

WEST AREA PLANNING COMMITTEE

Application Number: 17/03040/FUL

Decision Due by: 12th January 2018

Extension of Time: 18th April 2018

Proposal: Demolition of existing dwelling house, parking and garage. Erection of a replacement building comprising 6 flats (2x3 bedrooms, 2x2 bedrooms and 2x1 bedroom), car parking and landscaping.

Site Address: 53 Sunderland Avenue, Oxford, OX2 8DT,

Ward: Wolvercote Ward

Case Officer Tobias Fett

Agent: Mr Alex Cresswell **Applicant:**

Reason at Committee: The development involves the creation of more than four residential units and therefore cannot be dealt with as a delegated item. This application was approved by the West Area Planning Committee on 10th April 2018 subject to a legal agreement. Officers have been unable to resolve the legal agreement in accordance with the original committee resolution so this application is before the committee with a recommendation for a new resolution which reflects the changes needed to secure a legal agreement for a contribution towards affordable housing.

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 subject to:

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

(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. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary; and

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of an existing family dwelling and its replacement with a block of six flats with car parking and landscaping. The proposed scheme would be acceptable on balance; while not viable to contribute financially towards affordable housing off-site the development would make a more efficient use of a sustainable site and provide additional residential accommodation.
- 2.2. This application needs to be re-considered by committee as officers have not been able to complete a legal agreement on the basis of the original resolution that was approved by the West Area Planning Committee on 10th April 2018 and a revised resolution is recommended.
- 2.3. The key matters for assessment set out in this report include the following:
- Principle of development;
 - Affordable Housing;
 - Design;
 - Living Conditions;
 - Highways
 - Flooding
 - Biodiversity
 - Trees and landscaping;
 - Contaminated land;

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to be drawn up to secure financial contributions for off-site affordable housing from any potential uplift from the currently assumed sales values. To clarify, the existing position is that this site cannot provide a financial contribution towards affordable housing off-site but it is necessary to require a legal agreement in the event that this situation changes in the future.
- 3.2. The previous committee resolution set out a late stage viability review to secure

an off-site affordable housing contribution from any increase over 15% profit margins.

- 3.3. This approach has not enabled an agreement to be reached due to the prescribed restraints of the previously agreed committee resolution.
- 3.4. Officers have reached an agreement in principle on the proposed head of terms that will enable much needed housing to be brought forward, while ensuring a methodology to secure an offsite affordable housing contribution, under specific circumstances that still mean a contribution would be required if there was an uplift in values. Officers agree that the development is not viable at present but a Section 106 legal agreement is required to deal with an uplift in values if the site does become viable.
- 3.5. Officers recommend an approach that would secure a review of the viability of the site and therefore deal with any potential increase in profit (which could arise if assumptions of values or build costs change).
- 3.6. Officers recommend that any potential changes to the proposed scheme, in terms of time scales and costs involved can be mitigated by securing a more certain time line, encouraging the developer to implement the decision quickly, and completing the development within 16 months.
- 3.7. This means further viability assessment would only need to be submitted by the applicant prior to the point of demolition, unless the building is demolished and a substantive start is made by February 2019.
- 3.8. If a revised viability report is required then Officers have agreed to adopt the profit margin of 20% as suggested by the applicant's submitted viability report and confirmed by the Council's independent viability report.
- 3.9. To clarify, in the case that the applicant completes the proposed works substantially within 16 months of making a substantive start no further review would be required. This time period is considered acceptable and is a reasonable time scale to complete the development without requiring a review of the viability of the site. If substantial completion is not achieved within 16 months of a substantive start then a further review of viability would be required. At which time a contribution would have to be made if the viability shows a profit of 20% or above.
- 3.10. Therefore officers recommend approving this application with this revised approach to agree a legal agreement to secure an off-site affordable housing following the above recommended process and timescales.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL at an amount of £24,919.82.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the wider Wolvercote Area, along Sunderland Avenue's western end, adjacent to the Wolvercote Roundabout.
- 5.2. This area is characterised by the major traffic and transport nodes, as well as varied architectural styles of mainly detached housing developments.
- 5.3. The application site is on the southern part of the road, accessible via a separate service road to the northern bypass and comprises a large but irregular shaped plot that narrows towards the south with a square shaped enclave to the rear of the communal garden at No. 51 Sunderland Avenue.
- 5.4. There have been a number of redevelopments of plots in the area that have led to contemporary apartment blocks; this includes No. 51 Sunderland Avenue adjacent to the application site.
- 5.5. Site Location Plan



6. PROPOSAL

- 6.1. The application proposes to demolish a detached 1950s four bedroom family dwelling and replace it with an apartment block with six flats, car parking and landscaping.

