

## WEST AREA PLANNING COMMITTEE

20th February 2019

**Application Number:** 18/03113/FUL

**Decision Due by:** 24th January 2019

**Extension of Time:** TBA

**Proposal:** Erection of 2no. dwellinghouses (Use Class C3) within the grounds of 122 Banbury Road, including new access off Belbroughton Road, landscaped amenity space, car parking, bin and cycle storage.

**Site Address:** 122 Banbury Road, Oxford, Oxfordshire, OX2 7BP

**Ward:** St Margarets Ward

**Case Officer** Tobias Fett

**Agent:** Mr Anthony Lewis      **Applicant:** Ms A, Ms N And Mr M Hands

**Reason at Committee:** The application has been called by Councillors Harris, Landell-Mills, Wade and Goddard due to local concerns about the impact on the Conservation Area.

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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; and**

**(b) Agree to delegate authority to the Acting Head of Planning Services to:**

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the proposed development of two new large dwellings, a new vehicular access from Belbroughton Road, parking, large gardens and associated landscaping in the grounds of the existing dwelling at 122 Banbury Road. The proposal is considered to be acceptable in terms of its design and its

impact on the North Oxford Victorian Suburb Conservation Area. Officers have carefully considered the proposals in the context of Policy HE7 and Paragraph 196 of the NPPF; the proposed development would not have a harmful impact on designated heritage assets, including 1 Belbroughton Road and the North Oxford Victorian Suburb Conservation Area.

- 2.2. Officers have carefully considered the impact of the proposed development on the amenity of the neighbouring properties. It is considered that the proposal would not have an unacceptable impact on residential amenity. This is because the proposal would not lead to a substantial loss of daylight nor cause an unacceptable loss of privacy or an unacceptable overbearing impact to any neighbour. The proposal is also considered to be acceptable in terms of its impact on traffic and the environment.
- 2.3. It is considered that the proposal is acceptable and compliant with the provisions of the Oxford Local Plan 2001-2016, Core Strategy, Sites and Housing Plan, the emerging Oxford Local Plan 2036 and the NPPF. For the reasons expressed in this report the application is recommended for conditional approval.

### **3. LEGAL AGREEMENT**

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

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

- 4.1. The proposal is liable for CIL for the sum of £103,262.60.

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

- 5.1. The application site is the side and rear garden of 122 Banbury, which is a corner plot on Banbury Road's east side with the junction of Belbroughton Road. The site is just within the North Oxford Victoria Suburb Conservation Area and is adjacent to a grade-II listed building (1 Belbroughton Road).
- 5.2. The site is bounded to the north by 128 Banbury (South Lodge) and the 1970s terraced infill development of Cunliffe Close. The distance from the sites northern boundary to the rear elevation of 2-6 Cunliffe Close is 20 metres, which is also the depth of the gardens for 4 and 6 Cunliffe Close. 128 Banbury Road (South Lodge) and 2 Cunliffe Close, have split that space, and therefore the applications site's northern boundary is with the private amenity space of South Lodge, with a depth of 8.2 metres. There is no common boundary with 2 Cunliffe Close, which has a reduced garden depth of 11.8 north of South Lodges garden area. 2 Cunliffe Close has a very large tree within its garden that dominates the surrounding gardens as well as more medium sized trees and shrubs.
- 5.3. The front access to 8-20 Cunliffe Close contains very large mature trees, that screen most of the site from views, which is part of the character of this part of

Cunliffe Close. The terraces nearest to the application site, 2-6 and 8-20 Cunliffe Close consist of modest two storey dwellings with shallow pitched roofs, and varying sized generous gardens. They have been designed in the same style, with interesting detailing and Juliette balconies to their front elevations.

- 5.4. The property known as South Lodge (at 128 Banbury Road) is located right at the north western corner of the plot. It's a two storey shallow pitched dwelling, and the main rear elevation is along the boundary with the application site. There are no windows right on the boundary, but a small balcony of less than 4sqm off the main bedroom. The balcony is surrounded by two outer building walls, and one tall boundary wall of 2.4 metres length along the site boundary, almost meeting the eaves and the other balcony fencing is a 1.2 m deep railing. This area is well screened, with hedges and trees, and not easily visible from within the application site. South Lodge has it's a compact front and side garden.
- 5.5. South Lodge forms part of a set with North Lodge, both of which don't match any other buildings within the vicinity. They are both 19<sup>th</sup> century buildings connected to a previous grand house nearby and served as lodge and ancillary accommodation. They have been extended and altered since and have been in residential use. They provide accommodation over two floors, with limited private amenity spaces. Mutual overlooking has been established between those two properties and 2-4 Cunliffe Close, due to its close proximity and location of gardens. Adjacent to the entrance of South Lodge's plot is a small electricity substation. Both properties are built behind and onto a large brick wall fronting Banbury Road.
- 5.6. The application site has its main pedestrian and separate vehicular access off Banbury Road, and another unused pedestrian access off Belbroughton Road.
- 5.7. The boundary treatment along the site with Banbury Road consists of low brickwalls with brick pillars and hedging on the southern half of the plot and timber fencing on the northern half. This boundary is shaped by many mature trees.
- 5.8. The boundary along Belbroughton Road is mostly hedge, with a low brick wall near the junction with Banbury Road. There is a less dense hedge at the edge of the application site with No. 1 Belbroughton Road.
- 5.9. 1 Belbroughton Road is 40 metres to the east of 122 Banbury Road. The building is 4 metres away from the common boundary, and just over 24 metres from the area of the closest proposed building corner.
- 5.10. 1 Belbroughton Road is grade-II listed. The building sits with a relatively short, open frontage that addresses the road. The road is characterised by buildings of modest height – 2 storeys, like this heritage asset, set behind enclosing front boundaries, tall hedges, shrubs and intermittent taller trees that create a generously verdant appearance in views along the street. The building itself is a large detached 20<sup>th</sup> century property with a large front garden due to its set back from the road of 9 metres. The rear garden is very large at 22 metres width and 47 metres depth. The plot is the whole length of the application sites boundary

for 64 metres. This house was built 1925-6 by Christopher Wright and is of special architectural merit for its facade of three giant brick arches, the rendered infill walling articulated by ground floor piers and entablature. The late C17-style is continued by tall hipped roof, dormers and symmetrical tall stacks. Its materials are red brick in English bond, forming arcade to front with cement-rendered infill; tall plain tile roof, hipped and steeply pitched, with sprocketed eaves; symmetrical tall brick chimneys with off-set caps. The symmetrical front has 3 giant brick arches on piers with offset impostes. Rendered walling within arcade is slightly recessed and articulated with ground-floor piers supporting entablature with white-painted cornice. Cornice is broken by open pediment over central door in white-painted architrave frame. Metal casements with glazing bars: single light flanking cross windows to ground floor outer bays; 3-light to first floor, rising up into curve of arch. Three hipped roof dormers with paired casements and tiled cheeks. Glazed door with wooden glazing bars and single low panel.

