

## WEST AREA PLANNING COMMITTEE

12<sup>th</sup> November 2019

<b>Application number:</b>	19/01205/FUL
<b>Decision due by</b>	10th July 2019
<b>Extension of time</b>	1st October 2019
<b>Proposal</b>	Demolition of existing dwelling. Erection of a three storey building to create 3 x 2-bed, 2 x 3-bed and 2 x 1-bed flats (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage. Creation of new dropped kerb and new vehicular access. (Amended description) (Amended plans)
<b>Site address</b>	327 Woodstock Road, Oxford, OX2 7NX, – see <b>Appendix 1</b> for site plan
<b>Ward</b>	Wolvercote Ward
<b>Case officer</b>	Robert Fowler/Julia Drzewicka
<b>Agent:</b>	Mr Adrian James <b>Applicant:</b> Mr Bright
<b>Reason at Committee</b>	The application is before the committee because of the number of residential units proposed.

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to planning conditions for the matters set out in section 12 of this report and grant planning permission

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

- finalise the wording of the recommended conditions referred to in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary
- issue the planning permission.

## 2. EXECUTIVE SUMMARY

2.1. This report considers proposals for the demolition of an existing large detached house and the erection of a three storey building to contain seven flats (3 x 2 bedroom flats, 2 x 3 bedroom flats and 2 x 1 bedroom flats). The

proposals also include the provision of five car parking spaces, private amenity spaces, bin and cycle storage.

- 2.2. The proposed development is considered acceptable in principle as the site is predominantly constituted of previously developed land and the proposals would make more efficient use of land. The proposals also provide additional housing units in a sustainable location.
- 2.3. The proposed building would have a contemporary form and includes the provision of generous private gardens for the larger ground floor units and balcony areas for the upper floor flats. The proposed design of the development would be acceptable and whilst it would have a very different appearance from the existing dwellinghouse on the site there is no overriding character to the properties in the area.
- 2.4. The proposed development would have an acceptable impact on neighbouring occupiers; specifically with regards to privacy, light and overbearing impact. Officers have recommended conditions that would ensure that further measures are provided to mitigate the impact of the proposed development on neighbouring properties.
- 2.5. The two bedroom and three bedroom flats would each be provided with a single car parking space. It is proposed that the one bedroom flats would be car free and this can be secured by condition.
- 2.6. Indicative areas for landscaping are proposed at the front and side of the building.
- 2.7. Each level of the building would have access by a lift which improves the accessibility of the units proposed.

### **3. LEGAL AGREEMENT**

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

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

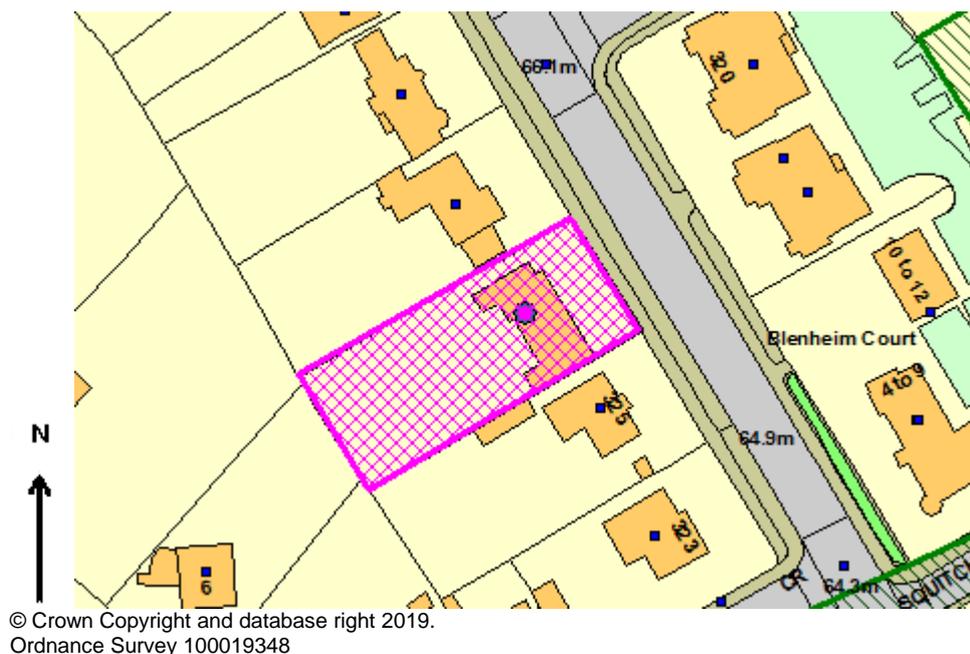
- 4.1. The proposal is liable for a CIL contribution of £62,246.82.

