

**West Area Planning Committee**

13<sup>th</sup> October 2020

**Application number:** 20/01118/FUL

**Decision due by** 9th July 2020

**Extension of time** 20th October 2020

**Proposal** Demolition of existing building. Erection of 3 x 3-bed dwellings (Use Class C3). Provision of car parking, private amenity, bin and cycle stores. Repositioning of dropped kerbs. Formation of wall and railings to front and side of boundary. (Amended plans)

**Site address** 2 St Peter's Road, Oxford, Oxfordshire, OX2 8AU – see **Appendix 1** for site plan

**Ward** Wolvercote Ward

**Case officer** James Paterson

**Agent:** Aubrey King      **Applicant:** Mr Naresh Kotak

**Reason at Committee** This application was called in to committee by the Planning Head of Service, following concerns by councillors and members of the public about this application.

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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 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 demolition of an existing small shop (Use Class E) and small House in Multiple Occupation above (Use Class C4) and the erection of three replacement dwellinghouses (Use Class C3). The proposal also includes the provision of off-street car parking and private

amenity space in addition to bin and cycle stores. Changes to the existing arrangements with dropped kerbs are also proposed, as is the formation of walls and railings to the front and side boundaries of the site.

- 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)**

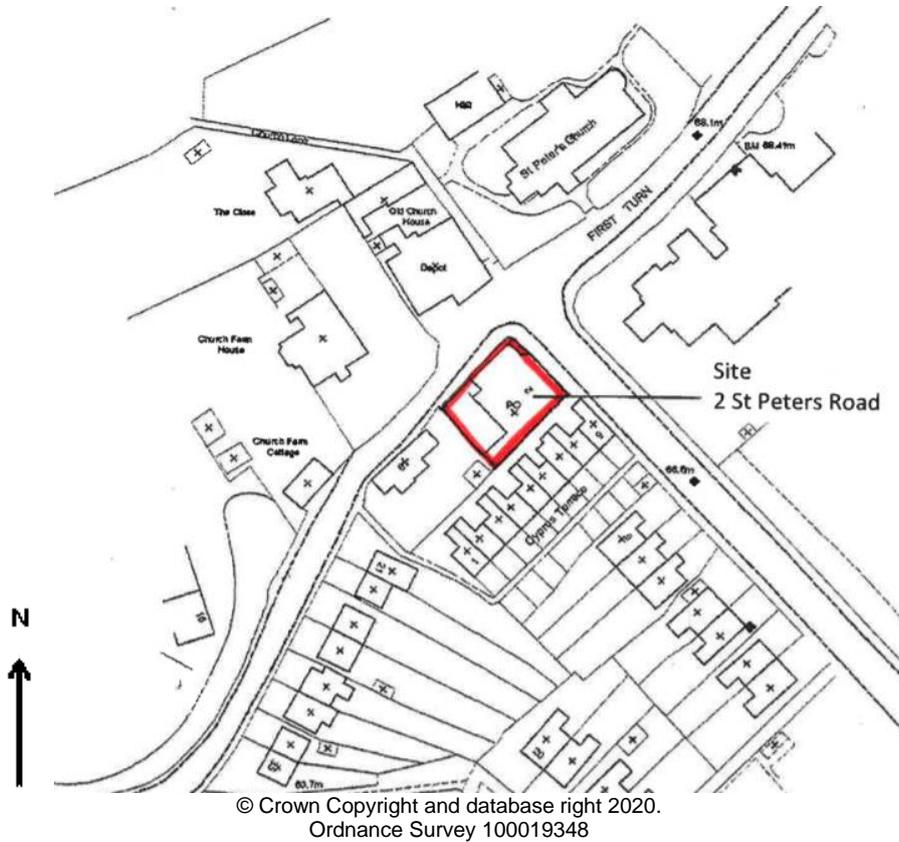
- 4.1. The proposal is not liable for CIL as the total proposed Gross Internal Area results in a net loss of 14.17m<sup>2</sup>.

