privacy screening is provided prior to first occupation.

10.27. It is considered that the proposed development would not lead to an adverse impact on privacy for surrounding occupiers and the development complies with the requirements of Policy HP14 of the Sites and Housing Plan (2013).

##### Impact on Light

10.28. The proposed development does involve the raising of the height (and in places the length) of the ground floor elements of the building. Whilst these additions are fairly small they have been considered in terms of their impact on light for neighbouring amenity. The proposed development would not lead to a materially harmful impact on light for neighbours and Officers consider that the proposed development complies with the requirements of the 45/25 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013).

## Other Matters

- 10.29. Some concerns have been expressed about the proposed development in terms of the amount of noise that could arise from the terrace areas. It is understood that the specific concerns are that these terraces would be elevated and their size could mean that they could be more intensively used than a small balcony. Officers suggest that the rear of the site is currently in use as a garden; the proposals would provide terraces that would in effect form spaces that would be used in a similar way. The intensity of use that would result would not be out of character with a domestic rear garden and there would not be an increase in the number of residential occupiers. Any excessive noise from terraces would have to be dealt with as a statutory noise complaint and Officers consider that it would not be reasonable to refuse planning permission for the terraces as a result of noise concerns in this case.
- 10.30. Concerns have also been raised by local residents in relation to the noise and dust impacts that would arise during construction. Whilst there are opportunities to include Construction Traffic Management Plans which can dictate working hours and practices this has not been recommended by the Local Highway Authority and Officers do not consider that the scale of development proposed would justify this condition. Further to this, noise and dust arising from construction can be investigated by environmental health if it is excessive and if good practice is not being followed and this is the appropriate regulatory regime for dealing with these concerns.
- 10.31. The existing outbuilding in the rear garden has a roof which Officers have been told by local residents may contain asbestos or asbestos containing materials. Whilst this is not a planning matter, an appropriately worded informative is recommended that brings this matter to the applicant's attention and refers to the Health and Safety Executive's website where further details of asbestos requirements can be found.

### **v. Trees and Landscaping**

- 10.32. The loss of existing trees on the site (ten) has already been dealt with in relation to the proposed development's impact on the Conservation Area. The proposals represent an important opportunity to improve and soften the appearance of the building through landscaping. The creation of the private rear gardens at the rear would lead to a better used rear amenity space by occupiers as the shared garden is currently under-used. The improvements made as a result of the re-instatement of the front garden has already been mentioned. Officers recommend that specific conditions are included if planning permission is granted that relate to adherence with the Arboricultural Method Statement to protect trees etc. and the submission and implementation of a landscaping scheme.
- 10.33. Subject to the recommended conditions, Officers recommend that the development complies with the requirements of Policies CP11 and NE16 of the Oxford Local Plan 2001-2016.

**vi. Access and Parking**

- 10.34. The proposed development would make use of existing accesses onto the highway. The Local Highway Authority has not raised objections in relation to the impact of the proposed development on highway safety.
- 10.35. The proposed development would involve a reduction in the amount of car parking on the site. The resultant development would have three car parking spaces (which would be suitable for disabled users) and sufficient space on the site for vehicles to turn and manoeuvre safely. The Local Highway Authority have agreed that the existing entitlement of the occupiers to on-street car parking permits can be acceptably retained despite the loss of on-site car parking because it is considered that there is insufficient parking stress or impact on highway safety to justify removal of eligibility for parking permits. Officers have not therefore recommended a condition to exclude occupiers to permits. Further to this it could be argued that there may be lower car use by occupiers of the flats as a result of the close proximity of the site to the City Centre and good public transport links on Banbury Road.
- 10.36. The proposals include plans for covered secure cycle parking which would represent an improvement in terms of the requirements of Policy HP15 of the Sites and Housing Plan (2013). The design and appearance of the cycle parking is recommended to be subject to a condition and its provision required to be installed prior to the occupation of the flats following the substantial completion of the development. Officers consider that whilst one of the proposed cycle stores would be located at the front elevation which is not ideal from a design point of view it would be partially screened by vegetation and would therefore be acceptable. Officers recommend that it would be preferable to seek individual cycle stores in the rear gardens for the use of ground floor flat occupiers as these would be more suitable and arguably better used than those occupiers relying upon shared facilities; this can be dealt with by condition.