- 5.11. The site is visible from Banbury Road in glimpses, depending on time of the year and the tree cover. The site is also visible from Belbroughton Road across the ill-maintained fence and hedging. Further glimpses are possible depending on season from Cunliffe close, passing the North Lodge towards 2 Cunliffe Close, and along the front entrance area near 20 Cunliffe Close.
- 5.12. The site is quite large and therefore smaller variations in level occur, mainly due to past landscaping and garden activities. The only notable difference is that the land north of the boundary at 128 Banbury Road and 2-6 Cunliffe Close, is approximately 1 metre higher than the application site. The application site has a continuous equal level along Belbroughton Road.
- 5.13. There are many trees, shrubs and hedges across the site, which appear partially unkempt. The garden is very large and spacious and is visible from neighbouring roads.
- 5.14. The built form in the shape of the dwelling and associated outbuildings are located to the southwest of the plot, and are just outside the "redline" of the application site. The building dates back to 1922, designed by architect John C S Sonar of Hampstead. The building is a generous two storey detached dwelling, with a single storey garage/annexe to the south. It fronts onto Banbury Road. The style and detailing is of the Arts and Crafts Style. The main two storey element is 9 metres deep and has a length of 17 metres. The single storey element towards the southern boundary adds another 10 metres in length and just over 9 metres at its deepest at the most southern elevation. There is also some accommodation in the steep pitched roof, with three chimneys breaking up the massing and providing vertical punctuation. The building itself is quite symmetrical with clear building lines. Subsequent extensions and outbuildings clearly are subservient and of their time. The rear elevation is fronted by a large patio and hard standing of about 90 sqm.

## 5.15. Site location plan



## 6. PROPOSAL

- 6.1. The application proposes the subdivision of the application site and the creation of a new vehicular access off Belbroughton Road to enable the creation of two large five bedroom dwellings and a reduced but still very large rear garden for the host dwelling with 28 metres width and 22 metres in depth and therefore over 600 sqm without the patio.
- 6.2. The proposed plans marked the two proposed dwellings as House 1 and House 2, and the report will subsequently refer to those as such. House 1 is the northerly proposed dwelling along the boundary with the 128 Banbury Road and 2-6 Cunliffe Close, and House 2 is the proposed southerly dwelling towards the new boundary with the existing dwelling at 122 Banbury Road.
- 6.3. The proposed new gravel drive would lead to a small shared courtyard arrangement leading to the main entrance of the two new dwellings, the covered car port for two car parking spaces each (House 1 carport measures 42 sqm and for House 2 it is 33 sqm), as well as passage access to the covered bin and bicycle storage spaces. The driveway is proposed to be constructed using a 'no dig' method to ensure that there is no damage caused to surrounding mature vegetation. The proposals include a generous planting of the front garden space with the retention of some mature planting and provision of new trees and landscaping around the boundaries.

- 6.4. The proposed new dwellings would benefit from generous living accommodation across three floors amounting to a total of 376 sqm internal floorspace, including a substantial basement of 124 sqm for each dwelling.
- 6.5. The design approach relates to a set of buildings within the landscape setting of an established house with a garden, which takes the shape of contemporary angular houses that fit in and reflect the surrounding landscape, while not competing visually with the host dwelling, or the varying architectural styles of neighbouring properties. The proposals do not seek to emulate the architectural style of the host dwelling and follow a more contemporary approach.
- 6.6. The proposed dwellings would have minimal glazing and windows to the north and south to minimise overlooking issues, and provide glazing and views to the east and west. This is designed to minimise overlooking and privacy issues. Revised plans have been received to further mitigate this for neighbours to the north by adding a section of wall along the east elevation to limit views north-west (towards South Lodge).
- 6.7. The proposed houses are set back a minimum of 25 metres from the Banbury Road boundary and would be 3.6 metres lower than the ridge height at 122 Banbury Road, due to the proposed flat roof.
- 6.8. The dwellings would be 5.6m in height, with flat sedum roofs. Each building would have a number of angular elements and would be formed in a series of blocks; this is a deliberate attempt to break down the scale and mass of the development.
- 6.9. House 1 would possess a hedge screened ground floor to the northern boundary, and would be set back a minimum of 2 metres at first floor level and the nearest upper floor side elevation would have a length of 7.8 m,

## 7. RELEVANT PLANNING HISTORY

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

00/00833/CAT - Repollard ash leaved maple and reduce hawthorn in the North Oxford Victorian Suburbs Conservation Area at 122 Banbury Road. RNO 26th June 2000.

00/01470/CAT - Fell conifer in the North Oxford Victorian Suburb Conservation Area.. RNO 13th September 2000.

01/01607/CAT - Fell false cypress in the North Oxford Victorian Suburb Conservation Area at 122 Banbury Road, Oxford. RNO 19th September 2001.

02/00777/CAT - Pollard maple tree in North Oxford Victorian Suburb Conservation Area. RNO 30th May 2002.

02/01786/CAT - Fell two poplar trees in the North Oxford Victorian Suburb Conservation Area.. RNO 9th October 2002.

68/19859/A\_H - Outline application for the erection of a college.. WDN 6th March 1968.

97/00404/CAT - Pollard sycamore in the North Oxford Victorian Suburb Conservation Area.. RNO 18th June 1997.

97/01954/CAT - Prune lime and poplar trees in the North Oxford Victorian Conservation Area, as detailed in letter from Robinson's Trees dated 2/12/97. (Ref.: RT1632). RNO 18th December 1997.

98/01494/TPO - Prune oak tree referenced in the North Oxford (No.4) TPO, 1969. PER 24th November 1998.

12/02512/CAT - Fell Elder tree and prune to 15ft Leyland Cypress in the North Oxford Victorian Suburb Conservation Area.. RNO 8th November 2012.

13/00587/PDC - PERMITTED DEVELOPMENT CHECK - Removal of existing brick pillars and replacement fence.. PRQ 2nd April 2013.

14/00978/CAT - Crown lift 1no. Horse Chestnut tree, crown lift 1no. Turkey Oak tree and prune 2no. Fir trees in the North Oxford Victorian Suburb Conservation Area. RNO 13th May 2014.

17/01295/FUL - Erection of 2 x 5-bed dwellinghouses (Use Class C3). With provision of car parking and private amenity space.. WDN 28th July 2017.

## 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/	Emerging Local Plan 20136*
Design	8, 11, 124-132	CP1, CP6, CP8, CP9, CP10, CP11,	CS18_	HP9_, HP10_		RE2 DH1 DH5
Conservation/Heritage	184, 189-202	HE3, HE6, HE7,				DH2 DH3 DH4 DH5
Housing	59-72			HP12_, HP13_, HP14_		H1 S1

Natural Environment	133-147 148-169 170-183	CP11 NE15, NE16, NE20,	CS12_,			G2
Social and community		CP19, CP21,	CS19_,			
Transport	102-111	TR3, TR4,		HP15_, HP16_,	Parking Standards SPD	M1 M3 M5
Environmental	117-121		CS9_, CS10_, CS11_,	HP11_,	Energy Statement TAN	RE1 RE2 RE4
Misc	7-12, 47, 48	CP.13, CP.24, CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,	

\* Only limited weight can be given to policies in the emerging Oxford Local Plan 2036 because the plan is only at Proposed Submission Draft stage.