- 6.2. The proposal includes two one-bed, two two-bed and two three-bed units, each with parking and balconies, as well as some shared garden, bin and bike storage space.
- 6.3. The proposal would be accessed from Sunderland Avenue with allocated parking spaces to the front and access to the rear garden and bin/cycle storage at the side.
- 6.4. The rear comprises of two private gardens for the large ground floor flats, communal areas for bin and cycle storage as well as communal garden towards the rear of the plot.
- 6.5. The proposed materials include blue/grey bricks, rendering, timber cladding and metal cladding for the roof showcasing the separate floors and geometric shapes of this contemporary building. The ground and first floor are of an angular appearance through a number of recesses, setback and cantilevering, while the roof is scaled back and softer to reduce mass and scale of the building.
- 6.6. The proposed boundary treatment shows a new boundary wall to the front of the plot, along Sunderland Avenue, with opening for pedestrian and vehicular access.
- 6.7. The mature planting to the rear would be retained, with new planting along the side elevational boundaries and two small trees along the road frontage.

7. RELEVANT PLANNING HISTORY

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

50/00054/DO_H - Land at Sunderland Avenue - House. PER 24th October 1950.
51/01618/A_H - House and garage. PER 27th February 1951.
52/02509/A_H - House and garage. PER 9th September 1952.
90/00711/NF - Demolition of existing garage and store. Two storey side extension including integral garage. Single storey front extension. PER 10th October 1990.
17/01021/FUL - Demolition of existing dwelling and garage. Erection of three storey building comprising 2 x 3-bed, 2 x 2-bed and 2 x 1-bed flats. Provision of car parking and landscaping.. REF 18th July 2017.
17/03040/FUL - Demolition of existing dwelling house, parking and garage. Erection of a replacement building comprising 6 flats (2x3 bedrooms, 2x2 bedrooms and 2x1 bedroom), car parking and landscaping.. 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	12:124-132	CP8, CP9, CP10, P11,	CS18_,	HP9_,	
Housing	Section 5		CS23_,	HP4_, HP12_, HP13_, P14_,	
Natural Environment	133-147 148-169 170-183	CP11, NE15, NE16,	CS9_, CS11_,		
Transport	9:102-111			HP15_, HP16_,	Parking Standards SPD
Environmental	117-121			HP11_,	Energy Statement TAN
Misc	7-12	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 1st December 2017.

Statutory and Non-Statutory Consultees

Oxfordshire County Council (Highways)

9.2. No objection; the proposal is acceptable, subject to imposition of conditions relating to parking permits, visibility splays, TRO, cycle parking and drainage.

Public representations

9.3. 1 local person commented on this application from an unknown address.

In summary, the main points of objection 1 resident) were:

- Amount of development on site.
- Effect on adjoining properties.
- Effect on character of area.
- Effect on existing facilities
- Effect on pollution
- Effect on privacy
- Effect traffic.
- General Like /dislike of proposal
- Height of proposal
- Information missing on Plan
- Light - Daylight
- Local Plan Policies
- Disturbance and Noise
- Not enough information given on application.
- On Street parking
- Open space provision
- Other details.
- Parking Provision.
- Materials
- Impact on streetscene
- Lack of contribution for affordable housing
- Community benefits
- Biodiversity