**vii. Flooding and Surface Water Drainage**

- 10.37. The application site does not lie in an area of high flood risk. Officers consider that the proposed development would not increase the amount of impermeable surfacing on the site to the detriment of surface water drainage. A scheme to manage surface water drainage is recommended to be required by condition, subject to this requirement the development would comply with Policy CS11 of the Core Strategy (2011).

**viii. Biodiversity**

- 10.38. The proposed development and the information provided in relation to on-site ecology and protected species is considered acceptable. A minor bat roost was found as part of the development and so appropriate mitigating measures are required and can be secured by condition. It is also recommended that specific biodiversity enhancement measures (including swifts) are also recommended to be required by condition. On the basis that the recommended conditions are included the development would comply with the requirements of Policy CS12 of the Core Strategy (2011).

## **11. CONCLUSION**

- 11.1. The proposed development would be acceptable in design terms and would not lead to significant harm to the character, appearance and special significance of the Conservation Area. Any harm to the Conservation Area would be less than substantial and is offset by enhancements to the Conservation Area that would arise from the scheme as well as securing a more viable use of the site through improvements to the accommodation provided. The development would not harm the amenity of neighbouring residential occupiers and would not give rise to negative impacts on access, highway safety or car parking. All other matters can be adequately addressed through the recommended conditions. In reaching the view that the development is acceptable in planning terms, Officers have been mindful of all the comments raised in relation to the application.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Development Management) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.  
  
Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.  
  
Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.
- 3 Samples of exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before the start of work on the site and only the approved materials shall be used.  
  
Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with policies CP1, CP8, HE3 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.
- 4 The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 5 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before substantial completion of the development. The plan shall show existing retained trees and new tree plantings, showing sizes and species. The plan shall show in detail all proposed shrub and hedge planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 6 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 7 Prior to the commencement of the approved development, bat roost compensation shall be installed as specified on page 19 of the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017)

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 8 During the construction phase of the approved development, on-site ecological advice to be provided as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017), Section 5 to cover bat advice, installation of enhancement and mitigation measures, and nesting bird advice.

Reason: To ensure that appropriate compensation measures are provided as required by Policy CS12 of the Core Strategy (2011).

- 9 Prior to the commencement of the development, details of biodiversity enhancement measures including 2 x built-in swift nesting devices shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 10 Prior to the first use of the development following its substantial completion, bat box and sparrow box as specified in the Ecology and Protected Species Appraisal (James Johnstone Ecology, July 2017) (page 22) to be installed as shown on sketch plan on page 27 of that report.

Reason: In the interests of improving the biodiversity of the City in accordance with NPPF and policy CS12 of the Oxford Core Strategy 2026.

- 11 Before the development permitted is commenced details on the number of cycle parking spaces, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

- 12 Prior to the commencement of the approved development, a detailed plan showing the proposed surface water drainage for the site and any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The detailed proposals for surface water drainage and hard surfacing shall show how the proposals would ensure that there would be no detrimental impact on surface water conditions and shall include SUDs measures where appropriate. The development shall be built in accordance with the approved plans unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development provides a satisfactory scheme for surface water drainage in order that the development does not lead to adverse levels of surface water runoff as required by Policy CS11 of the Core Strategy (2011).

- 13 Prior to the commencement of the approved development details of the privacy screening to be installed on the terraces at the rear of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include specifications of the privacy screening's height, materials and external finish. The privacy screening shall be installed prior to the first occupation of the approved development following its substantial completion and retained thereafter.

Reason: To ensure that the privacy of the neighbouring residential occupiers is protected and the development does not lead to an adverse impact in terms of overlooking as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

- 14 Prior to the commencement of the approved development, details of any external lighting to be installed in the application site shall be submitted to and approved in writing by the Local Planning Authority. Only the approved



external lighting shall be installed and no additional external lighting shall be installed unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not lead to a proliferation of outdoor lighting that would have a detrimental impact on the character, appearance and special significance of the Conservation Area as required by Policy HE7 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

#### INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 3 Landscaping schemes should preferably use non-double, non-hybrid plant species which flower over a range of months to provide the maximum opportunities for pollinating insects.
- 4 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use. Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.
- 5 It has been brought the attention of the Council that there may be asbestos or asbestos containing materials within some of the buildings or structures on the site that are subject to demolition. It is will therefore be necessary to seek professional advice in relation to the demolition and disposal of any asbestos or asbestos containing materials on the site. There is further information about the legal requirements at <http://www.hse.gov.uk/asbestos/>

### **13. APPENDICES**

#### **Appendix 1 – Site Location Plan**

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

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

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

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