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

- 5.1. The site is at the northern end of Woodstock Road, being sited close to the junctions of Woodstock Road and Blenheim Drive. The area is characterised by larger detached properties with generous front and rear gardens. Parking areas are commonly provided at the front of the houses and some mature vegetation contributes positively to the verdant suburban character of the area.
- 5.2. The application site itself contains a large detached family dwellinghouse. The property is a mid-20<sup>th</sup> century house with two gable wing elements and a flat roofed single storey element on the southern side. A pedestrian access around the side of the house exists on the north side. The house has a large

front garden that is predominantly given to providing a driveway. There is also a large rear garden measuring 30m.

- 5.3. Both adjoining neighbours at 325 and 329 Woodstock Road are also large detached family dwellinghouses. The properties have different designs but incorporate some features that are seen on the application property (including decorative half-timber features, gables and a steeped pitched roof).
- 5.4. To the rear of the site there are properties in Blenheim Drive; which include No.s 2, 9 and 12 Blenheim Drive which are detached properties sited in large plots. It is worth noting that No.s 9 and 12 Blenheim Drive occupy backland plots that are accessed by private driveways between the properties on the Blenheim Drive frontage.
- 5.5. To the south-east of the application site there is a large tree (a beech); this lies just within the site but is close to the boundary with No. 325 Woodstock Road. There is some mature vegetation along the boundary with the neighbouring Woodstock Road properties (325 and 329) and the rear of the garden contains some mature trees (notably two cypress trees and a cherry). A significant amount of vegetation and mature trees did exist in front of the application site but this has been removed in the last couple of years.
- 5.6. The application site lies approximately half a mile from the Summertown District Centre but does not lie in the Summertown and St Margaret's Neighbourhood Plan area (as it lies within the Wolvercote Ward). A off-road cycle route and wider pavement area lie to the front of the property; an existing road access to the site cross over the pedestrian and cycle route at the south eastern edge of the application site (close to the aforementioned beech tree).
- 5.7. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes the demolition of the existing large detached house and the erection of a three storey building. The proposed building would have a total height of 9m to the top of the highest part of the roof. The building would have an unusual form; effectively formed of a number of interlocking blocks. The first floor of the building would be cantilevered slightly over the ground floor at the front, the rear half of the building would have a lower height at second and first floor; the lower sections forming balconies to serve upper floor flats and areas of flat roof). The different levels of the building, as well as varying in height would introduce different materials with areas of timber cladding, copper cladding and pale buff brickwork. Pre-cast concrete is proposed for the window surrounds and varying sizes of windows are used throughout the building.
- 6.2. The layout of the proposed building on the plot would mean that there would be accesses to the rear around each side of the building; these would measure 2m in width and in places are proposed to provide limited areas for landscaping and planters. The side accesses would provide access to the private rear gardens for the ground floor units. The middle of the proposed building would be narrower in width; this has been proposed to reduce the impact of the development on light for neighbouring occupiers.
- 6.3. The accommodation in the building would provide 2 x 3 bedroom flats at ground floor, 3 x 2 bedroom flats at first floor and 2 x 1 bedroom flats at second floor. The ground floor units would have access to rear gardens, the 2 bedroom flats at first floor would have balconies at the front of the building and the 3 bedroom flat would have a larger balcony at the rear of the building. Both the second floor flats would have balconies at the rear of the building. All flats are proposed to be accessed from a shared entrance at the front of the building (although the side accesses around each side of the building would also allow the ground floor flats to be accessed around the back as well). A lift is proposed to be provided in the shared lobby that would serve all floors.
- 6.4. Shared bin and bike stores would be located at the front of the building in integral stores. These would be accessed externally adjacent to the parking area at the front of the building and underneath the overhanging first floor element. Space is provided for sixteen cycles.
- 6.5. To the front of the building there would be parking provided for five car parking spaces. These would serve the three bedroom and two bedroom flats (the proposed one bedroom flats would be car free). The residual area of front garden would provide space for limited areas of landscaping.

## 7. RELEVANT PLANNING HISTORY

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

55/04670/A_H - Alterations. PDV 17th August 1955.
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85/00217/NF - Single storey side extension to form garage and store, and erection of fence along the boundary fronting Banbury Road. (Amended plans).  
PER 10th May 1985.