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

- 5.1. The site is located on St Peter's Road, at the junction with First Turn. The application site currently comprises a small convenience shop/ Post Office at ground floor level, which has been closed since 2018, and a small House in Multiple Occupation occupying the upper floor. The rear area of the site is used as a yard and storage for the retail use in addition to serving as access to the accommodation at first floor level.
- 5.2. The building was originally erected in the 1930s but has since undergone extensive alterations and had been subject to several extensions, including the addition of the sprawling single storey extension to the front which currently houses the entrance to the shop. The existing building is fairly typical of the surrounding area although the aforementioned extensions are quite unsympathetic.
- 5.3. The site lies in the Wolvercote and Godstow Conservation Area and is situated on an important and visually prominent junction within the setting of a number of listed buildings that together form an important architectural nucleus in the heart of the historic settlement of Wolvercote. To the east of the site lies a primary school, this forms an important local hub. To the north of the site lie the church and farmhouse, both listed, in addition to the Old School which all contribute to the historic character of the site. To the west lies First Turn and the openness which characterises the junction transitions to a sense of enclosure as high stone walls abut both sides of the narrow road. To the south of the site lies the houses of Cyprus Terrace. These are characterful terraced houses, erected at the close of the Victorian era; while not listed or falling

within the conservation area, these terraces are locally listed, by virtue of being on the Oxford Heritage Asset Register.

5.4. See block plan below:



## 6. PROPOSAL

- 6.1. The application proposes to demolish the existing building in its entirety. A new two-and-a-half storey building would then be erected on the site to create three new three bedroom terraced dwellinghouses. The new building would feature a large hipped roof with gables to the front elevation, parking to the front of the dwellings, amenity space to the rear and would be enclosed by a mixture of railings atop a dwarf wall and a tall stone boundary wall. The building would feature an unusual sloping design on its southern side, this is in the interest of preserving neighbours' daylight. The houses would be of red brick construction, although 'Unit 1' and 'Unit 2' would feature render at first floor level.
- 6.2. The new building would be set back from St Peter's Road by a minimum of 4m and would have a maximum depth of 10.3m. The houses would be erected directly on the boundary with Cyrpus Terraces to the south and would extend to a maximum width of 16.3m, but would be set back from the boundary at First Turn by around a metre. The building would be set 12.5m from the Old School and a minimum of 7.4m from the boundary with 12 First Turn to the rear.

## 7. RELEVANT PLANNING HISTORY

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

59/07794/AA\_H - Extension to shop (revised).. PER 5th May 1959.

59/07794/A\_H - Outline application for extension to shop.. PER 24th February 1959.

60/07794/A\_H - Extension to shop (revised).. PER 12th January 1960.

60/08963/A\_H - Rebuilding and addition to store.. PER 23rd February 1960.

73/00765/A\_H - 1st floor extension to provide additional bedroom and access.. PER 12th June 1973.

82/00773/NFH - Erection of single attached garage. PER 13th December 1982.

84/00099/NFH - First-floor side extension. PER 19th April 1984.

88/01182/NFH - First floor extension to form residential accommodation.. PER 15th December 1988.

04/00083/FUL - Single storey extension to front and two storey rear extension to form enlarged shop and residential flat above.. WDN 21st May 2004.

04/01017/FUL - Single storey extension to shop. Two storey extension to provide new entrance and additional bedroom to first floor flat.. PER 9th July 2004.

05/01665/FUL - External shutters to doors and windows. PER 17th October 2005.

07/02208/FUL - Alterations to building including single and two storey extensions and replacement roof to retain ground floor post office and shop and convert first floor and roofspace to provide 5x1 bed flats.. REF 19th November 2007.

08/01710/FUL - Removal of existing asbestos roof sheeting and erection of a replacement flat roof for shop store room.. PER 2nd December 2008.

13/01664/FUL - Extension to create second floor and alterations to create 1 x additional 4 bed flat (use class C3). Provision of bin and cycle storage.. REF 16th August 2013.

18/03305/FUL - Demolition of existing building at 2 St Peter's Road. Erection of 3 x 3 bed dwellings (Use Class C3). Provision of car parking, private amenity space, bin and cycle storage. Repositioning and enlargement of existing drop kerb and enlargement of existing drop kerb. Erection of railings to property.. WDN 12th February 2019.

## 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	H14, DH1, DH7 RE2		
Conservation/Heritage	184-202	DH3, DH4, DH5		
Housing	59-76	H15, H16, H5		
Commercial	170-183	V7		COS1
Natural environment	91-101	G2, G7		GBS5
Transport	117-123	M2, M3, M4, M5		CHS2
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE7, RE8, RE9		BES1
Miscellaneous	7-12	S1		

8.2 In response to the delays caused to the referendum of the Wolvercote Neighbourhood Plan, due to COVID-19, this neighbourhood plan has been given significant weight in decision-making where relevant. The weight that has been given is in proportion to the stage the plan has reached without assuming or prejudging what the result of the referendum would be

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20<sup>th</sup> May 2020 and an advertisement was published in The Oxford Times newspaper on 21<sup>st</sup> May 2020. Following the receipt of revised plans, site notices were displayed around the site on 2nd September 2020 and an advertisement was published in The Oxford Times newspaper on 10th September 2020.