Officer Response

- 9.4. The above points are all address in the officer's report below. The proposals have been considered carefully; some of the objections are dealt with by specific conditions that are recommended in Section 12 of this report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Affordable Housing;
- iii. Design;
- iv. Living Conditions;
- v. Highways
- vi. Flooding
- vii. Biodiversity
- viii. Trees and landscaping;
- ix. Contaminated land;

i. Principle of Development

Efficient use/developed land

- 10.2. The application site is currently used for a residential use (Use Class C3) and its redevelopment would therefore be acceptable in principle for the same use; whilst there would be a greater number of residential units resulting from the development. The proposed intensification for the use of six flats is increasing densities on a generously sized plot of 0.08 ha. The proposal would include sufficient garden space while meeting other technical requirements as outlined in following paragraphs, and therefore the proposal would make a more efficient use of the land in accordance with CP6 of the Oxford Local Plan and is therefore acceptable. In reaching a view that the proposal optimises the efficient use of land, officers have considered the context of the application site which is situated around larger properties with generous rear gardens. The proposed development would retain the existing large rear garden and this approach makes the development acceptable in the context of Policy CP8 of the Oxford Local Plan 2001-2016 and Policy HP9 of the Sites and Housing Plan (2013).

Balance of Dwellings

- 10.3. Policy CS23 states that planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The Balance of Dwellings Supplementary Planning Document (BoDSPD) seeks to ensure that an appropriate mix of dwelling sizes will be provided in new development. Policy CP6 of the Oxford Local Plan states that planning permission will only be granted where development proposals make maximum and appropriate use of land.
- 10.4. The application site is located within an 'Amber' Neighbourhood Area as specified in the BoDSPD. The 'amber' classification highlights the considerable pressure, whereby the Council needs to protect family dwellings and achieve a reasonable proportion of new family dwellings as part of the mix for new developments. The mix required for the Neighbourhood Areas recognised as 'amber' is as follows:

Dwelling types	Residential development 4-9 units (percentage range)
1 bed	0-30%
2 bed	0-50%
3 bed	30-100%
4+bed	0-50%

- 10.5. The proposed mix of dwellings is 33% 1-bed, 33% 2-bed and 33% 3-bed. The application complies with the provisions of 3-bed units however the proposal over provides 1-bed units. This slight deficiency in 1-bed units is considered to be acceptable having had regard to the quality of accommodation and good provision of family dwellings provided.
- 10.6. On the above basis the proposal provides an appropriate housing mix for the location. Consequently the proposal ensures that a balanced mix of housing is

provided for the City and is in accordance with Policy CS23 of the Oxford Core Strategy and the Balance of Dwellings SDP.

ii. Affordable Housing

- 10.7. Policy HP4 of the Sites and Housing Plan requires an affordable housing contribution in association with this proposal. The applicant has however sought to argue viability grounds to avoid the need to provide such a contribution.
- 10.8. Policy HP4 (and supported by the adopted Planning Obligations & Affordable Housing SPD) requires sites for 4 to 9 units to make a financial contribution towards the provision of affordable housing off site. The financial contribution required is 15% of the Gross Development Value (GDV) plus a 5% admin fee. This proposal clearly triggers the policy requirement. The Council considers that small developments should still be required to contribute towards affordable housing provision given the severity of housing affordability within the City.
- 10.9. The applicant has submitted information to demonstrate that the proposed scheme would not be viable if required to make a financial contribution towards affordable housing. This has been independently reviewed, and tested, for the Council. The conclusion of that review is that the proposal is not able to make a financial contribution towards affordable housing.
- 10.10. The following conclusions have been made:
1. In reviewing the scheme details and viability appraisal many of the assumptions utilised do not appear unreasonable
 2. The scheme as presented is shown to result in a profit of £194,427 or a return of 8.18% of Cost which the VAR states is below the applicant's target profit level of 25% of cost
 3. A number of trial adjustments have been made, include reducing the assumed Benchmark Land Value (BLV) figure in line with the Land Registry House Price Index (LRHPI), removing the arbitrary £25,000 cost relating to the restrictive covenant and adjusting the development timings
 4. These changes result in an improved out-turn developer's profit of 11.51% on cost or £265,335. This level of profit is however still significantly below what could be regarded as 'normal' profit criteria although does still represent a level of profit above that presumably acceptable to the applicant to bring the site forward for development
 5. As an additional layer of sensitivity testing we have also applied the median BCIS build costs, as opposed to the upper quartile figure used within the submitted VAR. When making this change the scheme generates a profit of £429,975 or 19.28% on cost; thus resulting in an output marginally below a "break-even" scenario
 6. Due to the significant adjustments needed to be made to the appraisals in order to present an outcome that appears even marginally viable, it seems clear that the scheme as presented is undeliverable by any normal standards and that it is not the affordable housing financial contribution or any other planning obligation affecting the viability of the scheme. That said even by reviewing all of the input assumptions and adjusting those as described within

this report, it seems improbable that a sufficient surplus could be generated in order to fund a financial contribution towards affordable housing.