## 9. CONSULTATION RESPONSES

- 9.1. Six site notices were displayed around the application site (2 each on Cunliffe Close, Banbury Road and Belbroughton Road) on 12th December 2018 and an advertisement was published in The Oxford Times newspaper on 13th December 2018. The public consultation expired on 3<sup>rd</sup> January 2019.
- 9.2. As a result of the consultation minor amendments have been sought and revised plans submitted on the 29<sup>th</sup> January 2019. These changes relate to a reduction in the rear facing first floor living room glazing, which subsequently decreases the visibility and impact on privacy from House 1 to South Lodge, as well as an internal change moving a bedroom from the rear to the front, and therefore replacing a bedroom window with two obscured windows at the rear elevation of House 1. These are minor changes requested by officers and have not therefore been subject to additional public consultation.

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

#### Oxfordshire County Council (Highways)

- 9.3. The Local Highways Authority has not objected, and has requested a condition and informative relating to the existing controlled parking bay, and associated changes to the traffic regulation order to rearrange the acceptable impact on the existing on-street coach parking bay. Parking for cars and bicycles, driveway and access road has not been objected to.

#### Oxford Civic Society

- 9.4. An objection has been submitted, on the basis that the designs are inefficient and make poor use of the site area. Furthermore the layout and location of the

proposal is objected to as well as well as impractical access of the site and its amenities.

Summertown & St Margaret's Neighbourhood Forum

- 9.5. There is support for the principle of the development, the access and siting and architectural approach of the development. There is an objection to the scale, and size of the proposed development, its footprint and amount of parking and therefore overall object.

Lathbury Road Residents Association

- 9.6. An objection has been raised due to uncharacteristic density and overdevelopment, design, loss of privacy and impact on neighbours.

The Victorian Group of the Oxfordshire Architectural and Historical Society

- 9.7. This group objects to the proximity of the development to neighbouring dwellings, the proposed design and impact on the Conservation Area.

Cunliffe Close Householders Association

- 9.8. A very comprehensive objection has been submitted, which has been quoted and used as a basis by many neighbouring objectors. The three main areas of objection relate to the access and highways, ecology issues and design and heritage concerns.

Linton Road Neighbourhood Association

- 9.9. This association raises an objection based on concerns in regards to the pre-app process, the lack of consultation and the impact of the proposal on the Conservation Area.

St Margaret's Area Society

- 9.10. An objection has been lodged due to impact of the proposal on the Conservation Area. The society considered the plans overdevelopment, providing adverse impacts on the privacy of neighbours, its design out of its context, access problems as well as loss of green area and natural habitat.

**Public representations**

- 9.11. 81 local people commented on this application from addresses in Staverton Road; Banbury Road; Northmoor Place; Northmoor Road; Belbroughton Road; Moreton Road; Charlbury Road; Cunliffe Close; Garford Road; Farndon Road; Norham Road; St Margaret's Road; Frenchay Road; Linton Road; Park Town, Rawlinson Road; Ridgemont Close, Warnborough Road, Fyfield Road and Eynsham Road, Botley; Mill Street Kidlington & Newton Abbot.

In summary, the main points of objection (81 residents) were:

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- General dislike or support for proposal

- Height of proposal
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Effect on traffic
- Access
- Effect on pollution
- Local plan policies
- On-street parking
- Open space provision
- Parking provision
- Public transport provision/accessibility
- Parking provision
- Construction phase
- Climate change
- Flooding risk
- Procedures, Consultation
- Information missing from plans
- Heritage
- Affordability

### **Officer Response**

9.12. Officers note the above matters which are responded to in the report below.

9.13. Revised plans have been received for small alterations to the rear facing living room windows on the first floor, and changing the first floor bedroom from the rear to the front, and subsequently proposing two opaque windows for the rear elevation and therefore reducing the opportunities for overlooking and the perception for being overlooked.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design & Heritage;
- iii. Living Environment,
- iv. Neighbouring amenity etc.
- v. Transport
- vi. Sustainability & energy
- vii. Drainage & Flooding
- viii. Ecology
- ix. Contamination
- x. Other Matters

**i. Principle of Development**

- 10.2. The application site currently forms the residential garden for 122 Banbury Road. As the application site is garden land it is not considered to be previously developed land for the purposes of the National Planning Policy Framework (NPPF). Policy CS2 of the Core Strategy requires that the majority of new development should be located on previously developed land. However, there is scope within local policy to allow for some appropriate development on residential garden land where it meets criteria relating to design, context and impact on amenity as set out in Policy HP10 of the Sites and Housing Plan (2013). A further assessment of the proposals in relation to this policy is set out in more detail below.
- 10.3. Policy HP10 requires that residential garden land sites are only acceptable where the proposal responds to the character and appearance of the area. As already set out above, the application site is in an area with a predominantly suburban character and a mix of architectural styles, property types and sizes. The proposals would form a backland addition to the rear and side of 122 Banbury Road but there is already some backland development present (the Cunliffe Close development of the 1970s). On this basis the context of the site means that the proposed development would, in principle not be entirely out of place with this established character and pattern of development.
- 10.4. It is also a requirement of Policy HP10 that the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal having had regard to the scale, layout and spacing of the surrounding properties. In a similar regard to the points raised above there is no overriding plot size or shape which are characteristic of the immediate context of the site. However, the application site is 0.18 hectares and therefore represents a very large expanse of area and the residual garden land that would remain for the existing property (as well as the gardens to serve the new dwellings) would not represent a cramped or unacceptably constrained form of development. In fact the proposed dwellings and their plots as well as the residual garden to serve 122 Banbury Road would still be larger than many adjacent residential properties.
- 10.5. Further to the above it is considered that having had regard to the amount of garden land and its accessibility and use by the existing property at 122 Banbury Road it could be argued that there is scope for additional development in this location. This approach is supported in principle by Policy CP6 of the Oxford Local Plan 2001-2016 and paragraph 117 and 118 NPPF that seek to ensure that there is more efficient use of land subject to design and site specific constraints. The context of the site in terms of its characteristics and that of surrounding properties means that the development would also be considered acceptable in terms of Policy HP9 of the Sites and Housing Plan (2013) and Policy CP8 of the Oxford Local Plan 2001-2016.
- 10.6. Finally in relation to Policy HP10 there is a requirement relating to the biodiversity impact of the proposals, which will be further addressed in the ecology part of this report.

- 10.7. The application site is in a sustainable location being located in close walking distance to bus stops on Banbury Road where there are frequent services to Summertown, the City Centre and Kidlington. It is considered that the site therefore represents an opportunity to provide additional housing in a site that benefits from good public transport connections and is supported in principle by the requirements of Paragraphs 108 and 118 of the NPPF, Policy CS13 of the Core Strategy (2011) and Policy CP1 of the Oxford Local Plan 2001-2016. The proposals are also supported in principle by Policies SP1, RE2 and G6 of the Emerging Local Plan 2036.
- 10.8. On the basis of the above, Officers recommend that the development would be acceptable in terms of the principle of development.