### Statutory and non-statutory consultees

## Oxfordshire County Council (Highways)

- 9.2. No objection; a condition has been requested for the submission of a construction management plan.

### **Public representations**

- 9.3. 36 local people commented on this application from addresses in Torridge Drive (Didcot), Cyprus Terrace, Elmthorpe Road, First Turn, Godstow Road, Home Close, Pixey Place, Rosamund Road, Ulfgar Road, Wolvercote Green and Wyndham Way. 5 local amenity groups also objected to the development proposal. 1 local ward councillor also objected to the development proposal.

- 9.4. In summary, the main points of objection (42) were:

- Access
- Amount of development on site
- Contaminated land issues
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Other
- Parking provision
- Public transport provision/accessibility

### **Officer response**

- 9.5. Officers have considered carefully the objections to 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.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- i. Principle of development
- ii. Design
- iii. Conservation Area
- iv. Listed Buildings
- v. Local Heritage Assets
- vi. Archaeology
- vii. Neighbouring Amenity
- viii. Occupier Amenity
- ix. Car Parking
- x. Cycle Parking
- xi. Ecology
- xii. Protected Trees
- xiii. Drainage
- xiv. Land Quality
- xv. Sustainability
- xvi. Other Matters

### **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. The policies relating to the retail hierarchy in the Oxford Local Plan 2036 do not protect individual shop units where they lie outside of district centres or designated shopping frontages. Policy RC9 of the previous local plan which protected individual shops is no longer a material consideration, as this local plan was superseded in June 2020. It should be noted that while Policy COS1 of the Wolvercote Neighbourhood Plan encourages the provision of new shops, the current draft policy does not resist the loss of existing shops or post offices; therefore the resistance to the proposed change of use is only implied. There is therefore no policy basis to resist the loss of the existing retail unit in terms of the retail hierarchy.

- 10.4. Policy V7 seeks to improve access to social and community infrastructure. The City Council will seek to protect and retain existing cultural and community facilities. Policy V7 states that planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.
- 10.5. Planning officers note that there is a lot of local concern regarding the loss of the shop in terms of its importance as a local community facility. Officers note that the retail unit may be considered to be a community facility, particularly given the fact that it housed a post office. Planning officers have therefore required a viability appraisal on this basis. Planning officers note that there are post offices in lower Wolvercote and Summertown which are readily accessible from the local area; there are also equivalent shopping facilities located nearby in lower Wolvercote, at the nearby A40 roundabout and in Summertown, which are all well connected to the site. Notwithstanding this, the applicant has produced various pieces of evidence which support the assertion that the shop is no longer viable. These include the Financial Appraisal, a letter from the applicant's accountant and evidence of a marketing exercise in addition to the fact that the shop has been closed since 2018. Further to this, as of September 2020, the lawful use of the shop is Class E, as there are other shops within 1km which means the site would not be Class F2. Therefore the use of the retail unit could lawfully be changed to a range of uses, including a restaurant, office or a retail unit. It is therefore considered unreasonable to refuse the application on the basis of requiring the retention of the current specific retail use of this site. Considering the above, on balance, the proposed loss of the shop is therefore acceptable when considering Policy V7.
- 10.6. In terms of the principle of demolishing the building, there is no policy in the Local Plan 2036 which resists the demolition of existing buildings as part of redevelopment. It is also noted that Policies BES4 and HES3 of the Wolvercote Neighbourhood Plan were deleted by the Planning Inspectorate at examination; therefore there is no objection to the principle of the demolition of the building, except in terms of heritage matters which are addressed in later sections of this report.
- 10.7. Policy H5 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes (loss of an HMO converted from a self-contained dwelling would be considered a loss of a self-contained dwelling), except in exceptional circumstances.
- 10.8. It is noted that the development proposal would result in the loss of the self-contained dwelling at first floor level, currently in use as a house in multiple occupation (Use Class C4). However, as the proposal is for three houses there would be a net increase of two dwellings on the site. The proposal therefore accords with the requirements of Policy H5.
- 10.9. 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, as well as considering the criteria set out in the policy.

