

East Area Planning Committee

9th September 2013

Application Numbers: (i): 13/00740/CAC
(ii): 13/00739/FUL

Decision Due by: 3rd July 2013

Proposal: (i) 13/00740/CAC: Conservation Area Consent for demolition of existing buildings on site

(ii) 13/00639/FUL: Erection of 22 residential units consisting of 5 x 1-bed, 9 x 2-bed and 8 x 3-bed flats. Provision of 29 car parking spaces, cycle parking and landscaping.
(Amended plans and description and additional information)

Site Address: Lawn Upton House, Sandford Road, Littlemore, **Appendix 1**

Ward: Littlemore

Agent: Mr Henry Venners

Applicant: Vanderbilt Homes Ltd

Recommendation:

Committee is recommended to resolve to grant planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of City Development the issuing of the Notice of Permission upon its completion. Should, however, the Community Infrastructure Levy (CIL) charging schedule come into force prior to the completion of the legal agreement, then it shall exclude any items included on the list of infrastructure published in accordance with regulation 123 of the CIL regulations.

If the required legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Head of City Development, on the grounds that the development has failed to adequately mitigate its impacts.

(i) 13/00740/CAC

Reason For Approval

1 The proposed demolitions relate to timber outbuildings which do not positively

contribute to the setting of the listed building, or the character and appearance of the Littlemore Conservation Area. No part of the main listed house would be demolished and officers consider that their removal would not be harmful to the character and appearance of the conservation area or the listed building. The proposal is considered to comply with policies CP1 and HE7 of the Oxford Local Plan 2001-2016 and policy CS18 of the Core Strategy 2026.

- 2 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Subject to the following condition, which has been imposed for the reasons stated:-

- 1 Commencement of works LB/CAC consent

(ii) 13/00639/FUL

Reasons for Approval

- 1 The proposed scheme would provide 50% on site affordable housing and an acceptable mix of dwellings. The size and positioning of the buildings along with the retention of important trees would preserve the character and appearance of the listed building and its parkland setting. An adequate level of car parking is proposed and the design would not appear out of character in the area. The proposal complies with adopted policies contained in the Oxford Core Strategy 2026, the Sites and Housing Plan 2012 and the Oxford Local Plan 2001 - 2016.
- 2 Letters of objection have been received from a number of local residents and the comments made have been carefully considered. However the Council takes the view that the issues raised, either individually or cumulatively, do not constitute sustainable reasons for refusing planning permission and that the imposition of appropriate conditions will ensure the provision of a good quality development
- 3 The Council considers that 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.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials for all exterior surfaces to be approved
- 4 Archaeological investigation

- 5 Phased Risk Assessment for land contamination
- 6 Ground resurfacing - SUDS compliant
- 7 Car and cycle parking to be laid out prior to use of buildings
- 8 First floor window in northern elevation of block C and first floor window in south-western elevation of block A to be obscure glazed and fixed shut below 1.7 metres
- 9 Details of all boundary treatments required
- 10 Level access to communal entrances to be provided
- 11 Details of posts to prevent parking on the open spaces
- 12 Details of footpath – surfacing
- 13 Vehicle and pedestrian access laid out before occupation
- 14 Highway improvement works to be carried out before occupation of flats
- 15 Details of a Construction Traffic Management Plan to be approved
- 16 Landscape plan to be approved
- 17 Landscape proposals to be carried out upon completion of development
- 18 Landscape Management Plan to be approved
- 19 Details of design of all new hard surfaces and a method statement for their construction
- 20 Details of the location of all underground services and soakaways, taking account of the need to avoid tree roots
- 21 Tree Protection Plan
- 22 Arboricultural Method Statement
- 23 Details of balconies and screening
- 24 Details to be submitted showing how ‘Secured by Design’ principles have been incorporated
- 25 A further wildlife survey to be carried out if development not commenced within 12 months
- 26 Details of street lighting
- 27 Design and method statement for ground works that could have an impact on archaeology
- 28 No felling/lopping/chopping of retained trees
- 29 Replacement planting in the event that any trees/hedges are removed/damaged

Legal Agreement:

- Provision of 11 units of affordable housing
- Financial contributions totalling £191,299, broken down as follows:

Education (County Council) -	£119,341
Community Infrastructure (City Council) -	£5,908
Transport (County Council) -	£5,000 for traffic management
	£10,000 for a new bus shelter
	£51,050 for transport

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP18 - Natural Resource Impact Analysis
TR1 - Transport Assessment
TR2 - Travel Plans
TR5 - Pedestrian & Cycle Routes
NE16 - Protected Trees
HE2 - Archaeology
SR10 - Creation of Footpaths & Bridleways

Core Strategy

CS20 - Cultural and community development
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS22 - Level of housing growth
CS23 - Mix of housing
CS24 - Affordable housing

Sites and Housing Plan

HP2 - Accessible and Adaptable Homes
HP3 - Affordable Homes from Large Housing Sites
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP12 - Indoor Space
HP13 - Outdoor Space
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking

Other Planning Documents

- National Planning Policy Framework
- Balance of Dwellings SPD
- Parking Standards, Transport Assessments and Travel Plans SPD
- Affordable Housing SPD
- Planning Obligations SPD

Site History:

04/02293/FUL - Demolition of sheds and outbuildings. Erection of three buildings containing 18 flats: East block - 2 and 3 storey - 10 flats (9x2, 1x1 bed), 10 parking spaces. South block - 2 storey - 6 flats (6x2 bed), 6 parking spaces. West block - 2 storey - 2 flats (2x2 bed), 2 parking spaces. New access road, footpaths, bin store for East block, children's play area.(amended plans). REF 2nd March 2005.Allowed on appeal.

04/02294/CAC - Conservation Area Consent to demolish prefabricated teacher's building, timber sheds and brick outbuildings. REF 1st March 2005.Allowed on appeal.

Public Consultation

Statutory Consultees Etc.

- Drainage Team Manager – development should be drained using SUDs techniques
- Thames Water Utilities Limited – no objection. Several informatives added
- Environment Agency Thames Region – no objection
- English Heritage Commission – no objection
- Thames Valley Police – no objection but request a condition showing how the development meets Secured by Design accreditation
- Littlemore Parish Council – object. Increase in number of bedrooms would lead to cramped development. Inadequate parking provision. Parking bays should be dedicated. Balconies overlook school site, could lead to safeguarding issues. Overlooking to 13 and 14 Vicarage Close. Object to use of materials.
- Oxfordshire County Council – comments received from Highways, see report. Contributions required

Individual Comments:

14 Letters of objection were received from local residents. The main points raised were:

- Amount of development – an increase in the number of units/bed spaces over the previously approved scheme
- Impact on listed building and conservation area
- Impact on wildlife
- Impact on sewers
- Impact on traffic, parking, pedestrian safety and visibility in David Nicholls Close
- Lack of parking spaces to serve flats
- Management of grounds and planting
- Lack of recreation areas for new residents
- Impact on trees

- Design and scale out of proportion with surrounding developments
- Overlooking to neighbours gardens and houses
- Loss of sunlight
- Trees will reduce natural light to new properties
- Noise and disruption from construction traffic
- Parking area for block C located too close to gardens
- Rats from buildings to be demolished
- Overlooking to school
- Is there adequate bin storage
- Number of units should be reduced
- Access across the site to the school should not be given
- Object to use of materials

The following comments were made specifically in relation to the amended scheme:

- Still too many bedrooms
- No visitor parking provided
- Parking bays not practical
- No. of parking spaces still inadequate
- Damage to fence from new parking spaces
- Position of gate unclear
- Little provision for green space/gardens
- Cramped development
- Parking on open parkland will occur

One letter of support was received from the Principal of the John Henry Newman Academy, on the proviso that an access gate is preserved to enter the school site.

Officers Assessment:

Background to Proposals

1. The application site comprises the grounds and outbuildings of Lawn Upton House in Littlemore. The site is accessed off Sandford Road via David Nicholls Close and lies within the Littlemore Conservation Area. Lawn Upton House is a Grade II listed building which has had planning permission to be converted from a former school into residential use. The listed building sits in a mature parkland setting, with a number of trees subject to Tree Preservation Orders (TPO's) and the remainder benefiting from protection due to their position within a conservation area. The related land and timber outbuildings around the site are the subject of this separate application for planning permission for flats. The site was used as a school up until 2010 but has been vacant since then.
2. In 2005 an application was allowed on appeal for 18 flats (17 x 2bed, 1 x 1bed) on this site, but this scheme has not been built. This current scheme proposes 22 flats, with a mix of 1, 2 and 3 bed units. Bin and cycle storage and car parking are provided with shared gardens and public open space. An access road would lead into the site from David Nicholls Close and a footpath would run through the site, providing pedestrian access to

The John Henry Newman Academy to the south-east of the site. The site is not allocated in the local development plan, but the principle of a residential development on this site has been established through the granting of planning permission by the Planning Inspectorate in 2005.