01/00075/P - Conversion of attached garage to habitable room. Replacement of 'up and over' door with glazed doors.. PNR 6th February 2001.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents	Emerging Policy
Design	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11 CP13 CP14 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14		H14, H15, H16, RE2, RE7, DH1, DH2, DH7
Conservation/Heritage	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE7				DH3, DH4
Housing	Paragraphs 61, 62	CS2 CS23 CS24	CS2 CS23 CS24	HP3		H1, H2, H4
Commercial	Paragraph 175,	NE6 NE15 NE16 NE21	CS11 CS12			RE3, RE4, G2
Natural environment	Paragraphs 102,103, 105,106, 109, 110	TR1 TR3 TR4 TR5 TR6 TR13 SR9	CS13 CS17	HP15 HP16		M1, M2, M3, M4, M5
Social and community	Paragraphs 148, 150, 153, 155, 163, 165	CP11 CP17 CP18 CP22	CS9	HP11		RE1, RE6
Transport	Paragraphs 11, 38, 39, 40,	CP.13 CP14		MP1	Parking Standards	S1, S2, H10, RE5, RE8, RE9

	41, 47, 48, 54, 55, 56, 57, 178, 179, 180	CP19 CP20 CP21 CP.24 CP.25			SPD	
<b>Environmental</b>	Paragraphs 91, 92, 117, 118, 122, 124, 127, 128, 129, 130, 131	CP1 CP6 CP8 CP9 CP10 CP11 CP13 CP14 HE9 HE10	CS1 CS2 CS18	HP2 HP9 HP12 HP13 HP14	Energy Statement TAN	
<b>Miscellaneous</b>	Paragraphs 184, 189, 190, 191, 192, 193, 194, 196, 197, 199, 200, 201, 202	HE2 HE7			Telecommu nications SPD, External Wall Insulation TAN,	

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 29<sup>th</sup> May 2019 and additional notices (relating to revised plans) were displayed on 3rd October 2019.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. The County Council as highway authority has raised no objection, and requested three conditions to mitigate the proposal to exclude the development from parking permits, alterations to the highways due to dropped kerb and installation of visibility splays.

### **Public representations**

- 9.3. 36 local people commented on this application from addresses in Blenheim Drive, Woodstock Road, Blenheim Court, Templar Road, Copcot Place, Dorchester Court, Hendred Street, Hillsale Piece, Manor Close, The Avenue, Upper Fisher Row, Wolvercote Green, Godstow Road, Hayward Road, Mere Road, Ash Grove and Home Close. One submission was without address and one was from Cllr Wade

- 9.4. In summary, the main points of objection (36 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities

- Effect on privacy
- Effect on traffic
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Open space provision
- Other - give details
- Parking provision

### **Officer response**

- 9.5. Revised plans were submitted that dealt with some of the neighbour concerns relating to impact on light, specifically for 325 Woodstock Road. Other objections have been responded to by specific conditions to ensure that the development has an acceptable impact in terms of parking, access, privacy and biodiversity.

## **10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Neighbouring amenity
- iv. Access and Parking
- v. Trees and Landscaping
- vi. Flooding and Drainage
- vii. Biodiversity
- viii. Other matters

### **i. Principle of development**

#### *General principle of development*

- 10.2. The existing site is made up of an existing dwellinghouse and the surrounding residential garden land. On this basis, whilst part of the application site represents previously developed land (the existing house) the majority of the site is considered to be residential garden land. Policy HP10 of the Sites and Housing plan and G6 of the emerging Local Plan relates to development on residential gardens. The policy states that planning permission will be granted for new dwellings on residential gardens provided that the proposal responds

to the character and appearance of the area, the size of the plot is of an appropriate size and any loss to biodiversity would be mitigated.

- 10.3. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Whilst the NPPF does not identify residential garden land as previously developed land there is considerable scope within the suite of the City Council's local planning policies (particularly Policy CP6 of the Oxford Local Plan (2001-2016), HP10 of the Sites and Housing and the emerging Policy G6 of the Oxford Local Plan 2036).
- 10.4. The existing dwelling is not listed and the site does not fall within a Conservation Area. The demolition of the existing dwelling in itself would therefore not require planning permission.
- 10.5. Officers consider that the proposed development would bring about a more efficient use of land. Clearly there would be a reduction in the amount of garden land on the site but the application site would still retain a substantial amount of garden land. The amount of garden provided to the ground floor residents would be very generous and it is considered that there would be sufficient outdoor space provided for the upper floor residents.
- 10.6. The immediate context of the site is characterised by larger family houses in generous plots. The proposed development would be at odds with that established suburban character. This is an important consideration in planning principle terms; specifically with regards to Policy HP9 of the Sites and Housing Plan (2013). However, Officers have had regard to the sustainable location of the site, the acute need for housing and the wider context of the site that does contain some infill development and flats (including Blenheim Court on the opposite side of the road). In terms of the sustainable nature of the site it lies within half of a mile of Summertown District Centre, is on a major bus route with regular services to the City Centre and is within two miles of Oxford Parkway Station. On this basis it is considered that the proposed development should be considered a sustainable form of development that should be welcomed in the context of providing additional residential units and making more efficient use of land. This approach is supported by Policies CP1 and CP6 of the Oxford Local Plan 2001-2016.
- 10.7. The proposed development would also allow for the acceptable functional requirements of future occupiers including access and parking provision. The proposals for the refuse and cycle stores would also enable the site to meet functional requirements.