- 10.11. Policy HP4 states that the Council will accept a lower contribution if it can be demonstrated that the full contribution would make the development unviable. In this case the independent advice received is, that the scheme could not support any contribution at all. The scheme is therefore considered to comply with the guidance set out in Policy HP4 and the Affordable Housing and Planning Obligations Supplementary Planning Document.
- 10.12. The Council accepts the fundamentals of the viability argument at this point in time, but officers consider the possibility of the sales value increasing upon completion of the approved scheme, and subsequently a potential uplift would allow for a full or reduced contribution.
- 10.13. The lack of affordable housing contribution at this point in time must be if there is not a substantive start to the development by February 2019 then a review of viability is triggered. This is recommended to be secured by a legal agreement to be drawn up with the applicant and is detailed further in Section 3 of this report.

iii. Design and Impact on Character of Surrounding Area

- 10.14. The proposal is for a three storey block of flats. The design is very contemporary and makes extensive use of geometric forms; the choice of design has been specified to addresses the constraints of ensuring no negative impact on neighbouring amenity by incorporating setbacks and recessing and cantilevering part of the block.
- 10.15. The block is fronted by parking and soft landscaping. The ground floor would be set back in line with the building line at No 51 Sunderland Avenue, with the first floor cantilevered by 2.5m to meet the more forward building line at No 55 Sunderland Avenue. This is considered an acceptable attempt to situate the proposed development within its context and ensure it does not have an imposing impact on the streetscene.
- 10.16. The overall height also places the building as having a reasonable impact in its context, specifically in terms of having had regard to the surrounding property heights by being ca. 300mm taller than No. 55 Sunderland Avenue and 300mm lower than No 51 Sunderland Avenue.
- 10.17. The second floor is set-back to provide balconies as well as to reduce the visual mass and scale. The visual mass is further reduced by the use of a contemporary half-hipped mansard type roof that gives rise to the second floor accommodation; this element would read as roof-level in the streetscene and thereby have a lower visual impact.
- 10.18. The roof light serving the communal stair case would be conditioned to be flush with the flat metal clad roof.
- 10.19. The proposal would use grey/blue brick at ground floor level which helps the

building appear grounded and solid, render and laminated timber cladding on the middle storey to break up the building and metal cladding at the roof level, which choice of materials will help the building provide visual interest and provide a more fluid visual of the scale and massing and thus reducing the blocks impact on the streetscene.

- 10.20. Overall the design is considered in line with local and national planning policy and represents high quality design. The contemporary approach to shape, scale, massing and materials is not unusual within the streetscene and is considered to fit in with the character of the suburban modern Sunderland Avenue.
- 10.21. The proposal is acceptable and complies with the requirements of Policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

iv. Living Conditions

Privacy and Impact on Daylight

- 10.22. The proposal has evidenced its compliance with the 45/25 degree guideline to its nearest neighbour at No. 55 Sunderland Avenue. The relationship between the proposed development and this property would be acceptable because of the use of the setback elements to ensure no detrimental impact on privacy.
- 10.23. The block of flats at No 51 Sunderland Avenue is similarly set back from the boundary and the reduced scale and massing to the rear would ensure no detrimental impact on privacy would result from this development.
- 10.24. The distance to the rear windows of the Banbury Road neighbours is in excess of 30 metres, as a result it is considered that there would be no harmful impact to the privacy or the enjoyment of the private garden spaces, which is further reduced by mature planting.
- 10.25. The proposal is in accordance with the requirements of national and local planning policies including Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing Plan (2013).

Overbearing

- 10.26. The sensitive contemporary design has taken care to provide setback elements, a change in scale, massing and materials in way that makes sure that the development would have a reduced overall mass and not appear overbearing. The proposal has taken inspiration from the existing block of flats at the adjacent site and other recent developments in the area.
- 10.27. The residential plots and gardens are quite generous, which further enhance the feeling of space, and thus the proposal does not appear overbearing and is acceptable, in accordance with Policy HP14 of the Sites and Housing Plan.

