

West Area Planning Committee

Application number:	20/01597/FUL		
Decision due by	28th August 2020		
Extension of time	15 th September 2020		
Proposal	Partial demolition of single storey extension to rear of no. 227 Banbury Road. Erection of two storey building to create 7 x 1-Bed flats. (Use Class C3). Provision of private amenity space, bin and cycle stores.		
Site address	225-229 , Banbury Road, Oxford, OX2 7HQ – see Appendix 1 for site plan		
Ward	Summertown Ward		
Case officer	James Paterson		
Agent:	Mr Simon Sharp	Applicant:	Tarwood Properties Ltd
Reason at Committee	This application is before the committee because it is proposing seven new dwellings which exceeds the number of dwellings that can be dealt with as a delegated decision.		

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

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the development of an underused brownfield site, to the rear of Nos. 225-229 Banbury Road. The proposals would involve the demolition of a single storey extension to a commercial unit and the erection of a two storey residential building with associated storage and amenity space.

- 2.2. Officers consider that the proposal would accord with the policies of the development plan when considered as a whole and the range of material considerations support the grant of planning permission.
- 2.3. The scheme would also accord with the aims and objectives of the National Planning Policy Framework. The proposal would constitute sustainable development and given conformity with the development plan as a whole, paragraph 11 advises that the development proposal should be approved without delay. Furthermore there are not any material considerations that would outweigh the compliance with these national and local plan policies.

3. LEGAL AGREEMENT

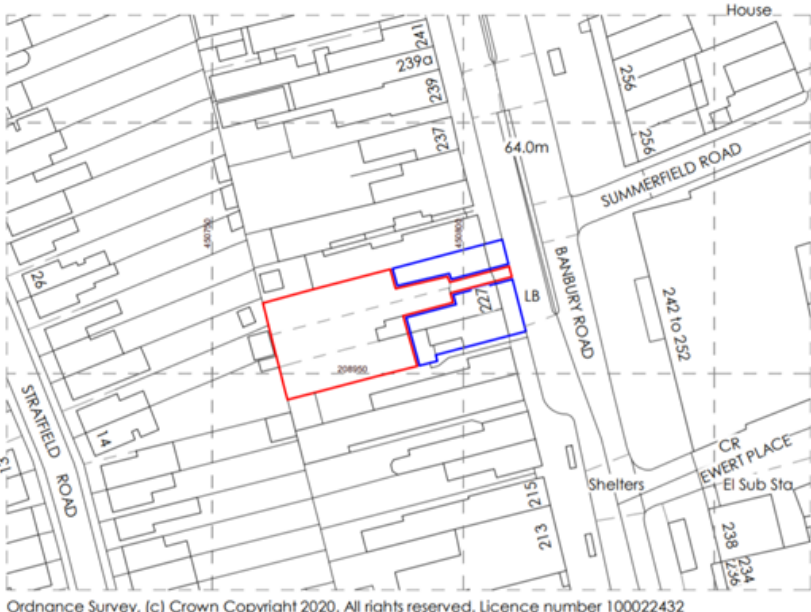
- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. The total amount required is £74,320.00.

5. SITE AND SURROUNDINGS

- 5.1. The site is located behind Nos. 225, 227 and 229 Banbury Road. The site is accessed via a passage between Nos. 227 and 229 Banbury Road. Nos. 225-229 Banbury Road comprise of three storeys Victorian buildings, which face directly onto the Banbury Road. The properties feature commercial units on the ground floor; the upper levels of the buildings are residential. To the west, the application site shares the boundary with gardens serving properties 14-18 Stratfield Road, to the north lies No. 231 Banbury Road and to the south 223 Banbury Road.
- 5.2. The existing land is reported as being previously used as a gravel surface parking area, which has become overgrown and totally disused.
- 5.3. See location plan below