**ii. Design and Impact on Character of Conservation Area**

Significance of the heritage assets

- 10.9. The application site lies in the northern part of the North Oxford Victorian Suburb Conservation Area. This part of the Conservation Area is characterised by more modest properties with many showing features from the Arts and Crafts Style (particularly the Lake District Arts and Crafts tradition). The area is characterised by mature vegetation; this is particularly apparent on the application site along Banbury Road. Officers have carefully considered the established character of the Conservation Area and the elements that amount to its significance. Officers have considered the proposals carefully with reference to the North Oxford Victorian Suburb Conservation Area Appraisal.
- 10.10. In considering the proposals Officers have placed great weight on the significance of the designated heritage assets as required by Paragraph 193 and non-designated heritage assets as required by Paragraph 197 of the NPPF. Officers have carefully considered the proposals in the context of The South Lakeland principle when assessing the acceptability of the development with regards to the Conservation Area and adjacent Listed Building. This is important in the context of Policies HE3 and HE7 of the Oxford Local Plan 2001-2016, DH2 and DH3 of the emerging Oxford Local Plan 2036. The South Lakeland Principle considers “preserve” equal to “keep from harm”. In this context it is important to understand the character and appearance of the Conservation Area as this is fundamental to understanding how it must be preserved and kept from harm. In this part of the North Oxford Victorian Suburb the gardens, verdant tree filled boundaries (especially in this part of Banbury Road) are characteristic features. The dwellings along the road are often ‘glimpsed’ through or between dense vegetation and this important characteristic of this part of the Conservation Area is particularly relevant to this site and the overall significance of the heritage asset.
- 10.11. The proposal is considered to directly impact the setting of 1 Belbroughton Road, a designated heritage asset, which is seen as a building in a garden, and addresses Belbroughton Road, and the gardens of 122 Banbury Road are a “separated” backdrop. The assessment of the impact of the development on this

Listed Building's setting is set out in the preceding paragraphs of this report.

- 10.12. The proposal would be in the vicinity of South and North Lodge at 128 Banbury Road and 129 Banbury Road. These properties could be considered non-designated heritage assets, due to their location and architectural interest they provide to the area.

#### Response to the site and its context

- 10.13. The proposal is for a development in a garden setting, sitting back, with the site access from Belbroughton Road. The proposal would retain and preserve the important tree screen on Banbury Road to retain the sense of garden.
- 10.14. The proposed buildings are reasonably discreet, but respond positively to being "in" a garden. The siting of the dwellings in the garden has been deliberately proposed to minimise their impact in the public realm. The chosen architectural style and approach provide a contrast to 122 Banbury Road and 1 Belbroughton Road (and its northern neighbours), that provide a discrete "backdrop" rather than a distracting competition. The design of the dwellings reflects their garden setting with the use of a simpler style, lower overall height and broken up massing. Officers consider that the proposals have carefully and consistently responded to the site and its context which is particularly important on this sensitive site which impacts on designated heritage assets.

#### Design

- 10.15. The design approach has resulted in lower buildings built around gardens and courtyards. The upper storeys of the proposed development float over the walls by virtue of glazing and therefore appear lightweight from the east and west elevations. This gives the proposed development a simple elegance overall. The overarching design principle is that of simple forms and simple building lines.
- 10.16. The proposed materials and facades allow the built elements to sit within the garden and amongst the trees, and the glazing will allow for reflection of the landscape and trees. The scheme proposes therefore beautifully crafted buildings that respond to the "craftsmanship" ethos of the North Oxford Victorian Suburb and avoid the disappointment of a lesser quality addition. Therefore despite the contemporary approach that has been adopted in the design of the buildings there is a clear contextual response to the North Oxford Victorian Suburb.

#### Harm

- 10.17. Officers have assessed the development in terms of whether or not it would give rise to harm (substantial or less than substantial harm) to the designated heritage assets (the North Oxford Victorian Suburb and the setting of the adjacent listed building at 1 Belbroughton Road). This assessment is required by local planning policies HE3 and HE7 of the Oxford Local Plan 2001-2016 and emerging planning policies DH2 and DH3 of the Oxford Local Plan 2036 as well as Paragraphs 194-196 of the NPPF. The proposed intervention seeks to take

the principle of “dwellings in gardens” and courtyard houses, where the houses sit in their landscape. They do not seek to breach or destroy the Banbury Road heavily vegetated boundary and are making a series high quality but different garden spaces that provide the setting for different spaces/functions within the buildings. It encourages the blurring of inside and outside space where the garden is all important.

- 10.18. In addition, the principle of “beautifully crafted” from the Lake District Arts and Crafts tradition, or indeed the Arts & Crafts tradition more broadly translated into “beautifully made buildings”, irrespective of architectural style. This can be seen in the proposed buildings which are simple but carefully considered.
- 10.19. Not only are the buildings offering the possibility of “beautiful craftsmanship” but importantly the suggested landscape additions and the retention of important landscape elements that are proposed to survive in the existing 122 Banbury Road garden and that add to the garden tradition of North Oxford. The proposed approach includes using the existing garden then introducing layers of landscaping (including garden walls, an access drive and entrance courtyards and soft landscaping, including different smaller gardens that expand out into the wider, less intimate garden space that contributes to the character and appearance of the wider area).
- 10.20. Furthermore the design of the proposed buildings permits them to be read as subservient to the domestic architecture that originally made this part of the North Oxford Victorian Suburb and that consequently they will not take away from, diminish or harm the architectural delight of 1 Belbroughton Road, 122 Banbury Road and indeed those buildings that have contributed to the distinctive “architectural language” of this part of Oxford.
- 10.21. These buildings follow in the tradition of other recognised interventions in this part of North Oxford such as the Institut Francais. Whilst this does not represent a precedent it does show how a different architectural approach can be assimilated into a sensitive context.
- 10.22. Taking this response and the potential that it offers it is not unreasonable to assess that the proposals have responded positively to the significant character and appearance of the NOVSCA, not by attempting to copy but by taking the fundamental principles and applying them thoughtfully a different but entirely valid architectural and landscape approach to the proposed interventions. It must therefore follow that the proposals comply with the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve or enhance the character or appearance of the Conservation Area and that they meet the principles of national policies as set out in the NPPF and accompanying, explanatory guidance set out in the NPPG which seek to ensure that the significance of the heritage asset (Conservation Area) is not harmed and that new design is of a high quality and responds positively to its surrounding context. Officers therefore conclude that the proposed development would not give rise to substantial or less than substantial harm to the Conservation Area and complies with the requirements of Paragraphs 194-196 of the NPPF and Policy HE7 of the Oxford Local Plan 2001-2016.