#### *Affordable Housing*

- 10.8. Officers have had regard to the number of residential units proposed in the development. The proposed development would provide between 4 and 9 dwellings which means that on the basis of Policy HP4 of the Sites and Housing Plan (2013) the Council would have until recently required an affordable housing contribution. When the application was submitted it included proposals to enter into a legal agreement to secure two off-site units

elsewhere in the City for the purpose of providing affordable housing. This was not considered to be policy compliant in the context of Policy HP4. The Policy position in relation to the application of adopted Policy HP4 for decision making has been altered following the receipt of an appeal decision at 4 Lime Walk and conclusions from the Planning Inspectors examining the draft policy H2(a)(ii) in the emerging Oxford Local Plan 2036. Following this recent change to policy the offer of providing off-site affordable housing has been withdrawn.

- 10.9. Since the adoption of Policy HP4, Government planning policy has evolved in respect of securing affordable housing (including off site contributions) from small residential developments. Relevant Government policy is now set out in the NPPF. At paragraph 63, the NPPF provides as follows:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer ...”

- 10.10. “Major development” is defined in the NPPF as, in respect of housing development, “... development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”.

- 10.11. In accordance with the NPPF, when determining planning applications, the City Council is required to determine the weight to be attached to policy HP4. One factor required to be considered when determining weight to be attached to a development plan policy is the degree of consistency of that policy with the NPPF (see NPPF para.213). Although the conflict is acknowledged, the City Council has, to date, been seeking to attach material weight to, and to rely upon, policy HP4, when determining applications for planning permission for residential development comprising less than 10 new homes and on sites of less than 0.5 ha. This has been on the basis that that the acute need for affordable housing in Oxford and limited opportunities to meet this need due to significant constraints on land within the City meant that there were locally specific circumstances that meant HP4 should continue to attract material weight notwithstanding the conflict with national policy.

- 10.12. The City Council were also pursuing the retention of this policy approach in the draft Oxford Local Plan 2036 for a similar reason. Draft policy H2(a)(ii) of the submitted plan provides that an off-site affordable housing contribution should be provided from development proposals on sites of between four and nine new homes. The draft Oxford Local Plan 2036 is currently being examined by 2 Government appointed Planning Inspectors.

- 10.13. The issue of weight to be attached to policy HP4 was the key issue for determination in an appeal made against the refusal by the City Council of planning permission for development of six flats on land at 4 Lime Walk.

- 10.14. In his decision letter, the Inspector addressed the City Council’s arguments and extensive evidence as to why, notwithstanding the conflict with the NPPF, weight should be attached to policy HP4 and, as such, a contribution towards off site affordable housing should be required from the development under consideration.

- 10.15. The Inspector rejected the City Council's case and held that there was insufficient justification for weight to be given to policy HP4 given the conflict with national planning policy. In effect, the Lime Walk Inspector held that national policy should prevail.
- 10.16. The Lime Walk decision is one which, acting reasonably, as local planning authority we must take into account in future decisions where Policy HP4 is engaged (see *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P. & C.R. 137).
- 10.17. The soundness of that element of Policy H2(a)(ii) has been the subject of extensive correspondence between the City Council and the Inspectors as part of the Local Plan examination process. The City Council has put before the Inspectors a body of evidence to demonstrate why, due to the particular circumstances which prevail in Oxford and most particularly affordable housing need, policy HP2(a)(ii) is sound notwithstanding the conflict with the NPPF. The Inspectors, in their response to submission OCC.1.AB, have concluded that Policy H2(a)(ii) is not sound. Subject to final consultation on main modifications, the Inspectors have directed that the policy H2(a)(ii) should be deleted from the Plan.
- 10.18. Given the outcome of the Lime Walk appeal and the decision of the Inspectors on the soundness of policy H2(a)(ii) of the draft Oxford Local Plan 2036 and in light of legal advice, the Head of Planning advises that the Local Planning Authority can no longer reasonably continue to attach material weight to, and rely upon, policy HP4. This means that the Local Planning Authority would no longer seek affordable housing contributions when determining applications for planning permission for development on sites with capacity for between nine and four homes unless the site is greater than 0.5 hectare.
- 10.19. On the basis of the above, the development would be acceptable in the context of the Council's affordable housing requirements. There is no longer a policy requirement to require affordable housing on this site.