3. Historically, the grounds of Lawn Upton House extended to the northwest along Sandford Road where there is a former lodge still standing. Between the Lodge and the present Lawn Upton House grounds there has been residential development in the form of 11 dwellings known as David Nicholls Close. To the north is Littlemore Church and its graveyard, and the northwest and west is predominantly residential in nature. To the south east of the site is the John Henry Newman Academy, a primary school.
4. Lawn Upton House had been a Church of England School which closed in 2003 when it became the Iqra School, an Islamic faith school which itself closed in 2010. The building has been vacant since then with work recently started to converting the building into residential use.
5. The timber buildings were constructed in the mid to late 20th century when the house was transformed into a school. They form an L-shaped building in the north-eastern corner of the site which has a number of minor appendages. Parts of the structure are single storey, while other parts are two storeys in height. The external part of the building is predominantly covered in a weatherboard covering.

Proposal

6. Conservation Area Consent is sought to demolish the timber and brick outbuilding in the eastern corner of the site and a smaller building in the western corner. Planning permission is sought to erect 3 buildings housing a total of 22 flats with associated bin and cycle provision, car parking and communal and public open spaces.
7. The scheme has been amended since its submission. Amended plans were received in July which reduced the number of 3-bed flats by 2 to make a total of 22 units on site. The number of car parking spaces has been reduced by 5 from 34 to 29. Internal alterations at ground floor level have allowed for the provision of 4 garages, and 3 of the car parking spaces are in the northern corner of the school site, next to the parking spaces allocated for the main Lawn Upton House development. This amended scheme arose from officer concerns that the original scheme had too much parking which dominated the landscape, adversely affecting the parkland setting of the site.
8. The housing would be provided in 3 blocks. Block A would provide 2 flats and would be market housing. Block B would provide a total of 9 flats for market housing and block C would provide 11 flats of affordable housing.
9. The blocks have been positioned on almost the same footprint as the previous scheme allowed on appeal. Block C would be located generally

on the site of one of the outbuildings to be demolished. Blocks A and B would be two-stories and block C would be two and a half stories with the second floor of accommodation in the roofspace. The height of the buildings closely match the massing of the previously approved buildings, and would not be significantly higher than the existing building in the north-eastern corner to be demolished (which is two-stories high).

10. Officers consider the principal determining issues to be:

- planning policy and the principle of development
- design and appearance
- heritage
- parking
- landscaping
- biodiversity
- sustainability

Affordable Housing

11. Policy HP3 of the Sites and Housing Plan (SHP) requires proposals for residential development of 10 dwellings or greater to provide a minimum of 50% of the dwellings as affordable units on the same site. In this case, 11 units are proposed to be affordable housing, i.e the whole of block C, which translates as exactly 50% of the total units. Policy HP3 of the SHP requires 80% of the affordable housing to be social rented in tenure with the remainder being intermediate housing (including shared ownership). As such, it is proposed that 9 of the 11 units are social rented flats through a Registered Social Landlord, and 2 of the flats would be for shared ownership. The remainder of the units will be available as market housing. This application meets the Council's development plan policies in this respect and as such would make an important contribution to meeting the high demand for affordable housing as well as market housing with the City.

12. When compared to the previously approved scheme, which would have provided 8 units of affordable housing, this scheme would provide an additional 3 units of affordable housing, out of the additional 4 units that are proposed.