### Setting of 1 Belbroughton Road

- 10.23. Officers have identified that the proposed development would impact on the setting of 1 Belbroughton Road which as a Grade II listed building is a designated heritage asset for the purpose of Paragraph 193 of the NPPF. The setting is “the surroundings within which a heritage asset (listed building) is experienced”. 1 Belbroughton Road is very much seen in the context of Belbroughton Road. The building sits with a relatively short, open frontage that addresses the road. The road is characterised by buildings of modest height – 2 storeys set behind enclosing front boundaries, tall hedges, shrubs and intermittent taller trees that create a generously verdant appearance in views along the street.
- 10.24. The siting of 122 Banbury Road means that the tiled roof slopes which are broken by small gables and dormer windows of the rear of the principal house and its smaller outbuilding form the predominant backdrop to the views of 1 Belbroughton Road, reinforcing the modest domestic character that prevails in this part of the North Oxford Victorian Suburb. The two houses are separated by the sense of openness that forms the garden of 122 Banbury Road. The part of the garden to 122 Banbury Road that is proposed to form the application site (which is the northern and eastern part of the garden of 122 Banbury Road) is essentially hidden from views that include 1 Belbroughton Road. Officers recommend that this siting works to reduce the impact of the proposed development on the setting of the Listed Building.
- 10.25. The Gingko tree that is to be retained and protected as part of the proposal provides a screen and any views of the new dwellings will be glimpses of relatively simple building forms that will be seen as elements within the garden landscape.
- 10.26. Therefore it cannot be considered unreasonable to conclude that there will be no harm to the setting of 1 Belbroughton Road that would occur as a result of the proposed interventions and that the proposal will therefore comply with the statutory duty relating to the setting of listed buildings set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will meet the objectives of both national planning policies set out in the NPPF and existing and emerging local plan policies identified in an earlier section of this report. Officers therefore conclude that the proposed development would not give rise to substantial or less than substantial harm to the setting of a Listed Building and complies with the requirements of Paragraphs 194-196 of the NPPF and Policy HE3 of the Oxford Local Plan 2001-2016.

### 121 and 130 Banbury Road

- 10.27. Consultation responses have identified concern that the proposal would have a harmful impact on the setting of other listed buildings in the vicinity of 122 Banbury Road, namely 121 Banbury Road and 130 Banbury Road which are both grade-II listed properties.

- 10.28. The setting of 121 Banbury Road is informed by the character and appearance of this part of Banbury Road and the principle of retaining the strong, verdant frontage to Banbury Road. With this frontage unbroken it would actually preserve or “keep from harm” this important element of the setting of this listed building. The proposed new houses would only be glimpsed, their design and in particular their massing significantly minimising their impact, as is characteristic of buildings in this part of the North Oxford Victorian Suburb and therefore it is reasonable to assess them as having no impact on the setting of 121 Banbury Road or to the contribution that its setting makes to the significance of the building which is very much the architecture of the building rather than its specific relationship to its surroundings.
- 10.29. 130 Banbury Road, Somerville House is also identified as having a particular architectural significance as a double-fronted, mid-C19 villa with a possible attribution to a known architect. The setting of this building has been much harmed by the later developments that surround it and that entirely separate it from the application site, both physically and visually. It is therefore concluded that the proposal will have no impact on the setting of 130 Banbury Road or indeed to the contribution that the setting of that building makes to the significance of the listed building.

#### Non-designated assets

- 10.30. The properties at 128 and 129 Banbury Road are of interest and their significance is similarly informed as the above by their location and their setting. The proposal would not alter their setting, or how these buildings are seen or experienced from the main public vantage points, and therefore the proposal is not considered to materially affect the significance of these non-designated heritage assets in accordance with Paragraph 197 of the NPPF.

#### Design & Heritage Justification

- 10.31. The size of the existing plot is uncharacteristically large. The application submission and public consultation responses have made reference to this. This is important because these proposals consider the provision of three large gardens for the proposed and host building to sit within, and thus preserve this important feature of the Conservation Area.
- 10.32. The proposal allows for a rejuvenation of the garden spaces as well as the retention of the important tree lined Banbury Road frontage.
- 10.33. A lesser justification for the proposals is the opportunity to progress restoration works to the existing building, which would be a desirable benefit.
- 10.34. Special attention has been paid to the statutory test of preserving the listed building, its setting, any features of special architectural, historic interest which it possesses and the statutory test of preserving the character and appearance of the conservation area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the

listed building and the character and appearance of the Conservation Area, and so the proposal accords with Sections 66 and 72 of the Act. The proposal is considered to be in accordance with national planning policy including Paragraphs 194-197 of the NPPF and policies CP1, CP8, HE3 and HE7 of the Local Plan 2001-2016, CS18 of the Core Strategy and DH2 and DH3 of the Emerging Local Plan 2036 and is therefore acceptable. There are a number of conditions proposed to ensure high quality to respect the heritage assets discussed above.

### **iii. Living Environment**

#### Internal Spaces

- 10.35. The proposed development involves the erection of two very substantial large 5 bedroom dwellings providing circa 376 sqm of accommodation for each house on three floors, including a basement level, therefore exceeding the national minimum space standard.
- 10.36. The proposed accommodation is very generous and would provide an acceptable luxury quality living environment with natural lighting and ventilation and exceptional outlook. All of the proposed bedrooms are bigger than 11 sqm. This would mean that they would provide a good standard of accommodation.
- 10.37. The basement at House 1 would have two light wells (5sqm and 8.7 sqm) to receive natural light and House 2 would have one light well of 12sqm.
- 10.38. The proposal would provide a good quality internal living environment in accordance with Policy HP12 of the Sites and Housing Plan and H15 of the Emerging Local Plan 2036 and officers recommend that this would be acceptable.

#### External Spaces

- 10.39. The proposed two dwellings would have direct and convenient access to two large and partially mature planted and landscaped private gardens. The proposed dwellings would also benefit from additional green and amenity space to the front of the dwellings, some leading to a shared driveway, accessed from Belbroughton Road.
- 10.40. The quality and quantity of outdoor spaces available to both proposed new dwellings would allow for adequate leisure and amenity uses commensurate to the size of those properties.
- 10.41. There would be a small degree of opportunity for overlooking and oblique views into the private amenity spaces of the proposed dwellings. This would be expected with a development such as this, and this would not be unusual in this location, as many existing dwellings have some degree of mutual overlooking. The proposed garden for House 1 would be partially overlooked by South Lodge, 128 Banbury Road and House 2 would have a degree of overlooking from the site's host dwelling at 122 Banbury Road. It is considered that the amenity

spaces provided would still be regarded as sufficiently private so that their provision of garden land would not be compromised.

- 10.42. The double garages occupy approximately the following parts of the gross internal floor space. 11.1% of House 1 and 9% of House 2. This amount is not unusual for dwellings of this size and provides the opportunity to park two cars or store other items undercover.
- 10.43. The proposal includes a dedicated area for adequate waste and recycling storage.
- 10.44. The distance from the bin storage area to the road is over 30 metres, and there would be some un-landscaped space by the gates for storage on collection days, off the main pavement. This approach is not unusual for other big houses and properties in North Oxford.
- 10.45. The proposal provides a high quality and adequate quantity of outdoor garden and amenity space in accordance with policy HP13 of the Sites and Housing Plan and H16 of the Emerging Local Plan 2036.