#### *Balance of Dwellings*

- 10.20. Policy CS32 of the Core Strategy (2011) requires a mix of dwelling types to be provided in the City and this is further expanded upon in the Council's adopted Balance of Dwellings Supplementary Planning Document (SPD). The emphasis of the Council's adopted policies seeks to gain provision for family dwellings as part of new housing developments and to ensure that there is not a net loss of family dwellings. Wolvercote is listed as an 'amber' area where there is considerable pressure in terms of the provision of family dwellings. The Balance of Dwellings SPD specifies that the target housing mix within developments of 4-9 units in amber areas should be as stated in Table 8 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
1 bed	0-20 %	0-30 %	No net loss of 'family units'
2 bed	10-35 %	0-50 %	
3 bed	30-75 %	30-100 %	
4+bed	0-35 %	0-50 %	

10.21. The proposals would provide 29% of the development as three bedroom units, 29% as one bedroom units and 42% as two bedroom units. Whilst there is a small deficit in the number of three bedroom units it is considered that the proposals are effectively policy compliant with regards to Policy CS23 of the Core Strategy (2011) and the proposals would provide a good mix of dwelling sizes.

10.22. Policy H4 of the Emerging Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes for the affordable element. The proposed development would clearly be below this threshold and in line with the requirements of the Emerging Local Plan there would be no requirement to comply with the specified mix of units. It is worth noting that only limited weight can be given to the Emerging Plan Policies at the present time.

### *Conclusions*

10.23. On the above basis it is considered that the proposed development would be acceptable in principle having had regard to the requirements of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy (2011) and Policies HP9 and HP10 of the Sites and Housing Plan (2013). The proposed development would also meet the requirements of emerging local plan policies and specifically Policy G6 of the Oxford Local Plan 2036.

## **ii. Design**

### *Context and Impact on Streetscene*

10.24. The proposed building is proposed to be sited back from Woodstock Road which would ensure that it would sit in line with the surrounding buildings in the streetscene. The presence of the proposed building in the streetscene and in particular its increased bulk and width would be reduced by the fact that it would be set back from Woodstock Road.

10.25. The proposed development would be at odds with both the existing building on the site and neighbouring properties in terms of its design. The proposals are for an unashamedly contemporary approach but there are merits to the design which mean that it would represent a high quality design. Firstly, the proposals have responded to the villas that typify this part of North Oxford by

retaining a symmetrical form of development and incorporating a range of materials to provide visual interest.

- 10.26. The proposed contemporary approach also has merits in terms of allowing a greater bulk of development to be built on the site in a way that reduces the perceived bulk in the streetscene and impact on neighbouring amenity but allowing a greater amount of accommodation to be provided in the building (which is supported in principle). The proposed flat roofs have kept the overall height of the building down whilst setting in the second floor elements and treating these parts of the building with a different material would ensure that they are still read as roof elements in the streetscene.
- 10.27. The form of the building; which is described above as a series of blocks would reduce the perceived bulk of the building in the streetscene and ensure that it would not be read as a monolithic and alien addition to the streetscene. The use of contrasting materials would achieve a similar effect whilst adding visual interest.
- 10.28. The front of the building would have fewer windows than the rear and would give rise to quite a bold front façade to a residential building. However, this has merits in terms of ensuring that ground floor rooms would not front directly onto the parking area (which would otherwise give rise to a fairly poor residential amenity and reduced privacy for future residents).
- 10.29. The opportunity to add additional landscaping at the front of the building would soften some of the harsher aspect of the proposed building's design and ensure that it would respond to the verdant suburban character of the area.
- 10.30. On the basis of the above, the proposals would have an acceptable impact in the streetscene and represent high quality design for the purposes of Policies CP1, CP6 and CP8 of the Oxford Local Plan 2001-2016 and Policy CS18 of the Core Strategy (2011).

#### *Living Conditions – Internal Floorspace*

- 10.31. The proposed development would need to meet the prescribed national space standards in terms of the quantity of internal floorspace. It is also necessary for the proposed units to have sufficiently high quality of internal floorspace in terms of access to daylight and ventilation.
- 10.32. The proposed ground floor three bedroom units would have a total floor area of 126m<sup>2</sup>; this exceeds the minimum amount of floorspace prescribed in the national space standard of 86m<sup>2</sup> for a one storey, five person, three bedroom property. The proposed units would have some bedrooms (notably at the front of the property) with relatively small windows but most of the rooms would have a good access to light and natural ventilation. The rear portion of each of the ground floor flats would have an open plan kitchen and living area that would have direct access to the garden which would provide a good standard of internal accommodation.