10.10. Planning officers consider that the demolition of a retail unit which has been vacant for a number of years and the loss of a single dwelling to allow the erection of three large family dwellings would make a better use of the land. Planning officers understand the delicate balance between overdevelopment of the site and making an efficient use of the available space. 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 when considering the number of terraced dwellings nearby, although it is noted that these would be taller than nearby examples.

## **ii. Design**

10.11. 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.

10.12. Planning officers consider that, while the site is fairly constrained, the overall width of the plot is sufficient to permit the division into three separate plots/dwelling, particularly when considering the pattern, in terms of size and scale, of domestic plots throughout the settlement. The depth of proposed dwellings would be greater than the small domestic terraced buildings immediately to the south of the plot. However, planning officers consider that they would not be unreasonably deep in plan when taking into account the variety of domestic plans found across the Conservation Area and the settlement as a whole. It is also noted that in designing the frontage to have a multiple character the proposal is making an efficient use of the space whilst ensuring that the character and appearance of the context is at least preserved. Therefore, when considering the balance between an overdevelopment of the site and an efficient use of land, the proposal successfully makes best use of the land without overdevelopment.

10.13. The architectural language of the proposed building and its materials are taken from its immediate surroundings and used to reinforce the existing sense of place as well as to ensure that the proposed buildings will sit comfortably in the context of (settings) the identified heritage assets. This is most notable in its red brick parts which directly correspond with the brick of the school and Old School House, in addition to its large hipped roof which relates to some of the nearby residences in the area.

10.14. When considering the relationship of the gardens with the host dwelling and wider area, planning officers consider that the inclusion of open, garden space to the rear of the buildings, enclosed between First Turn and the terraced

buildings to the south, will ensure that these outdoor spaces can provide a reasonable amount of seclusion to occupiers. The provision of car parking spaces with planting, would also ensure that these spaces do not appear unduly hard when vehicles are not parked up and that they are able to make a positive contribution to aesthetic of the site.

10.15. While any alteration to the old wall between Cyprus Terrace and site is regrettable, ultimately this wall is not protected and can be removed at any time without planning permission. Therefore it is unreasonable to refuse the application on these grounds.

10.16. However, conditions are required to ensure the proposed development would be of sufficient design quality. These include the requirement for a landscape plan, curtailment of permitted development rights in addition to conditions relating to material samples. With the above conditions in place, the proposal would be of acceptable design quality and would accord with Policy DH1.

10.17. 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.

10.18. The proposed bin storage arrangements are considered acceptable.

### **iii. Conservation Area**

10.19. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

10.20. The site falls within the Wolvercote with Godstow Conservation Area. Important to the special character and appearance of this area are the surviving stone walls that provide the boundaries to older properties and lost properties as well as surviving elements of older buildings that form the historic core of this part of the settlement. The walls are also important in providing a very strong sense of enclosure which is particularly seen in the section of First Turn that bounds the northern edge of the site where the high stone boundary wall to Church Farmhouse, also stone walled and Grade II listed, forms the northern boundary to the narrow lane that leads to Wolvercote Green. The narrowing here is important, contrasting with the more open feel of the space around and between the Church and primary school which lies immediately to the east of the site.