6. PROPOSAL

- 6.1. The application proposes to demolish the single storey extension to the rear of 227 Banbury Road; the original door openings into the rear of the commercial unit would be made good and retained. This is a small area of storage associated with the commercial unit at ground floor level. The area to be demolished is clearly a later addition to the site and is not original to the host terrace.
- 6.2. It is proposed to then erect a two storey building to create seven one-bedroom flats (Use Class C3). The building would comprise a series of eight sloped roofs, of which the maximum height of each would be 8m. The bottom end of each slope would be approximately 5m in height. The building would have a roughly rectangular footprint with a maximum length of 24m and a maximum width of 13.2m; the building narrows as it nears the rear of the terrace fronting Banbury Road.
- 6.3. The overall design of the building would be contemporary and would draw from a modern palette in terms of its materiality. The first floor and roof would be clad in standing seam zinc cladding, although there would be elements of zinc across the height of the façade in places. There would also be substantial glazing throughout, with the exception of the west and east elevations which would be covered in green walls. That being said, much of the building would be constructed of grey and buff brickwork, in order to draw from the predominant materials of buildings in the local area.
- 6.4. Private amenity space would be provided individually to each flat. This would either consist of a small garden at ground level or a terrace/ balcony at first floor level. Bin and cycle stores are also proposed. The development would be car free, with no parking being proposed.

7. RELEVANT PLANNING HISTORY

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

<p>08/01984/FUL - Alterations to nos. 225, 227 and 229 Banbury Road and extensions to provide additional retail floorspace. Conversion and alterations to the first and second floors to provide 2x1 bed flats and 1x2 bed flats at 225 and 227 and 2-bed maisonette at 229. 4x2 bed flats to rear above the retail areas, cycle parking, bin storage and landscaping.. REF 18th December 2008.</p> <p>17/01941/FUL - Erection of 3 x 3-bed dwellings (Use Class C3). Provision of private amenity space, cycle parking and refuse storage. (Amended plans). PER 7th November 2017.</p> <p>18/01240/FUL - Demolition of existing single storey garage of 225 and erection of single storey rear extension. Change of use of first floor of no. 225 to residential use and amalgamation with flat at second floor level to create a 1 x 4-bed maisonette (Use Class C3). Provision of new external terraces to serve each unit. Creation of roof level dormer windows to no's 227 and 229. 1no. door to replace existing window to west elevation.(Amended plans)(Additional</p>

Information). PER 24th August 2018.

18/02499/VAR - Removal of condition 4 (Variation of Road Traffic Order) of planning permission 18/01240/FUL (Demolition of existing single storey garage of 225 and erection of single storey rear extension. Change of use of first floor of no. 225 to residential use and amalgamation with flat at second floor level to create a 1 x 4-bed maisonette (Use Class C3). Provision of new external terraces to serve each unit. Creation of roof level dormer windows to no's 227 and 229. 1no. door to replace existing window to west elevation.(Amended plans)(Additional Information) to allow removal of condition as the condition is not necessary.. PER 16th November 2018.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1, RE2, DH7,	Bin Storage TAN	HOS2, HOS3
Conservation/Heritage	184-202	DH4		
Housing	59-76	H4, H10, H14, H15, H16		HOS4
Natural environment	91-101	G2		
Transport	117-123	M2, M3, M5		
Environmental	117-121, 148-165, 170-183	RE1, RE4, RE7, RE8, RE9	Energy Statement TAN	ENC2
Miscellaneous	7-12	SR1, SR2, S1		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th July 2020.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection. Conditions are required to secure the car free use.

Public representations

- 9.3. No local people commented on this application.
- 9.4. One amenity group commented in relation to emergency services' access to the site.