- 10.33. The two first floor flats at the front of the building would be identical in terms of their layout. These two flats would have an area of 71m<sup>2</sup> and 72m<sup>2</sup> respectively (the slight difference in internal floor area would arise from the layout of the lobby area). This area exceeds the minimum national space standard for a one storey, four person, two bedroom property of 70m<sup>2</sup>. The bedrooms in these units would not provide a particularly good access to natural light but the front of the flats would have access to balconies providing plentiful natural light and ventilation.
- 10.34. The rear first floor flat would provide an internal floor area of 89m<sup>2</sup>. This area exceeds the minimum national space standard for a one storey, four person, two bedroom property of 70m<sup>2</sup>. The bedrooms would also have small windows but provide sufficient daylight and natural ventilation; a large kitchen and living area is proposed with direct access to a balcony which would provide acceptable living conditions.
- 10.35. The two second floor flats would have a total floor area of 58m<sup>2</sup> each. This exceeds the minimum national space standard for a one storey, two person, one bedroom property of 50m<sup>2</sup>. The bedrooms would have windows to the front and rear and an acceptable level of light would be provided in the open plan living and kitchen space with direct access to a balcony.
- 10.36. The proposed development would therefore comply with the requirements to provide an acceptable internal living environment for new dwellings as set out in Policy HP12 of the Sites and Housing Plan (2013) and the national space standards. The proposals would also comply with the Council's emerging policy for internal space standards set out in Policy H15 of the Oxford Local Plan 2036.

#### *Living Conditions – Accessibility*

- 10.37. The proposed development would provide a lift to all floors and no changes between levels within the units. From an accessibility point of view this represents a high standard of design. The proposed outdoor amenity spaces would also be accessible from within the flats and this would ensure that they would be highly accessible for occupiers with reduced mobility.

#### *Living Conditions – Outdoor Amenity Space*

- 10.38. The proposed development would provide private outdoor amenity space for each of the flats. The outdoor amenity spaces would be accessible directly from each of the units. The proposed rear gardens in particular would be very generous. All of the balcony areas proposed would meet the minimum space prescribed in the Council's adopted Policy HP13 of the Sites and Housing Plan (2013). In the case of the rear first floor flat and both second floor flats the proposed balconies would significantly exceed the minimum requirement for outdoor amenity space. The proposed development would also meet the requirements of emerging Policy H16 of the Oxford Local Plan 2036.
- 10.39. Officers have carefully considered the privacy of the proposed amenity spaces. The most significant issue is that the proposed first floor balcony at

the rear would overlook most of the rear amenity space for the ground floor unit. Some overlooking is fairly common between flats and balconies but the architect has included a fairly innovative overhanging element at the first floor to ensure that the nearest area of amenity space at ground floor would not be overlooked. The result is that whilst the majority of the proposed ground floor amenity spaces would be overlooked the future occupiers would benefit from a small completely private space adjacent to their flat which would be acceptable in terms of the Council's policies.

10.40. Officers recommend that if planning permission is granted then a condition should be included to ensure that boundary treatments are provided prior to the first occupation of the development to protect the privacy of ground floor occupiers.

#### *Energy Efficiency*

10.41. The proposals include some energy efficiency measures that are listed below:

- Full mechanical ventilation heat recovery system (MVHR) for the whole house.
- Primary living spaces on the south façade for optimum solar gain.
- High performing thermal insulation values for walls, floor and roof.
- 100% dedicated energy efficient lighting.
- Reduced water consumption, below 105 litres per person per day.
- Minimal heat loss by air passing through the fabric by achieving excellent airtightness in construction.
- Underfloor heating throughout.
- External drying space provided to all apartments
- Energy labelled white goods

10.42. The above will be secured through a condition which will also align with the building control requirements. The proposals would therefore meet the requirements of Policy HP11 of the Sites and Housing Plan (2013) and emerging Policy RE1 of the Oxford Local Plan 2036.

#### *Refuse and Recycling Stores*

10.43. Officers consider that the proposed refuse and recycling store at the front of the proposed building would be acceptable for the purposes of Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP13 of the Sites and Housing Plan (2013). A condition is recommended to ensure that the proposed development is not occupied until the store is provided.

### **iii. Impact on neighbouring amenity**

## *Light*

- 10.44. The proposed development would give rise to some impact on both neighbouring properties at 325 Woodstock Road and 329 Woodstock Road.
- 10.45. In terms of 325 Woodstock Road, this property is predominantly to the south of the application site; although the site is angled such that if built the proposed rear portion of the development would block some evening light to rear and side windows at 325 Woodstock Road. Officers have carefully considered the impact on this property which has included a site visit. There is a relatively narrow gap between 325 Woodstock Road and the boundary with the application site; towards the rear of the site there is also a garage which directly abuts the application site. The reduced bulk at the rear of the proposed development would ensure that there would be no impact on the rear windows of 325 Woodstock Road and the proposed development would comply with the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013). The main impact in terms of light on 325 Woodstock Road would impact upon the kitchen at the ground floor of the property that is currently served by three side windows that face towards the application site. The pitched roof and reduced depth of the existing building on the application site allows evening light to pass into these windows; the proposed development would alter the light conditions on the side elevation windows of 325 Woodstock Road with the ground floor windows being most affected (and specifically the kitchen). It is important to appreciate that nearest part of the existing dwelling on the application site to 325 Woodstock Road is single storey; which would mean that the proposed development's increased height adjacent to the boundary would have a more significant impact. The original survey that was carried out by the applicant's agent would have suggested that the development would not comply with the 45/25 degree code in relation to some of these windows and there would have been a marginal infringement of the 45/25 degree code. This matter was brought to the attention of the applicant's architect who provided amended plans following a more detailed survey. The revised plans showed that there would not be an unacceptable infringement of the 45/25 degree code but there would be some loss of light to the eastern-most window. On balance it is considered that having had regard to the loss of light at ground floor side windows it would not be materially harmful to the extent that planning permission should be refused. In reaching this view officers have been mindful that any loss of light would be for a relatively short period of time at the end of the day and the light impact would be reduced by the fact that there are a number of windows serving the ground floor kitchen in particular.
- 10.46. At the upper floor levels the side windows of 325 Woodstock Road would lose some light but the proposals would comply with the 45/25 degree code set out in Policy HP14 of the Sites and Housing Plan (2013).
- 10.47. No. 329 Woodstock Road lies predominately to the north of the application site. Officers have therefore carefully considered the impact on daylight and sunlight that could be caused by the increased depth and height of the proposed development. There are no windows on the side elevation of no. 329 apart from at the first floor level. The house at 329 Woodstock Road also