Space Standards

- 10.28. The proposed one bed units are 53sqm and 58 smq and meet national minimum

standard of 50 sqm for a single storey 2person 1bedroom dwelling.

- 10.29. The two bedroom units are 71 sqm and 90 sqm, and both exceed the 70 sqm standard for 4person-2bedroom units.
- 10.30. The proposed three bed units are 92sqm and 93sqm and meet 5person 3 bed dwelling standard of 86 sqm.
- 10.31. All proposed flats appear to provide generous and practically spaced accommodation in accordance with local policy, and would therefore be acceptable in the context of national space standards and Policy HP12 of the Sites and Housing Plan (2013).

Outdoor amenity space

- 10.32. The proposal includes two private, directly accessible gardens for the ground floor three bed family flats. Both gardens are of an adequate size and shape and would provide generous out door amenity space provision for the family flats.
- 10.33. The proposed unit 3 provides small two balconies to the front and rear, which provides acceptable outside spaces.
- 10.34. The first floor unit 4 provides one balcony of just over 4sqm to the rear, which is quite compact, however it is an adequate provision and of a practical size and southerly orientation which would provide generous natural light to this space.
- 10.35. The two top floor 1bed units would have balconies of a large size with 10 sqm and 6 sqm, and would be acceptable.
- 10.36. In addition to the above, all flats would have access to a shared communal garden, and bin and cycle storage would be located in the communal area. The proposal accords with policy HP13 of the Sites and Housing Plan and is therefore acceptable.

v. Highways

Car Parking

- 10.37. The county council has made the following comment: "The application proposes six car parking spaces overall, one for each of the proposed dwellings. This is below the number recommended in HP16 of the Sites and Housing plan, which requires one car parking space for a 1-bed dwelling and two car parking spaces for 2-bed+ dwelling.
- 10.38. Therefore, the development is likely to increase on-street parking pressures in the area. The site is located within a CPZ and the proposed dwellings must be excluded from eligibility from parking permits to prevent an increase on-street parking demand affecting existing resident's access to on-street parking."
- 10.39. Officers have recommended the conditions that are suggested by the Highway

Authority are added to any permission granted for this development. The proposal would be therefore in accordance with Policy HP16 of the Sites and Housing Plan and acceptable in highway safety terms.

Cycle Parking

- 10.40. The Highway Authority have commented: "There are sixteen cycle parking proposed in the application. This number is in line with policy HP15 of the Sites and Housing Plan which recommends two spaces for 1 or 2-bed dwellings and three spaces for 3-bed dwellings. Furthermore, the cycle parking is shown to be secure, enclosed and undercover."
- 10.41. The above requirement can be required by condition and the development would therefore meet the requirements of Policy HP15 of the Sites and Housing Plan.

Access

- 10.42. The highways representation has made the following comments in regards to access arrangements: "The application proposes that the existing access is to be used. However if a new access is proposed, see the following comments:
- 10.43. If replacing the existing two entrances with a single central access point is required, then this will involve the reinstatement of the existing dropped kerb and dropping of the centre kerb, which will be at the expense of the applicant. Visibility splays for the new entrance must also be provided.
- 10.44. Furthermore, this change will affect the existing on-street parking bays and the double yellow lines to the front of 53 Sunderland Avenue. The parking bays must be reinstated in front to the new development, either side of the new access point. Furthermore, the double yellow lines must be altered to cover only the new single access to the site. These amendments to the Traffic Regulation Order will be at the expense of the applicant."
- 10.45. The county council has requested the imposition of conditions to mitigate the proposal, which would be acceptable with local and national planning policies.

vi. Flooding

- 10.46. The proposed development is located within Flood Zone 1 according to the Environment Agency's Flood Maps. This means that the area is not in a defined area of high flood risk. Furthermore the Environment Agency's Surface Flood Mapping does not indicate the development as being in an area subject to surface water flooding.
- 10.47. No details of the proposed drainage system have been submitted for assessment. Considering the increase in impermeable area, the surface water flood risk category is low it is recommended that a conditions requiring the provision of further Sustainable Drainage system design/plans be provided prior

to commencement of work as well as its retention and maintenance in perpetuity.