Housing Mix

13. The Balance of Dwellings Supplementary Planning Document (BoDS) was formally adopted in January 2008 to elaborate upon the provisions of policy CS23 of the Core Strategy and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas. Littlemore is designated an 'amber' area where pressure of family units is considerable and where the Council needs to achieve a reasonable proportion of new family dwellings as part of the mix for new developments. For new residential developments of between 10 – 24 units, such as the one proposed, the mix the Council will seek is set out in the table below:

Table 8: Mix for 'amber' areas

Dwelling types	Residential developments of 10-24 units (percentage range)	Residential developments 4-9 units (percentage range)	Residential developments 1-3 units
1bed	0-20%	0-30%	Nonetloss of 'family units'
2bed	10-35%	0-50%	
3bed	30-75%	30-100%	
4+bed	0-35%	0-50%	

14. The proposed mix of 5 x 1-bed, 9 x 2-bed and 8 x 3-bed equates to 23% of 1-beds, 40% of 2-beds and 36% of 3 beds. No 4-bed units are proposed. The proportion of 1 and 2-bed units are slightly over the maximum required amount but only marginally. The proportion of 3-bed units falls within the correct percentage range. Overall, officers are of the view that the development would provide a satisfactory mix of housing that would cater for a range of households. The previously approved scheme (allowed before the adoption of BODS) provided 17 x 2-bed flats and 1 x 1bed flat, so by comparison, the current proposals provided a significantly improved mix of housing that is generally in line with current policy.

Design and Appearance

15. The previously approved scheme affectively established locations for three new buildings on this site that formed acceptable relationships with both the listed building and the most significant trees on the site. The proposed buildings have been designed so as to allow Lawn Upton House to remain as the dominant building in the site, and are of very similar sizes and in the same locations as the previously approved scheme.

16. In terms of design and appearance, the buildings are traditional in style using a mixture of brick, timber and render. These materials are familiar in the local area and will break up the elevations by providing interest. Design features that pick up on details from Lawn Upton House such as the gable ends have been incorporated into the design that helps to tie it in with its surroundings, without competing with the listed building. The new blocks are positioned so that on entering the site Lawn Upton House would remain as the dominant feature. Block A is the first block seen and is the smallest of the three blocks so does not draw the eye away from Lawn Upton house. The size is representative of a large detached dwelling and would be two-stories in height. There would then be a large group of established trees that would provide a break between blocks A and B as well as providing natural screening of block B when viewed from the entrance of the site and following the access road though the site. Block C is located in the position of the building to be demolished and varies in height, with single, two and two and half storey elements. The element closest to Lawn Upton House is single storey in height. The retention of existing mature trees between blocks B and C and Lawn Upton House again provide natural screening between the buildings and ensure the site

retains its parkland setting and does not appear overdeveloped.

17. In approving the previous application, the Inspector acknowledged that:
'the proposed roads, areas of hardstanding and provision of bin storage buildings and the like could, in themselves, intrude upon the present sense of openness. However, if carefully landscaped and detailed, matters that could be addressed by suitably worded conditions, I do not think that these elements or the additional activity that would be a consequence of the development would diminish the openness of the setting of the listed building or have the feeling of an intensive overdevelopment of the site'.
18. A copy of the full text of the appeal decision is attached as **Appendix 2**. Conditions are suggested requiring details of all hard and soft landscaping to be approved.

Residential Amenity

19. Policies HP12 and HP13 of the SHP require all new dwellings to be of a reasonable quality both internally and externally. Each flat proposed meets the minimum floor areas required by policy HP12, (all flats are greater than 39m² in floorspace and all the 3bed flats are at least 75m²), with good lighting to each habitable room and a sensible, accessible layout. All the 3bed flats in blocks B and C are on the ground floor and have direct access to either a private or shared garden. Block A has a shared garden for the two 3bed flats. The first floor flats of blocks B and C all have private balconies, as well as access to the shared communal spaces. The three 1bed flats in the roofspace of block C do not have balconies but they do have access to the communal garden areas. This amenity area would be available to all residents and provide a pleasant communal environment for them to enjoy. Cumulatively therefore the quality of accommodation provided by and for the flats proposed is considered to be of a good standard.
20. Policy HP2 of the SHP requires all new dwellings to be constructed to Lifetime Homes standards and for 5% of units to be fully wheelchair accessible. In this case two of the units on the ground floor of Block C are suitable for wheelchair users with level access between the disabled parking spaces outside and the flats. The layout of the flats is also such that it is easy for wheelchair users to navigate around the flats and officers consider them to accord with the Council's technical guidance on wheelchair accessible dwellings. Similarly the remainder of the flats are all considered to comply with the main principles of Lifetime Homes standards due to their size and layout.