has a single storey garage/car port on the southern edge adjoining the application site. The presence of the single storey element at the southern edge of 329 Woodstock Road provides sufficient separation between the proposed development to ensure that there would be no unacceptable loss of light in the context of Policy HP14 of the Sites and Housing Plan (2013) and the 45/25 degree code set out in that policy.

10.48. The proposed development would not give rise to a loss of light for any other nearby properties.

#### *Overbearing*

10.49. The proposed development would increase the depth and height of development on the application site. This would alter the outlook for neighbouring occupiers, particularly at No. 325 and 329 Woodstock Road. The proposed development has a proposed design that lowers the bulk of the development towards the rear of the proposed building; with a narrower section in the middle and a reduced height (including single storey elements) at the rear. Having had regard to the width of the plot (and the width of neighbouring plots) it is considered that the proposed development would not have an unacceptable impact in terms of being overbearing to the detriment of neighbouring amenity.

#### *Privacy*

10.50. The depth of the proposed rear gardens would ensure that there would be no impact on privacy for occupiers at the rear (in Blenheim Drive). The proposed development does not include side facing windows that would impact on the privacy for neighbouring occupiers at 325 and 329 Woodstock Road. The proposed use of windows on the side elevation that face towards the rear of the site mean that rooms in the middle of the plot would not cause an unacceptable impact on overlooking. There are five balcony areas proposed; two of these would be at the front elevation of the proposed building and would not impact on privacy to neighbouring occupiers because a side wall of the balconies would block views towards the front gardens and front habitable rooms of 325 and 329 Woodstock Road. At the rear of the site the proposed balconies at first and second floor levels are proposed to include 1.7m high privacy screens to ensure that there would no views towards the rear gardens of neighbouring properties at 325 and 329 Woodstock Road.

10.51. The expanses of flat roof that would exist at first and second floor level would be larger than the balcony areas themselves; a condition would be necessary to ensure that these areas are not used in conjunction with the balconies as they would otherwise give rise to an unacceptable impact on privacy for neighbouring occupiers. The proposed privacy screens at the rear would need to be secured by condition if planning permission is granted.

10.52. Subject to the conditions set out above the proposed development would have an acceptable impact on neighbouring amenity as required by Policy CP1 of the Oxford Local Plan 2001-2016 and Policy HP14 of the Sites and Housing

Plan. Officers also consider that the proposed development would also comply with the requirements of Policy H14 of the emerging Oxford Local Plan 2036.

#### **iv. Access and Parking**

##### *Access*

10.53. The proposed development would block up the existing access and provide a new access centrally within the plot. The County Council have not raised any concerns about the proposed access in highway safety terms. A condition is recommended that visibility splays would need to be provided to ensure that the proposed development would not have an adverse impact on pedestrian, cycle or vehicular traffic on Woodstock Road.

##### *Parking*

10.54. The proposed development would provide five car parking spaces; these are proposed to be used by occupiers of the three bedroom and two bedroom flats. The one bedroom flats would be car free. Officers have had regard to the size and layout of the proposed car parking area and this would be acceptable in terms of allowing vehicles to turn, manoeuvre and enter the highway in a forward gear.

10.55. The proposed development would be acceptable as car free development. The application site lies within a Controlled Parking Zone (North Summertown CPZ). The application site lies approximately 950m from the BP garage next to the Wolvercote Roundabout and approximately 1000m from the nearest small supermarket on Banbury Road (Summertown). This exceeds the distance of 800m that is considered the threshold for suitability for car free development in Policy HP16 of the Sites and Housing Plan (2013). However, in practice the distance is relatively close to the threshold and the site does lie adjacent to a very frequent bus service on Woodstock Road and occupiers would have access to a very extensive range of services in Summertown District Centre which would be within walking distance. As a result the proposals for some of the units to be car free development would be acceptable in planning terms. The smaller units would be less likely to be occupied by families which further supports their suitability for car free development.