**iv. Impact on Neighbouring Amenity**

Privacy, Overlooking, Overbearing

*1 Belbroughton Road*

- 10.46. 1 Belbroughton is located to the east of the application site. The new proposed access drive runs alongside its common boundary past the listed building. The nearest window to 1 Belbroughton is the upper floor front bedroom of House 2, which would be just over 30 metres away from the corner of 1 Belbroughton Road. Given the separation between the properties there would be no impact in terms of a loss of privacy.
- 10.47. Due to the location of the two new dwellings to the north of the applications site and that upper floor bedroom windows are a minimum of 16 metres away from the boundary fence, there would also be no overlooking of the most used garden space and private terraces to the immediate rear of 1 Belbroughton Road.
- 10.48. The rear garden of 1 Belbroughton Road is very large and extends along the whole length of the application site, and a degree of overlooking and views into or across some parts of the larger rear garden are possible from the proposed dwellings. However, the proposal includes a lot of foliage which would help reduce the feeling of being overlooked and any perception of mutual overlooking which occurs in suburban neighbourhoods like this.
- 10.49. Officers consider that there would not be a materially harmful impact on overlooking to 1 Belbroughton Road in terms of a loss of privacy.

*128 Banbury Road (South Lodge)*

- 10.50. This property is located to the north-east of the application site, adjacent to Banbury Road but accessed from Cunliffe Close (with North Lodge). Officers

have carefully considered the impact of the proposed development on this property with specific regard to the impact on privacy. Revised plans show the rear facing opaque dressing and en-suite windows 16 metres away from the 1<sup>st</sup> floor bedroom balcony of South Lodge and approximately 12 metres from the revised rear living room window for House 1. The living room window glazing has been reduced to increase the distance and reduce the potential for overlooking to South Lodge. The use of reduced glazing on the first floor living space of House 1 and the use of obscure glazing on the nearest windows of House 1 to South Lodge would reduce overlooking to an acceptable level. In reaching this view, officers have considered that the bedroom at South Lodge is set back and the balcony and its railing provide an additional visual barrier.

- 10.51. The impact of potential overlooking between South Lodge and House 1 is further reduced by the provision of planting along the boundary.
- 10.52. There would be one landing window on the first floor of House 1 looking northwards (6.5 metres to boundary). This would provide a limited (but quite oblique) view towards the garden of South Lodge. As this is not a main habitable room and there is some separation to the boundary (as well as existing and proposed landscaping along this boundary) it is considered that this would be acceptable.
- 10.53. Officers have carefully considered the impact of the proposed development on South Lodge in terms of privacy. It is considered that the proposals may give rise to very low amounts of overlooking but not in a way that would be materially harmful. Further to this it is considered that the presence of existing and proposed landscaping would further mitigate that impact and the development is therefore acceptable in this regard.

#### *2, 4, 6 Cunliffe Close*

- 10.54. The terrace of No.s 2-6 Cunliffe Close is located directly north of the application site and the proposed House 1. The terrace and their rear gardens are just under 1 metre higher than the land at 122 Banbury Road and the proposed level for House 1.
- 10.55. The rear gardens at the terrace are approximately 20 metres long. The proposed ground floor section would abut the boundary at a small section as well as the open car port.
- 10.56. The first floor would be set back a minimum of 2 metres. The landing window is the only window looking north, which would provide a view towards the gardens of the Cunliffe Close properties. The distance between that window and the northern boundary of the site is proposed to be 6.5 metres and therefore 26.5 metres to the rear window of 4 Cunliffe Close. Whilst this would provide an opportunity to view the end of the rear gardens of properties in Cunliffe Close this is not a main habitable room serving the proposed new dwelling (House 1); this would reduce the frequency of overlooking from this part of the proposed property. Also, given the distance between the proposed development and the actual properties in the terrace of Cunliffe Close it is considered that there would not be a loss of privacy for occupiers of those properties.

10.57. It is important to add that the proposed window on the northern elevation of House 1 would provide a reduced opportunity to view the rear gardens in Cunliffe Close as a result of proposed hedge planting.

10.58. The north facing hallway window would not be able to view the garden or dwelling at 6 Cunliffe Close due to the 4 metre projection of the built form northwards adjacent that window. Any other views to 2 Cunliffe Close would be very oblique and too distant to be harmful to overlooking or loss of privacy

10.59. The upper level window at House 1 would only provide very angled oblique views over the proposed edge of the nearest section of the rear garden of 6 Cunliffe Close.

10.60. The proposed dwelling would have a minimal degree of harm to privacy and overlooking for 4 Cunliffe Close, but as the window is not a habitable room, and due to the distance and planting this harm is not unacceptable. The difference in ground level would further aid the effectiveness of planting along the boundary in terms of reducing the impact on privacy.

#### *20 Cunliffe Close*

10.61. This property is located to the north-east of the application site. There may be oblique views from House 1 towards the front garden of this property, but due to the distance of 24 metres from the upper floor level front bedroom of House 1 to the edge of 20 Cunliffe Close and the proposed planting in between those properties, there would be no harm to privacy in this case.

#### *122 Banbury Road*

10.62. The proposed development would be 2m away from the southern boundary with 122 Banbury Road. The nearest bedroom of House 2 would be 12 metres away from the side/rear of 122 Banbury Road. Due to the planting and ginkgo tree, no unacceptable overlooking or loss of privacy would likely be experienced. Only very limited oblique views into the garden of 122 Banbury would be possible from a small side facing living room window of House 2.

10.63. There would be a small impact for 122 Banbury Road in privacy terms, which is considered acceptable, as it would be mitigated through existing and proposed trees and planting.

#### Impact on Light

10.64. The proposed development would be sited away from the boundaries and stepped in a sufficient amount to ensure that there would not be a negative impact on light conditions for surrounding occupiers. Officers are satisfied that the development complies with the requirements set out in Policy HP14 of the Sites and Housing Plan including the 45/25 degree code.

#### Overbearing

10.65. The proposed design and siting has been carefully chosen to minimise the visual

impact for neighbours and the public. The built form is set back, and designed to minimise the bulk, mass and scale. The built form is stepped back and set down from the boundaries at the upper levels, and as such the proposal would not be considered overbearing for neighbours. Planting around the edge of the site would further soften the appearance of the building.

#### Odour/Noise/Disturbance

- 10.66. The proposal would lead to an increase in density and this infill development would increase residential and associated activities on this very large site. However, given the separation between the proposed dwellings and the edge of the site (where the built form would only abut the boundary in a couple of places) would reduce this impact. The proposed development would also retain much of the existing vegetation which would soften some noise impact and reduce the perceived increase in activity.
- 10.67. The proposed development would not cause unacceptable levels of disturbances beyond normal residential activities already occurring within the neighbouring area. The application site is already considered to be residential garden land (and the majority of the site would remain in that use). The site would be more intensively used but the nature and type of activity taking place there would not be altered by the proposals.
- 10.68. The most noteworthy impact of the development in terms of noise and disturbance would be the new driveways and access areas for the two dwellings along 1 Belbroughton Road, which would be well mitigated due to the extensive garden size at 1 Belbroughton Road, as well as existing and proposed planting and the existing fence. The additional activity associated with the access would be considered acceptable, as the parking and turning of vehicles would occur more than 20 metres away from the north east edge of the 1 Belbroughton Road and would therefore not cause unacceptable levels of disturbance inside that property to the detriment of occupiers' amenity.
- 10.69. The construction phase would likely lead to some temporary disturbance which is usual for developments like this and any other building works. There are other pieces of legislation (in Environmental Health) that deal with construction noise and working practices and this cannot form a reason for refusing planning permission.
- 10.70. Therefore while officers consider there to be some negative impact, this would not be unacceptable, and the proposal would be acceptable due to the large distances of the respective gardens and amenity spaces in question. The development would comply with the requirements of Policy CP20 and CP21 of the Oxford Local Plan 2001-2016 and Policies RE7 and RE8 of the emerging Oxford Local Plan 2036.