Heritage

21. Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. The National Planning Policy Framework (NPPF) explains the government's aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life

they bring to this and future generations.

22. In relation to development affecting a designated heritage asset (e.g. a conservation area or listed building) the NPPF explains that (heritage) significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
23. The NPPF explains that this does not preclude development but that the objective should be to secure good quality design in a manner that demonstrates understanding of a site's context and that will sustain what is important about an area's character and appearance. In this case it is the parkland setting of the listed building which is important to retain.
24. The design of the proposed buildings are 'traditional' in approach with pitched roofs and would use a mix of brickwork, timber and render. A condition is suggested requiring samples of all exterior materials to be approved to ensure that only good quality materials suitable for the site are used throughout.
25. As the position, height and massing of the buildings are very similar to those already approved, the most significant change was the proposed number of car parking spaces. The pre-amended scheme proposed 34 spaces, all of which were 'on-street', whereas the previously approved scheme had 18. This increase in parking spaces would have an adverse impact on the open parkland feel of the site by introducing too much hard landscaping and disrupting the balance of development to open land that the previously approved scheme achieved. By losing two of the 3bed units, re-siting some of the spaces and accepting a reduced number of parking spaces for the development, the scheme would now have a total of 29 spaces with only 22 of these being 'on-street'. This is only four more spaces than the previously approved scheme and officers are of the view that the right balance has been struck between providing a good quality development whilst still preserving the setting of the listed building.
26. The proposed buildings are well spaced within the site so that the openness would not be significantly diminished, and they would not overwhelm Lawn Upton House, which would remain the dominant feature as you enter the site.
27. The large vehicular gates at the entrance to the site have been omitted as this is not required except for private gated, locked communities, which would be inappropriate.
28. A Building Recording of the timber structure to be demolished (under the Conservation Area Consent) has been carried out by John Moore Heritage Services which provides a measured survey and photographic record of the buildings to be demolished. This survey concludes that the building had *'very little architectural merit and was undoubtedly a cheap functional building erected after the Second World War to provide a necessary*

function rather than provide artistic inspiration'. Officers conclude therefore that the loss of the outbuildings would not be harmful to the listed building or conservation area.

Trees

29. The development can be carried out without the loss of any significant trees. The retention of the mature trees provide important breaks between the proposed buildings and retain a sense of the original parkland setting which is vital to the preservation of the character of Lawn Upton House. In allowing the appeal in 2005 the Inspector noted that:
'the proposed development would not, in landscape terms, affect the setting of the listed building, the character and appearance of the conservation area in which it stands, or the visual, historical or horticultural character of the park'.
30. Officers take the view that the proposals do not differ to any significant degree to make this no longer the case.
31. The submitted Tree Survey report demonstrates that if adequate care is taken during the construction phase of development and soft and hard landscaping is appropriately designed and detailed, then the proposals should not be any more harmful on existing TPO trees than the scheme that was granted planning permission on appeal.
32. The site has been left unmanaged for some time, so as would be expected quite a number of self-seeded trees (mostly sycamore) have grown since 2004. It is not reasonable for all of these trees to be surveyed, so decisions about which of these should be retained and/or removed will be taken as part of the landscaping of the site.
33. The scheme as originally submitted introduced car parking into the soft landscape area north of the access road which would have intruded on the sense of openness of the site. The amended plans removed three car parking spaces from this area, as well as six parking spaces to the south outside block B. This reduction in the number of spaces helps to preserve the balance between soft and hard landscape that was a feature of the previously approved development.
34. Officers consider that through the use of conditions, a successful landscape scheme can be achieved and the most significant trees can be protected and retained to the benefit of the development.

Access and parking

35. As indicated above a total of 29 car parking spaces are provided, two of which are to disabled standard. All of the 3bed units would have allocated spaces (two of the 3beds units would have 2 spaces due to the tandem nature of the spaces in front of the garages for block B, the rest of the 3-bed units would have one allocated space). The remaining 19 spaces

would be unallocated but this equates to one space each for the remaining 14 units and 5 spare/visitor spaces. The previously approved scheme had one space per unit, so this scheme offers additional spaces.