10.56. Conditions would be required to ensure that the car parking area would be completed prior to the occupation of the development if approved and a further condition would be required to remove eligibility for occupiers to gain parking permits in the Controlled Parking Zone; this is recommended by the County Council as Local Highway Authority.

##### *Cycle parking*

10.57. The proposed development would provide a cycle store at the front of the building. This would be highly accessible for all the future occupiers of the building and provide convenient and secure access for cycle storage. The proposals would provide space for sixteen pedal cycles for the seven flats.

Policy HP15 of the Sites and Housing Plan (2013) would require a provision of two cycle spaces for each two bedroom dwelling and three spaces for each three bedroom dwelling; with respect of this development that would equate to a minimum provision of twelve spaces. As a result, the proposed development would provide sufficient space for cycle storage. Officers recommend a condition that the cycle store be made available prior to the first occupation of the building if planning permission is granted (and that the store is retained thereafter for that use).

**v. Trees and Landscaping**

10.58. It is proposed to remove five trees from the rear garden. These trees are all identified as of being of poor or low quality within the submitted tree report (and are mostly apple trees with the exception one elder and one beech tree). The large beech tree on the frontage is proposed to be retained as is the large cherry tree and cypresses in the rear garden. The retention of vegetation is welcomed as providing a verdant backdrop to the proposed building.

10.59. There are limited proposals for landscaping that have been submitted with the application. This includes spaces at the front and side of the proposed building. Officers consider that there is sufficient space to provide a landscaping scheme that would enable the proposed development to make a positive contribution to the character of the area which is characterised by mature vegetation and planting. Conditions are recommended to retain trees where specified and protect the trees during construction. A scheme of landscaping is also recommended to be a condition with details provided prior to commencement.

**vi. Flooding and Surface Water Drainage**

10.60. The development is not at significant risk of flooding from any sources, however the proposed development would lead to an increase in impermeable area, and subsequently an increase in surface water runoff. Therefore, a sustainable drainage strategy would be required to mitigate this impact. On this basis the proposed development is acceptable in the context of Policy CS12 of the Core Strategy (2011).

**vii. Biodiversity**

10.61. The proposed development would not impact on protected species and a preliminary ecology report has confirmed that this is the case. Officers recommend a condition is included to ensure that biodiversity enhancement measures are included as part of the proposed development. Subject to this condition the proposed development would comply with the requirements of Policy CS12 of the Core Strategy (2011).

**ix. Other Matters**

10.62. Some concerns were expressed relating to the plans and the accuracy of the drawings. Further surveys have been carried out and revised plans provided to deal with those concerns. Officers consider that all the relevant material

considerations that were raised in public comments have been addressed in the officer report.

## **11. CONCLUSION**

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposals would provide an additional seven residential dwellings which would provide a small but nevertheless beneficial contribution towards local housing need. The development would be located on previously developed land, the redevelopment of which is promoted within Paragraphs 117 and 118 of the NPPF and officers have given due weight to this.
- 11.4. It is considered that the proposals adequately safeguard the amenity of existing occupiers, whilst the proposals provide adequate internal and external standards of amenity for future occupiers in accordance with the requirements of Policy HP12 and HP13 of the Sites and Housing Plan.
- 11.5. For the reasons outline within this report, it is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

## **12. CONDITIONS**

- 12.1 Officers recommend that conditions would be required relating to the following matters but that the wording is delegated to the Head of Planning.
  - Time limit to ensure that the development commences within three years
  - Development built in accordance with the approved plans
  - Materials should be as specified in the submitted application form
  - Balcony screens need to be provided prior to occupation and retained

- The areas of flat roof that are not shown to be used as balconies should not be used as balconies in perpetuity
- Parking area to be completed prior to occupation
- Removal of eligibility for occupiers to gain parking permits in the Controlled Parking Zone
- Bike storage area to be provided prior to occupation
- Bin storage area provided prior to occupation
- Landscaping scheme to be provided prior to commencement and approved by the Local Planning Authority. The approved landscaping should be completed on site no later than the first planting season after first occupation.
- Boundary treatments to be approved prior to commencement and installed prior to occupation
- Drainage scheme to be provided prior to commencement
- Tree protection measures
- Trees marked to be retained should be retained
- Access to be provided in accordance with County Highways specifications
- Unexpected contamination to be reported to the Local Planning Authority if found
- Biodiversity enhancement measures to be provided to the Local Planning Authority for approval and installed as approved
- Energy measures that are prescribed in the application should be installed as specified

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 In accordance with guidance set out in the National Planning Policy

Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

### **13. APPENDICES**

- **Appendix 1** – Proposed site 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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