10.48. The above can be mitigated by imposition of a drainage condition, and therefore the proposal can be in accordance with local and national policy, specifically Policy CS11 of the Core Strategy (2011).

vii. Biodiversity

10.49. The application site would not likely be a habitat for protected species. Officers recommend that a condition is included to ensure that there is provision of biodiversity enhancement measures. Subject to this condition the development would meet the requirements of Policy CS12 of the Core Strategy (2011).

viii. Trees and Landscaping

10.50. The scheme involves the removal of a small length of beech hedging along the front western boundary and a young self-seeded specimen; neither feature represents a significant or justified constraint to development and any harm can be mitigated through landscape enhancements secured under condition.

10.51. The proposal would be in accordance with CP1, CP11 and NE15 of the OLP and therefore would be acceptable.

ix. Contaminated land

10.52. The development involves the creation of residential dwellings. Residential dwellings are considered to be sensitive uses. The risk of any significant contamination being present on the site is low. However, it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore, it is recommended that an informative is placed on any planning permission regarding unexpected contamination in accordance with local and national planning policy.

x. Planning Obligations

10.53. It is considered that the following matters should be secured through a s106 legal agreement. This is detailed in Section 3 of the report.

xi. Other

10.54. The applicant has addressed and outlined a number of measures to ensure the proposal is sustainable, saves energy and water resources. Those measures are considered acceptable.

1. High performance double glazing
2. Communal air source heat pumps
3. Where necessary, passive flue gas heat recovery devices will be installed to all gas-fired boilers.

4. High levels of insulation to floors, walls and roofs (super insulated)
5. Passive solar gain via orientation and layout
6. High level of natural lighting and ventilation
7. Integrated energy management controls within individual units
8. User information within individual units, highlighting energy efficiency.

10.55. Water is considered by fitting flow restrictors to all taps, dual flush cistern and installation of baths with smaller profiles, as they require less water as well as SuDS, which would be secured through conditioning.

11. CONCLUSION

- 11.1. The proposal for the replacement of a single family dwelling with six apartments and associated parking and landscaping is considered acceptable on balance in planning terms.
- 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 Details of the exterior materials to be used shall be submitted to, 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: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. The plans, calculations and drainage details will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with an allowance for climate change.
- II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- IV. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates.

Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

A SuDS maintenance plan should also be submitted and approved by the LPA. The Sustainable Drainage (SuDS) Maintenance Plan will be required to be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan will be required to provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity.

Reason: To ensure compliance with Policy CS11 of the Oxford Core Strategy 2011-2026.

- 5 The development hereby permitted shall not be occupied until the Order governing parking at Sunderland Avenue has been varied by the Oxfordshire County Council as highway authority for the Double Yellow Lines and Controlled Parking Bays on Sunderland Avenue.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 6 Before the development permitted is commenced details of the cycle parking areas, 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 promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 7 The development hereby permitted shall not be occupied until the Order governing parking at Sunderland Avenue has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 8 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with policy.

- 9 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub 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.

- 10 The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

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

- 11 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

- 12 Prior to the commencement of the development, details of biodiversity enhancement measures including at least 6 x bird nesting and 3 x bat roosting devices, landscaping to include nectar sources (non-hybrid species) and a pollinator box, 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.

- 13 The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with the Development Plan, in particular Local Plan policies CP1, CP13, Core Strategy Policy CS23 and Sites and Housing Plan Policy HP2.

- 14 The obscured glazed glass privacy screens to the balconies and terraces should be maintained and retained obscure glazed for perpetuity.

Reason: To protect and ensure adequate residential amenities in accordance with HP14 of the Sites and Housing Plan.

- 15 Notwithstanding the approved plans, this permission specifically excludes the details of the roof light protrusion; shown on plan(s) No(s) 15033-PE0011-A, PE0010-A; received on 17th November 2017. The rooflight shall be flush with the metal clad flat roof.

Reason: To avoid doubt and in the interest of visual amenities in accordance with CP1 and CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

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 approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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