Officer response

- 9.5. Officers have considered carefully the comments on these proposals. Officers have come to the view, for the detailed reasons set out in the officer's report, that the reasons for the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted. Officers consider that the issue of emergency services' access to the site has been addressed by the comment of the Highways Authority, a statutory consultee.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Mix of Housing
- iii. Design
- iv. Neighbouring amenity
- v. Noise
- vi. Archaeology
- vii. Residential Amenity
- viii. Cycle Storage
- ix. Car Parking
- x. Sustainability
- xi. Drainage
- xii. Ecology
- xiii. Land Quality

i. Principle of development

- 10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as per Policy S1 of the Oxford Local Plan 2036.
- 10.3. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford.

The development proposal must have a density appropriate for the proposed use, with an appropriate scale and massing, maximise the appropriate density with a built form and site layout appropriate to the capacity of the site.

- 10.4. The application site is an area of previously developed land in a highly sustainable location, being in a district centre. The land is underused, with the majority of the site forming an area of scrubland, which was formerly a car park. The site also includes a single storey rear extension to a commercial unit which is surplus to requirements. Therefore, the principle of bringing the site back into a use which repurposes the site is considered desirable and the proposal acceptable, when considering Policy S1.
- 10.5. The principle of the suitability of the site for residential development has been established; the Council approved three dwellinghouses on the site at planning committee on 31st October, 2017 (application reference: 17/01941/FUL). The permission is currently extant, although it is noted that the permission will lapse in the coming months.
- 10.6. When considering Policy RE7, planning officers note that the proposal makes a more efficient use of the previously developed land, in terms of the number of proposed dwellings, than the extant permission for three dwellinghouses. This is especially important considering the fact that the Summertown district centre is extremely close to the site.
- 10.7. The proposal maximises the capacity of the site. However, a fine balance must be struck between land use efficiency and not overdeveloping the site. This is especially the case here given the constrained nature of the site and resulting sensitivities such as with regard to neighbouring amenity. A comprehensive assessment of all of these issues can be found in the following sections of this report; however, in summary, planning officers consider that the proposal maximises the efficiency of the proposed land use in a manner compatible with the site. Indeed, for the most part the proposal would not be dissimilar to the surrounding grain of development; namely large rear extensions up to the boundary to a height of both single storey and two storey in size.
- 10.8. It is also noted that the demolition of the small single storey rear extension to the shop unit at 227 Banbury would not significantly impact the viability of the shop unit to continue its use in a town centre use (Use Class E from 1 September 2020).

ii. Mix of Housing

- 10.9. Policy H4 of the Oxford Local Plan 2036 states that sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register. The proposals fall below the threshold for a prescribed mix of dwellings as set out in the policy; the proposals also fall below the threshold for providing on site affordable housing.
- 10.10. The submitted planning statement cites the Summertown and St Margaret's Neighbourhood Plan and the general principles of Policy RE2 as evidence of

considering local housing demand. This is considered sufficient. Community Policy HOC3 of the Summertown and St Margaret's Neighbourhood Plan encourages 1, 2 and 3 bedroom houses. Likewise, given the siting of the development so close to the facilities and amenities on Banbury Road, it is considered appropriate to maximise the number of dwellings in this location.

10.11. Officers consider that the development would be acceptable in terms of the type of accommodation provided; this being a highly sustainable site and having the opportunity to provide a greater number of smaller units within in a district centre. The proposal is therefore considered acceptable in terms of a mix of dwellings and Policy H4.

iii. Design

10.12. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.

10.13. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.

10.14. The overall design approach is very contemporary in terms of its architectural language and materiality, for the most part. As an individual piece of architecture, planning officers consider the proposal to be very coherent in terms of its design and visually interesting while also not being overly dominant or alien to the area. Indeed this contemporary approach is coupled with some traditional features, such as the proposed brickwork and roofscape, which take cues from the surrounding late Victorian/ Edwardian buildings which helps integrate the building with its surroundings. It is further noted that the building would largely be obscured from public views on Banbury Road. Views of the site would mainly be achieved through private views in backland or residential garden land, which limits its impact when considering the streetscene.