36. The level of parking proposed does fall below the levels set out in line with policy HP16 of the SHP. Officers are of the view however, that in this case, where providing more parking would be harmful to the setting of the listed building, a more flexible approach can be adopted which balances the requirement for parking against the requirement to protect heritage assets. On balance, the proposal still provides at least one space per flat, plus 5 extra spaces and this is an improvement over the previous scheme. The proposal would also deliver a total of £66,050 towards highway improvements, a new bus shelter and transport infrastructure, to mitigate against the impacts of the development. These contributions are in line with the Planning Obligations SPD.
37. Four garage spaces are to be provided – 2 each in blocks B and C. These would be allocated to the 3bed units. Providing garage spaces reduces the number of on-street parking bays helping to retain the open parkland setting of the site.
38. Three parking spaces will be provided in an existing parking area for the new houses in Lawn Upton House, in the northern corner of the school site. This area is not within the application site as denoted by the red line, but is within the same ownership, as denoted by the blue line. The additional three spaces will be achieved by amending the layout of the parking area and is the subject of a separate application for a 'Non-Material Amendment'. The spaces will be marked out for use only by the residents/visitors of this scheme. The amended parking layout will involve the loss of three trees, but these are small trees and their loss would not adversely impact the character and appearance of the site. Replacement planting would be incorporated in place of the trees to be removed.
39. In order to prevent parking on the open spaces around the site, low posts are proposed to be dotted around the edges of the open space. A condition is suggested requiring details of these to be approved.
40. The Local Highway Authority raised no objection to the proposal allowed on appeal for 18 residential units as the likely level of traffic and parking which could be created by the proposal would have less impact than the previous uses of the site as education and offices. The Local Highway Authority does not therefore object to this proposal to increase the number of residential units by four, to a total of 22 residential units. The difference in the likely trip generation from the school use to residential use is indicated in the submitted Transport Statement which concludes that the number of trips would be reduced and that the increase in units from 18 to 22 would result in negligible additional trip generation.
41. The site layout is considered to provide satisfactory road widths and turning provision. The plans indicate speed reduction measures will be

provided within the site. The Local Highway Authority would seek that the private road be constructed, drained, surfaced and marked out to an adoptable standard. The details will need to be submitted to and approved by the Local Planning Authority and a condition is suggested requiring these details, as well as a condition requiring details of street lighting to be approved.

42. The access into and along David Nicholls Close was designed taking into account the potential future development of this site. David Nicholls Close has a 20mph speed limit and is relatively narrow, to limit vehicle speeds. However, there are incidents of parking within sight lines at the junction of David Nicholls Close with Sandford Road and the Highways Authority would therefore seek a contribution of £5,000 for traffic management measures and parking controls to carry out highway improvement works. A condition is suggested requiring these works to be approved and carried out before occupation of the flats.
43. A public footpath would run through the site from David Nicholls Close to the John Henry Newman Academy. A footpath used to run through this site to the school so this would re-instate this, something the Academy is keen to see. Some local residents object to the footpath as it is believed this would lead to increased traffic in David Nicholls Close. Officers take the view that the footpath, which would be for pedestrian access only, would improve the permeability of the site and provide a useful short cut through to the school for parents and students.
44. Internal and external cycle storage areas are provided for the storage of 58 bikes. The number of spaces provided complies with minimum requirements in policy HP15 of the SHP. The Plans also show that cycle parking meets the requirement of the policy that 'all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street.'

Impact on neighbours

45. Policies CP1 and CP10 of the Local Plan as well as policy HP14 of the SHP state that planning permission will only be granted where proposals adequately safeguard neighbouring residential amenity. It is against this planning policy requirement that the application should be considered in this regard.
46. The development has been designed to minimise any opportunities for overlooking into neighbouring properties and gardens. Block C is located close to the boundary with properties on Vicarage Close. There is one first floor north facing window that could give rise to overlooking to the rear gardens of no's 13 and 14 Vicarage Close due to its height and proximity to the boundary. The window in question serves a kitchen and is a secondary window as there is a large window opening on the eastern elevation that serves the same space. It is therefore suggested that a condition is added requiring this window to be obscure glazed and fixed

shut below 1.7 metres above floor level to prevent any overlooking or loss of privacy to these properties. The height of the building closest to the northern boundary is no higher than the previously approved scheme, and the building steps up away from this boundary to prevent the building from appearing unduly overbearing.