- 10.21. The development proposal respects the significance of the Conservation Area by representing a domestic scale in terms of the replacement building. This means that the proposed development would not appear overbearing, disproportionate or visually discordant in the context of the Conservation Area. The overtly domestic architectural expression, while also taking references from the language found throughout the Conservation Area where there is a distinct variety in materials used in domestic buildings, also means that the building sits comfortably in its setting.
- 10.22. The inclusion of front gardens also references a key characteristic in the Conservation Area. In particular, the northern plot enhances the special character of the Conservation Area by responding to the importance of enclosing the boundary to the side in order to retain and reinforce the sense of enclosure established by the Church Farmhouse stone boundary wall. In addition this responds to the tightening of the public road to provide the feeling of a lane to connect the more open, formal public space of Upper Wolvercote, specifically at the church and school, to the very different space that is Wolvercote Green.
- 10.23. The materials of the northern plot reflecting those of both School and Church with which it combines, contributing to the important views of the church, also a heritage asset in its own right, and through the Conservation Area
- 10.24. Officers also consider that the proposed development addresses St Peter's Road as a frontage, allowing the First Turn façade of the northern plot to be subservient in architectural language and expression, which is appropriate. This is the more active street frontage at present and therefore there is a benefit in maintaining it as such in terms of reinforcing the present important characteristics of the site.
- 10.25. Officers do not consider that the loss of the existing building would be harmful to the Conservation Area. In terms of the building itself, it is a relatively recent addition to the area, 1930s, and is unremarkable architecturally, having also been extended unsympathetically numerous times. In terms of the function of the building, especially its relation to the central triangle of the area created by the school, church and shop, officers acknowledge that the loss of the shop would be regrettable. This is because the three buildings create an important triangle of social activity creating a focal point in this area, marked by their varying building types and uses. However, officers consider the activity from the church and school are sufficient to ensure this area retains its character as a hub of activity. The loss of the shop, or more significantly the Post Office, whilst reducing the activity would not entirely remove it and officers therefore expect the impact of this development proposal to be limited. Officers consider that the loss of one aspect of a tripartite social hub would not be materially harmful to the significance of the Conservation Area as whole. Furthermore, the sympathetic design of the proposal and its strong frontage means that it would relate well to the character of the site in terms of its being a focal point of the area.

- 10.26. The proposal would therefore sit comfortably in the context of the conservation area and would not give rise to harm to its significance and would therefore accord with Policy DH3.
- 10.27. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the conservation area. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.28. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

#### **iv. Listed Buildings**

- 10.29. Policy DH3 of the Oxford Local Plan 2036 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.30. The site falls within the setting of St Peter's Church, Grade II listed. The significance of the church is both historic, especially its C14 Tower that survives from the medieval church, and architectural, the remainder of the building which was designed by Charles Buckenridge and built from 1860 as a Victorian Church in the coursed rubble stone that follows the architectural vernacular of the village settlements that surrounded and have subsequently become absorbed into the city of Oxford.
- 10.31. It is considered that the development proposal would sit comfortably within its plot and would respond sufficiently to the historic character of the surrounding listed buildings so as to not appear as an incongruent addition. The proposal would also reflect the residential character which dominates the area. The proposal would therefore not be harmful to the special character of the church or its setting.
- 10.32. The site also falls within the setting of the listed Church Farmhouse, Grade II listed, to the north west of the site. The significance of the listed building, insofar as it relates to this application, is the result of its listed boundary wall abutting First Turn which give the street an enclosed character while also exhibiting traditional materials.

- 10.33. The proposal reflects this special character by virtue of its sympathetic design but, most notably, due to its 2m high stone boundary wall on its First Turn boundary. The proposal would therefore not harm the setting of this listed building
- 10.34. The proposal would therefore not be harmful to the significance of the nearby listed buildings and would accord with Policy DH3 in this regard.
- 10.35. Regard has been paid to paragraph 192 of the NPPF in reaching a decision. When applying the test outlined in paragraph 196, it is considered that the proposal would cause no harm to the significance of the listed buildings. Therefore, the proposals would be acceptable in terms of their impact on these designated heritage assets.
- 10.36. Special attention has been paid to the statutory test of preserving the listed buildings or their settings under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the setting of the nearby listed buildings and so the proposal accords with Section 66 of the Act.

#### **v. Local Heritage Assets**

- 10.37. Policy DH5 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development. In determining whether planning permission should be granted for a development proposal, which affects a local heritage asset, consideration will be given to the significance of the asset, the extent of impact on its significance, as well as the scale of any harm or loss to the asset as balanced against the public benefits that may result from the development proposals
- 10.38. The proposal would impact the setting of the nearby locally listed terrace, Cyprus Terrace. However, it is considered that the proposal would be well designed and would make a congruent addition to the area while it would also not be overbearing to the houses which comprise the terrace, nor harming their outlook.
- 10.39. The proposal therefore would have an acceptable impact in this regard and would accord with Policy DH5.

#### **vi. Archaeology**

- 10.40. 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 will 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.