10.15. While it is noted that the building would be relatively tall and its footprint would occupy much of the site, it is considered that the building would not represent an overdevelopment of the site nor be disproportionate in size. This is because it would relate well to its surroundings in terms of its scale and appearance. It is also noted that the site is relatively large and can accommodate such a development. It is also noted that the footprint of the proposal and its height are similar to that approved in the extant permission for three dwellinghouses on the site.

10.16. It is considered that the proposed bin stores would be adequate to serve the needs of future occupants. The bin stores are not an unreasonable distance from the road or dwellings for the purposes of disposing of waste and servicing. The proposal accords with the requirements of the Bin Storage

Technical Advice Note (TAN). However, more detail is needed regarding their appearance and means of enclosure; therefore condition 8 requiring these details has been included.

10.17. Having considered the above, the proposal is acceptable in terms of design and Policies DH1 and DH7.

iv. Impact on Neighbouring Amenity

10.18. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Daylight

10.19. It is noted that the application site is surrounded by varying uses of varying sensitivity. The nearby uses are commercial in nature for the most part and not particularly sensitive to a loss of light. That being said, planning officers consider that there would be no significant loss of daylight to these uses, in any case.

10.20. There are residences to the west of the site, on Stratfield Road, and to the east at first and second floor level, on Banbury Road. It is noted that the proposal accords with the 25/45 degree access to light test, outlined in Policy H14. Therefore officers do not expect an unacceptable loss of light to occur in terms of the internal rooms of these units.

10.21. It is also noted the applicant has submitted a daylight study. Planning officers are satisfied that this study confirms that the proposal would not result in an unacceptable loss of daylight to neighbours.

Privacy

10.22. The proposal would not include any windows to the west and east, save for high level clerestory glazing. This means that the proposal would not give rise to an unacceptable loss of privacy to neighbours nor cause unacceptable inter-looking. It is noted that additional windows could not be added without further scrutiny via a full planning application, due to the fact that the proposed dwellings are flats.

10.23. Windows would face north and south. It is considered that views from these windows would be across commercial, non-sensitive uses which is acceptable. While glimpses of residential gardens and windows may be possible from the proposed windows and terraces, it is considered that these would be limited to small glimpses. There would also be sufficient distance and relief from these views so as to mean that the proposal would not cause an unacceptable loss of privacy to nearby residences.

Overbearing

- 10.24. The proposed building would be readily noticeable from nearby commercial buildings. However, this is considered acceptable as these uses are not sensitive.
- 10.25. In terms of the flats on Banbury Road, it is considered that the proposal would not cause unacceptable overbearing to these dwellings. The dwellings are set at first floor level and above, while the proposed building is set back from these units. While it is noted that views from the rear windows of the flats would be confronted by an 8m high wall, due to the above considerations and the fact that the proposed green wall would soften the appearance of the building, it is considered that the proposal would not cause unacceptable overbearing to these neighbours.
- 10.26. The proposal would be sited a similar distance to the houses on Stratfield Road to the previous scheme for three dwellings and would be of a similar height. It is noted that 6m high wall would be constructed near to the boundary of the gardens of Stratfield Road. However, considering the extant permission, the green wall softening its appearance, the distance from the boundary, the length of the gardens at Stratfield Road and outbuildings within some of those gardens, it is considered that the proposal would not give rise to unacceptable overbearing to these neighbours.
- 10.27. The proposal is therefore acceptable in terms of neighbouring amenity and Policy H14.

v. Noise

- 10.28. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.
- 10.29. Policy RE8 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.
- 10.30. Appropriate noise guidelines have been followed within the Planning Design and Access Statement such as Noise Policy Statement for England, National Planning Policy Framework (NPPF), and the Oxford Local Plan 2036.
- 10.31. The occupants of the new proposed residential units would very likely be protected against external noise sources such as traffic noise. However, the fabric of the building should be such as to minimise the effects of external noise intrusion. This is required by condition 11.