47. Block A is located close to the boundary of no. 7 David Nicholls Close and would introduce a first floor window that could allow for overlooking into the rear garden of no. 7. The window serves a kitchen/living area but this space is also served by large windows on the front and rear elevations so officers consider that it would be reasonable to condition this window to be obscure glazed and fixed shut below 1.7 metres to safeguard the privacy of no. 7 David Nicholls Close.
48. The first floor flats in block C have balconies facing east. The balcony closest to the properties on Vicarage Close has a wall on the northern elevation that is of sufficient height above the floor level of the balcony to prevent any overlooking. In order to secure the details of the screening of the balconies to ensure no undue overlooking occurs between properties it is suggested a condition is added requiring details of the screening to be approved by the LPA.
49. Comments have been made regarding the east facing balconies of block B overlooking the John Henry Newman Academy (a primary school) playground. Officers do not consider that the situation between these flats and the school is any different from countless other schools that are in close proximity to housing, and do not believe that this would lead to any harmful levels of overlooking.
50. The layout and positioning of the flats ensures that no significant overlooking would occur between units.

Biodiversity

51. A bat survey was carried out in order to ascertain whether the buildings to be demolished showed any sign of activity. The survey concluded that the site had no potential for bat inhabitation and as such no further license or survey was required. In the case that the development is not commenced within 12 months from the date of any permission, a further survey should be carried out to check that the situation has not changed. A condition is suggested to this effect.
52. All the mature trees in the site will be retained, and the buildings are well spaced.

Archaeology

53. This application involves the demolition of outbuildings associated with the

19th century Grade II listed Lawn Upton House and is located in the vicinity of recorded Roman and medieval features. Furthermore a landscaped mound in the garden is of unknown origin and appears to pre-date 19th century planting schemes.

54. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

55. In this case, bearing in mind the scale and character of the development and in line with the advice in the NPPF, it is recommended that any consent granted for this development should be subject to a conditions requiring an archaeological investigation to be carried out, as well as a method statement to minimise the impact of any engineering works.

Sustainability

56. Roof mounted solar photovoltaic panels have been incorporated into the development, sufficient to generate 20% of the energy demand for the scheme. This complies with policy HP11 of the SHP which requires qualifying developments to provide 20% of their energy needs from on-site renewable or low-carbon technologies. Due to the sensitive nature of the site within the grounds of a listed building, care has been taken to place the panels on the least visible elevations.

57. Other measures will be incorporated into the development to improve the energy efficiency of the buildings as follows:

- High performance double glazing
- 'A' rated condensing gas boilers
- High levels of insulation to floors, walls and roofs
- High levels of natural lighting and ventilation
- Grade 'A' appliances where provided
- Integrated energy management controls
- User information, highlighting energy efficiency

Other Matters

Contaminated land

58. The Council has considered the application with respect to contaminated land and would recommend that a condition requiring a phased risk assessment is attached. This recommendation has been made due to the sensitive nature of the proposed development i.e. the creation of new residential properties with landscaping. Whilst the site is not known to be contaminated, it is important that the developer demonstrates that the site is suitable for use. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.

Rats

59. Concern has been raised by a local resident that the removal of the outbuilding would displace rats into neighbouring gardens. There is other legislation that deals with pest control, and this is not a matter that can be dealt with through the planning process.

Sewers

60. Concerns have been raised regarding the impact of the development on existing sewers. Thames Water has assessed the application and make no objection. Several informatives have been added however at their request regarding connection to sewers.

Conclusion: The proposals provide good quality housing for Oxford that makes a contribution towards meeting the City's affordable and market housing need, within an established residential area. The design of the development and the retention of important trees would preserve the parkland setting of the site, as well as the character and appearance of Lawn Upton House. The number of parking spaces provided, together with highway improvements secured by contributions ensure the development is acceptable in highway terms. The proposals are not considered to result in significant harm to established residential amenity and consequently Committee is recommended to resolve to grant planning permission subject to the conditions set out at the beginning of the report and to delegate to officers the issuing of the decision notice once the necessary legal agreements are completed.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Rona Knott

Extension: 2157

Date: 29th August 2013