- 10.41. This application is of interest because it involves the construction of three new properties within the historic core of Upper Wolvercote, in a central location close to the medieval church (which is located 30m to the north). Wolvercote is a parish comprising of two settlements, Upper Wolvercote located on the edge of the Summertown Radley gravel terrace and Lower Wolvercote on the Thames floodplain. The evolution of the two settlement 'ends' is poorly understood. At Domesday Roger D'Ivri held a manor of six hides at Wolvercote with a further 120 acres of meadow and six furlongs of pasture, thirteen villeins and seven borders are also mentioned. A chapel of ease at Wolvercote is first recorded in 1236 as being subject to the church of St Peter-in-the-East in central Oxford, but architectural evidence suggests the current church in Upper Wolvercote, St Peter's, dates to at least the late 12th century as it has a font of this date and there is a record of a later 12th century chancel arch surviving until 1859 (VCH, 1990, 320-323).
- 10.42. With this in mind, a method statement for the proposed demolition of the existing building and a written scheme of investigation have been included as conditions 4 and 5. This is to ensure no harm befalls underground heritage assets which may be located on the site.
- 10.43. Subject to conditions, the proposal is acceptable in terms of archaeology and Policy DH4.

**vii. Impact on neighbouring amenity**

- 10.44. 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

- 10.45. The proposal would accord with the 25/45 degree access to light test, when considering the buildings surrounding the site, with the exception of Cyprus Terrace. Therefore the proposal would not impact the direct daylight received by the 19 First Turn. Likewise, the daylight to the school to the east and the Old School building to the north would also not be impeded by the development proposal; although it is noted that these uses are non-residential and are less sensitive in terms of daylight. The site is also set sufficiently far back so as to not significantly overshadow these buildings or their associated amenity space
- 10.46. Planning officers note that there would be an impingement on the 25/45 degree access to light test on Nos. 6-9 Cyprus Terrace. However, planning officers consider that the proposed development would not materially worsen the existing situation in terms of the daylight received by these properties, by

virtue of the reduction in height of the built form on the southern boundary of the site and the unusual arrangement with the southern roofslope. It is also noted that these terraces lies to the south of the application site. Having considered the orientation of the sun, it is also noted that the development proposal would not reduce the amount of direct daylight to these properties.

#### Privacy

- 10.47. Planning officers note that the majority of glazing would be directed to the front and rear of the proposed building. This is considered acceptable as to the front of the site, the building would overlook the school in a manner which is comparable and not materially more intrusive than the existing arrangement. To the rear, the views offered by the glazing in this area would not be more intrusive than is possible under the existing arrangement. It is also noted that the neighbour to the rear is set a minimum of 12m away from the rear windows and is heavily screened by mature, protected trees which is considered an acceptable arrangement. It is also noted that there is only one small window, serving a non-habitable room, on the north-east elevation of this neighbour.
- 10.48. There would be no windows on the southern elevation of the building which would mean that direct views of the houses and gardens at Cyprus Terrace would not be possible; only glimpses out of the upper rear windows would be possible, which is considered to be a continuation of the existing arrangement.
- 10.49. It is noted that there would be a number of windows on the northern elevation, which face towards the Old School building, which is in a Class E use as office space. Planning officers consider inter-looking from the ground floor windows would be made impossible by the 2m boundary wall located 1m in front of the windows. At first floor level, two of the windows serve bathrooms, which will have obscured glazing, while the side window at second floor would serve a hallway, a purely circulatory space. Planning officers are therefore satisfied that the privacy of the occupiers of the house and the offices opposite would not be impacted by these windows. In terms of the first floor side window serving the front bedroom, planning officers note that a degree of inter-looking would be possible between this window and the front windows of the Old School building. However, planning officers note that the window in question is a small ancillary window where the applicant is not expected to spend a great deal of time in front of and looking out of. Officers also consider that the office use of that building is not a particularly sensitive use to this degree of overlooking, given that it is non-residential and only likely to be occupied during business hours. Therefore planning officers consider the window in question to not result in an unacceptable loss of privacy to occupiers or neighbours.
- 10.50. Planning officers note that the site is very constrained and neighbours are vulnerable to additional windows and extensions being added at a later date. Therefore condition 15 has been included curtailing permitted development rights in this respect.