10.32. Given the location of the site which is close to noise sensitive receptors the construction works should be carried out in a controlled manner as significant noise, dust and vibration issues may be caused during demolition and construction and these should be addressed by the applicant prior to any works being carried out on site. This is required by condition 12.

10.33. Subject to imposing conditions 11 and 12, the proposal is considered acceptable in terms of noise.

vi. Archaeology

10.34. Policy DH4 of the Oxford Local Plan 2036 states that where archaeological deposits that are potentially significant to the historic environment of Oxford are known or suspected to exist anywhere in Oxford, planning applications should include sufficient information to define the character, significance and extent of such deposits so far as reasonably practical. Proposals that would lead to harm to the significance of non-designated archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm.

10.35. This site is of interest because of its scale and its location on the Summertown-Radley gravel terrace (Upper Thames second gravel terrace). Aerial photographs and evidence from archaeological excavations have demonstrated the presence of an extensive prehistoric ritual and agricultural landscape across the terrace, involving Neolithic/Bronze Age ritual and funerary monuments and Iron Age /Roman agricultural field systems and settlement. There is also evidence of a subsequent Anglo-Saxon settlement in the Summertown area. The site lies within a poorly understood area of the Oxford gravel terrace 300m from evidence for Iron Age occupation (County HER No 15858) and 230m from evidence for an Anglo-Saxon inhuman cemetery (County HER No 6218)

10.36. In this case, bearing in mind the scale of the proposed development and the site constraints, planning officers consider that a condition would be necessary in the interests of conserving the below ground historic fabric. This condition (condition 4) requires a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Council.

10.37. Subject to condition 4, the proposal would be acceptable in terms of its archaeological impact and Policy DH4.

vii. Residential Amenity

10.38. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113.

- 10.39. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Policy H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.40. All of the proposed dwellings meet the minimum space standards, as set out in MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113. The proposed dwellings would all have coherent internal layouts and would provide high quality living space for the future occupants. It is noted that one dwelling is designed to accommodate wheelchair users; while not required by policy, this is welcomed. It is noted that a number of dwellings would receive light exclusively from the north and would therefore benefit from only limited light. However, the submitted daylight study satisfies officers' concerns and is considered sufficient to confirm that the daylight received by the internal rooms of these dwellings would be satisfactory.
- 10.41. The proposals are for single bedroom flats. Therefore the outdoor amenity space need only be a balcony or small garden, when considering Policy H16. Each flat has either a balcony of a reasonable size or a small outdoor garden. This is sufficient to meet the relevant requirements.
- 10.42. The proposed dwellings have adequate internal and outdoor amenity and so accord with Policies H15 and H16.

viii. Cycle Storage

- 10.43. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.
- 10.44. The proposed plans indicate a sheltered cycle store which appears sufficiently large to house the necessary number of cycles and is likely to be acceptable. However, further details will be needed regarding its design, materials and layout to confirm its acceptability. This has been required by condition 7.
- 10.45. Subject to condition 7, the proposal is acceptable in terms of cycle parking and Policy M5.

ix. Car Parking

- 10.46. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, Policy M3 states that

planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

- 10.47. The development proposal has no car parking; it is proposed to be entirely car free. Given that the site is within 400 of a supermarket and 800m of frequent public transport, the site must be car free. Condition 6 has been included excluding the site from eligibility for car parking permits.
- 10.48. The entrance to the site is relatively narrow and would be able to serve pedestrians and cyclists coming to and from the site. However, it is considered that emergency vehicles would still be able to adequately access the site, should the need arise.
- 10.49. Subject to condition 6, the proposal is acceptable in terms of car parking and Policy M3.