#### Neighbour Impact

- 10.71. The above outlines some harm for the immediate neighbours of the proposed new dwellings, but it is considered that any harm caused would not be materially

unacceptable and can be successfully mitigated. The proposed development has been designed in such a way to minimise and mitigate as much harm as possible and conditions have been included to address some of the concerns raised. The proposal is therefore considered acceptable and would be in accordance with Policy CP1, CP8 of the Local Plan 2001-2016 and HP14 of the Sites and Housing Plan as well as H14 of the Emerging Local Plan 2036.

#### **v. Transport**

##### Transport Sustainability

10.72. The proposal seeks to erect 2 dwellings including a new access off Belbroughton Road. The site is in a sustainable location, close to many bus routes and within cycling distance to the city centre and other local amenities.

##### Car & Bicycle Parking

10.73. The properties will provide 2 off-street parking bays and 4 cycle spaces per dwelling. This is in line with Policies HP16 and HP15 respectively and is therefore acceptable.

##### Access

10.74. In order to create the new access off Belbroughton Road the existing on-street coach parking bay will need to be relocated. Consultation for the alteration of the Traffic Regulation Order will therefore be required along with a dropped kerb. An informative would be attached to any decision that this work would be at the applicant's expense. The County Council have confirmed that there are no underlying reasons to suggest that this is a dangerous area for a road access and therefore the proposed development would be acceptable in highway safety terms.

10.75. The proposal would not be harmful to highway safety and meets requirements of policies HP15 and HP16 of the Sites and Housing Plan and M1, M3 and M5 of the Emerging Local Plan 2036, and is therefore acceptable in highway terms.

#### **vi. Sustainability and Energy**

10.76. The application proposes to exceed current Building Regulations and aim for a low carbon energy use by integrating insulation and controlled heat loss through the building fabric and through employing latest construction designs and methods.

10.77. Passive solar energy would provide natural light and heat inner rooms. The proposed design, its orientation and use of lightwells and sedum roofs will provide additional sustainability improvements. The flat sedum roofs will further be complemented by a SuDS strategy which would be conditioned leading to minimised water consumption.

10.78. The proposal is considered to make good use of design and technology to provide 2 large dwellings while being mindful of natural resources, carbon emissions and climate change. The proposal is acceptable as it meets local policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 and CS9 of the Core Strategy and RE1, RE2 and RE7 Emerging Local Plan 2036.

**vii. Drainage & Flooding**

10.79. The development is not at significant risk of flooding from any sources; however the proposed development will lead to an increase in impermeable area as well as large basements, and subsequently an increase in surface water runoff. Therefore, a sustainable drainage strategy, associated maintenance plan and a groundwater assessment would be required to mitigate this.

10.80. The public consultation raised a concern about a non-designated water course called Staverton Brook, which is not identified on the councils flood maps. A groundwater assessment will ensure that the development would be acceptable in drainage and flood mitigation terms.

10.81. The proposal would be mitigated by the proposed conditions, and would therefore be acceptable and in accordance with policy CP1, CP8, CP11 of the Oxford Local Plan 2001-2016 and CS11 of the Core Strategy and RE3 and RE4 of the Emerging Local Plan 2036.

**viii. Ecology**

Trees

10.82. The site is a large plot with some significant trees, both as individuals and in terms of their collective function in providing screening and mature tree cover, typical of the North Oxford Victorian Suburb Conservation Area. Most of the tree cover stands along the western boundary fronting the Banbury Road and the eastern boundary with No.1 Belbroughton Road.

10.83. The application is a back-land development and involves the erection of two new dwelling houses (Use Class C3) within the grounds of 122 Banbury Road, including new access off Belbroughton Road, landscaped amenity space, car parking, bin and cycle storage.

10.84. The scheme requires the removal of 5 trees which are internal to the site on the eastern side. None of the trees proposed for removal make any contribution to wider public views, either being small or of poor quality, and all largely screened by other surrounding trees. This situation presents sufficient mitigation for the trees proposed for removal in order to facilitate the development.

10.85. It is also proposed to remove a further six trees (which are identified on plans as T 16, T 18, T 19, T30, T 31 and T 32). Tree T 16, T 18 and T 19 are graded C

and are stated as inferior specimens that are largely overshadowed and suppressed by retained trees T15 and T 17. Trees T 30 to T 32 inclusive are three old apple trees that are now dead.

- 10.86. Five trees will be lost as a direct result of the footprint of the house and access road. Some of these trees are of lower category and some of these trees are internal to the site and will not affect the view of the property from the external roads or open up the property to views from adjoining houses. In addition some hedges in the eastern area of the site are proposed to be lost.
- 10.87. The loss of hedges in the northern part of the site will permit views into the property from the gardens to the north though there is an existing fence located to the north of the hedge. The retained hedges in the western part of the site would maintain the privacy between North Lodge and the new houses. The proposed landscape scheme addresses these matters by providing a continuous tall hedge and new tree planting along that boundary.
- 10.88. There is a potential risk to retained trees along the eastern boundary from the proposed access drive; however, it is agreed that this risk can be controlled through an appropriate 'No-Dig' type form of design and construction that can be secured through condition.
- 10.89. The landscaping scheme reinforces the sense of gardens by proposing an instant evergreen laurel hedge at the northern boundary with 2-6 Cunliffe Close, the retention of the existing hedge and trees along the boundary with South Lodge and additional smaller mature trees to provide additional screening and greenery. Furthermore new trees are proposed through the three planned garden spaces to enhance the treescape as well as providing practical and useable outdoor spaces for future occupiers. Additionally there would be a small pergola along the patio for House 2 along its boundary with House 1 to provide a small feature amidst the informal garden landscape.
- 10.90. House 1 also includes a dedicated small walled garden area which would provide an opportunity for planting as well as a pergola to provide an area for formal planting along the wilder more natural aspects of the proposal. The landscaping enhances and maintains the natural and less formal sense of garden of the area, and only smaller pockets will provide opportunities for formality
- 10.91. Landscaping proposals are included in the application and are considered to be suitable and acceptable.
- 10.92. The proposal could be mitigated through the proposed conditions, and would therefore be acceptable, and in compliance with policies CP1, NE15 and NE16 of the Oxford Local Plan 2001-2016

#### Biodiversity

- 10.93. Core Strategy Policy CS12 states: "Opportunities will be taken (including through planning conditions or obligations) to: ensure the inclusion of features beneficial to biodiversity (or geological conservation) within new developments throughout

Oxford.”