x. Sustainability

- 10.50. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in Policy RE1, have been incorporated. It is expected that 25% of energy will be on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement is required to be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m². The Energy Statement is required to include details as to how the policy will be complied with and monitored.
- 10.51. The proposal meets all the requirements set out in Policy RE1 in terms of energy efficiency, sustainability and on-site renewable energy. The proposal should also meet the more stringent requirements of Policy RE1 in terms of water efficiency. Planning officers are satisfied with the evidence the applicant has submitted to this effect.
- 10.52. The proposal is therefore acceptable in terms of sustainability and Policy RE1.

xi. Drainage

- 10.53. Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.
- 10.54. The development is not at significant risk of flooding from any sources. In accordance with Policy RE3 of the Oxford Local Plan, all new developments should be drained via a sustainable drainage system. The drainage strategy should be in accordance with Oxford City Council SuDS Design and

- 10.55. A drainage design drawing has been submitted, but there is not an accompanying drainage strategy report. We do not generally accept underground cellular storage, as it does not provide the wider benefits of SuDS (ecology, water quality, amenity), therefore 'green' SuDS providing these benefits should be explored. Condition 5 has been included to this effect.
- 10.56. Subject to condition 5, the proposal is acceptable in terms of drainage and Policy RE4.

xii. Ecology

- 10.57. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.
- 10.58. Having reviewed the submitted Phase 1 Habitat Survey Report produced by Windrush Ecology (June 2020), officers are satisfied that the potential presence of protected habitats and species has been given due regard. However, a formal set of ecological enhancements must be specified and approved by the Council in order to ensure that the proposal would enhance the biodiversity in the area.
- 10.59. Subject to condition 10, the proposal is acceptable in terms of ecology and Policy G2.

xiii. Land Quality

- 10.60. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by a report which fulfils the relevant criteria set out in the policy. Where mitigation measures are needed, these will be required as a condition of any planning permission.
- 10.61. Having considered the application with respect to contaminated land and having reviewed the sensitive development contaminated land questionnaire submitted with the application, it is considered that the risk of any significant ground contamination being present on the site is low. However the development involves the creation of a new residential property which is considered to be sensitive development and it is the developer's responsibility to ensure that the site is suitable for the proposed use. Therefore an informative has been included to this effect; it is not felt that a condition is necessary.
- 10.62. The proposal is acceptable in terms of land quality and Policy RE9.

11. CONCLUSION

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of the report.
- 11.2. Having regards to 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 clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.
- 11.7. *Material consideration*
- 11.8. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.9. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.10. NPPF paragraph 11 states that proposals that accord with the development plan should be approved 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; or 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.

- 11.11. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.12. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.13. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 below.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan 2036.

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

- 4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric and Roman remains (Local Plan Policy DH4).

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

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

I. The drainage system is designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.

II. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.

III. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.

IV. Where sites have been previously developed, discharge rates should be at greenfield rates.

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

A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. Works shall then be carried out in accordance with the approved SuDS maintenance plan and maintained in perpetuity.

Reason: To ensure compliance with Policy RE4 of the Oxford Local Plan 2016 - 2036

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

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause

parking stress in the immediate locality, in accordance with Policy M3 of the Oxford Local Plan 2036.

- 7 Prior to the occupation of the approved development, a detailed scheme showing the design of a secure, covered cycle store for the storage of at least nine cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be installed prior to first occupation of the approved development and thereafter retained solely for the purposes of cycle storage.

Reason: To ensure that the development provides adequate cycle parking as required by Policy M5 of the Oxford Local Plan 2036

- 8 Prior to the occupation of the approved development, a detailed scheme showing the design of a bin store including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be installed prior to first occupation of the approved proposal and thereafter retained as a bin store.

Reason: To promote recycling in accordance with Policy DH7 of the Oxford Local Plan 2036.

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

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2036.

- 10 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 6 dedicated Swift boxes shall be provided. Any new fencing will include holes suitable for the safe passage of Hedgehogs.

The development shall be carried out in accordance with the approved details contained within the approved scheme of ecological enhancements and maintained in perpetuity.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

- 11 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policy RE8.

- 12 Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary from 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the construction period.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE8 and M2

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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