- 10.94. In addition to local policy, the NPPF sets out that Plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.
- 10.95. The submitted Preliminary Ecological Appraisal and Tree Assessment Report produced by Amanda Lloyd (November 2018) has been reviewed and overall there is no objection to the proposals. Prior to the removal of any trees, an updated tree-climber based assessment of their potential to support roosting bats shall be undertaken by a licenced bat worker. Given the mobile nature of the species, an update to previously undertaken surveys shall be required to be carried out to ensure no protected species are harmed as a result of the scheme.
- 10.96. If minded to approve, officers recommend conditions in respect of protected species protection and site enhancements would be sought which would be in accordance with the NPPF and Policy CS12 of the Core Strategy and Policy G2 Emerging Local Plan 2036, and therefore the proposal would be acceptable.

**ix. Contamination**

- 10.97. The sensitive development contamination questionnaire together with other historical records has been reviewed and officers consider that the risk of any significant ground contamination being present on the site is low. However the development involves the creation of new residential properties which are considered to be sensitive development and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore it is recommended if planning permission is granted that an informative relating to unexpected contamination is added to any permission.

**x. Other matters**

Archaeology

- 10.98. The Historic Environment Record has been consulted and officers conclude that, on present evidence, this scheme would be unlikely to have significant archaeological implications.

Procedure

- 10.99. The public consultation has raised concerns about aspects of the application process and procedural matters. There have been previous applications, which have not been acceptable, and subsequent pre-application process has been taken up by the applicant to establish further site constraints and parameters for a future application, in accordance with the NPPF, where good quality pre-application discussions are encouraged (as set out in Paragraph 39). Pre-application discussions led to a resubmission of the application that has then

been advertised through extensive site notice displays and the newspaper for the statutory prescribed time of at least 21 days.

- 10.100. Officers are confident that the application and consultation procedure have followed the requirements as out in national legislation including the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

#### Affordable Housing

- 10.101. The proposal is for two new residential units, and due to there being fewer than four dwellings proposed no contribution to affordable housing, on or off-site, can be required.

#### Planning Use History

- 10.102. The public consultation on this application has drawn officers to the potential for part of the adjacent site (122 Banbury Road) to be considered to be in use as a small business. Further clarification of this matter has been sought with the applicant. A small scale publishing and printing business has been run on site from 1974, initially in conjunction with the previous owner's academic activities. The small scale business activities have been run from the old garage, which had been converted to ancillary accommodation in the 1960s. The applicant has confirmed that no chemical waste disposal or contamination has taken place on site. An informative would be attached to a planning permission, that any unexpected contamination found would have to be addressed by the applicant. The alleged change of use of part of the adjacent site has not been investigated from a planning enforcement perspective and it may arguably be of such a small scale that it does not constitute a material change of use for the purposes of planning. The change of use of part of the adjacent site would appear unauthorised. This may be considered ancillary to the use of the site as a dwelling, and has been on site for well over 10 years. It is not considered that the small-scale printing use at 122 Banbury Road would have an impact on the acceptability of this application for housing; the activity is not taking place on the application site.

### **11. CONCLUSION**

- 11.1. Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development; this means approving development proposals that accord with an up-to-date development plan without delay.
- 11.2. The application seeks planning permission for the erection of two new dwellings with associated amenities for the existing and the proposed dwellings. It is considered that the development would benefit the local housing stock and the proposal complies with the relevant policies of the Oxford Local Plan as well as requirements of the Emerging Local Plan.
- 11.3. It is considered that there are no unacceptable adverse implications associated with the siting of the buildings either in terms of residential amenity, the amenity

of adjacent neighbouring amenities, or in general visual terms or more specific heritage matters. The development would not have adverse implications in terms of highway safety, ecology or drainage.

11.4. In the context of Paragraph 11 (c) of the NPPF it is considered that the development accords with the relevant provisions of the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the Emerging Oxford Local Plan 2036. There would be one public benefit, namely new additional housing units in a very sustainable location.

11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## 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 Sample panels of external materials shall be erected on site and approved in writing by the Local Planning Authority before relevant parts of the work are commenced. The development shall be completed in accordance with the approved details.

Reason: To ensure a sympathetic appearance for the new work and in the interest of the special character of the area and/or building, 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 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs 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 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Adopted Local Plan Policies CP1, CP11 and NE15.

- 6 Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material. Works shall only be carried out in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees. In accordance with policies CP1, CP11 and NE16 of the Adopted Local Plan 2001-2016.

- 7 A detailed statement setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved AMS 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.

- 8 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.

- 9 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 (LPA).

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 a 40% 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, discharge rates should be at greenfield 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.

Reason: To ensure compliance with Oxford Core Strategy Policy CS11

- 10 A SuDS maintenance plan shall be submitted and approved in writing by the Local Planning Authority. 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 Oxford Core Strategy Policy CS11

- 11 An assessment of groundwater risk shall be undertaken prior to the commencement of the approved development, and mitigation measures provided and implemented to address this risk. The assessment should be undertaken by a suitably qualified person, such as Chartered geotechnical engineer, and should include as a minimum:
- Demonstrate that excavation of the new basement will not increase the flood risk to neighbouring properties, or affect groundwater flow, in accordance with Policy NE12 of the Oxford Local Plan.
  - Measures should be provided to demonstrate that the underground sections of the proposed dwellings are suitably waterproofed to ensure they are not affected by groundwater flooding.

Reason: To accord with Policy NE12 (Groundwater flow) of the Oxford Local Plan, and to manage flood risk in accordance with the NPPF

- 12 The development hereby permitted shall not be occupied until the Traffic Regulation Order for the Controlled Parking Bay at Belbroughton Road has been varied by the Oxfordshire County Council as highway authority through a Unilateral Undertaking unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not compromise parking provisions, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

- 13 Prior to the removal of any trees, an update tree climber-based assessment of their potential to support roosting bats shall be undertaken by a licenced bat worker. Should any evidence of roosting bats be identified, works to the tree must cease until

a European Protected Species Mitigation licence has been obtained from Natural England.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026

- 14 Prior to the commencement of the approved development, a scheme of ecological enhancements shall be submitted to, and approved in writing by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting of known benefit to wildlife, artificial roost features, including bird and bat boxes, and a minimum of one dedicated swift box. The approved biodiversity enhancement measures shall be installed prior the first occupation of the approved development following its substantial completion.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy CS12 of the Oxford Core Strategy 2026.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Part 1, Schedule 2 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no part(s) of the roofs of the buildings permitted shall be used as a balcony or terrace nor shall any access be formed to the roofs.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

- 17 Large scale details of junctions between materials and between elements of the buildings and boundaries, including walls and framing to glazing, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works and the works shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

- 18 Details of the external lighting scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to occupation and the works shall be carried out in accordance with the approved details, unless agreed otherwise in writing. There shall be no additional lighting within the garden areas to what has been approved in the above lighting scheme.

Reason: For the avoidance of doubt and so that the Local Planning Authority can agree these details in accordance with policies CP1 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

### **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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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