#### Overbearing

- 10.51. While the proposal is two-and-a-half storeys in height, it would also be set 7.6m away from the site's boundary with 19 First Turn. The mutual boundary is also heavily screened by mature protected trees. Considering this, and the fact that the existing arrangement is similar in terms of its distance to the boundary, the proposal is not considered to be unacceptably overbearing on this neighbour.
- 10.52. In terms of the dwellings on Cyprus Terrace, it is noted that the development proposal would lead to a slight decrease in the height of built form directly on the boundary and a decrease in the length of the mutual boundary which is developed. It is also noted that the unusual southern roofslope of the proposed building would mean the bulk of the proposed building would be set back from the southern boundary and would reduce the sense of enclosure felt by the occupants of Cyprus Terrace. This arrangement is therefore considered acceptable.
- 10.53. The proposed dwellings are considered to be sufficiently set back from the non-residential uses of the Old School building and Wolvercote Primary school so as to not be overbearing to the users of these spaces.
- 10.54. Considering the above, planning officers consider that the development proposal would be acceptable in terms of neighbouring amenity and Policy H14.

### **viii. Occupier Amenity**

- 10.55. 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.
- 10.56. The proposed dwellings meet the requirements of the relevant space standards and would provide high quality internal space to potential occupants in a layout which is considered acceptable.
- 10.57. 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. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.58. When considering the amount of external space available to future occupiers, if the front gardens are taken into account, the proposal meets the requirements of H16. However, officers do not consider this space to be provide any useful amenity space, given that this space is predominantly for the parking of cars. Planning officers also consider the rear gardens to be undersized when taking into account the fact that these would be family homes, each being approximately 37m<sup>2</sup>. That being said, when the surrounding grain of development and constrained nature of the site is taken into account, it is considered that the proposed arrangement would be

acceptable, in this specific case. Furthermore, the layout of the dwellings optimises how these spaces may be utilised by future occupants.

10.59. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policies H15 and H16.

#### **ix. Car Parking**

10.60. 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, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.

10.61. Planning officers note that there are bus stops nearby, on Woodstock Road, which are well served by buses, and a supermarket within 800m of the site, M&S. However, the site is not within a Controlled Parking Zone (CPZ) and is therefore not suitable for car free development. Each house must therefore be served by a single bespoke parking space. This has been provided and the proposal therefore meets the requirements of Policy M3.

10.62. It is noted that a number of concerns have been raised with regard to the on-street parking pressure on St Peter's Road and the safety issues of locating parking so close to a junction. With regard to the first issue, it is noted that without a CPZ, there is no mechanism to prevent additional cars on the street. That being said, it is considered unreasonable to refuse the application on this basis, given that this supposition is on the basis of what future occupants may or may not do. There is also no mechanism where the Council can prevent the parking of additional cars in the area. Planning officers also note that Oxfordshire County Council Highways Authority, statutory consultee on these matters, raise no objection on these grounds and consider that the proposed use would likely decrease the number of car journeys and car parking in the area over what is possible under the existing arrangement. This is especially relevant here considering that customers of the existing retail unit may drive to the shop and the existing HMO use at first floor level could generate three cars, if one car is assumed per household, with no bespoke off-street parking currently being provided. Therefore, the provision of one off-street car parking space is reasonable and would likely not cause a significant increase in on-street parking, having had regard to the existing use of the land and the size of the proposed dwellings.

10.63. With regard to the second issue of highway safety, this development proposal has relocated the car parking spaces further away from the junction than previous proposals. Planning officers also note that Oxfordshire County Council Highways Authority, the statutory consultee on these matters, raise no objection on these grounds.

- 10.64. A construction management plan has been requested by condition by the County Council. Considering the sensitivity of the site in terms of the proximity of neighbours and lack of parking for construction traffic, planning officers have included this as part of the recommendation to form Condition 6 listed in Section 12 of this report.
- 10.65. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space. The requirements of Policy M4 are noted and condition 16 has been included to ensure this takes place.
- 10.66. The proposal is therefore considered acceptable in terms of car parking and Policies M2, M3 and M4.

#### **x. Cycle Parking**

- 10.67. 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 and facilities for electric charging infrastructure.
- 10.68. The proposed cycle parking would be covered, secure and allow for independent access to each cycle. There would be enough space for three cycles in each. This conforms to the requirements of Policy M5.
- 10.69. The proposal is therefore acceptable in terms of Policy M5 and cycle parking.

#### **xi. Ecology**

- 10.70. 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.
- 10.71. Council officers have reviewed the Bat Report produced by EcoConsult (October 2018) and are satisfied that the potential presence of protected habitats and species has been given due regard.
- 10.72. The survey undertaken in October 2018 has confirmed that overall the structure offers negligible potential to support roosting bats. However, in accordance with Policy G2, a condition has been included in respect of site enhancements in order to ensure a net ecological enhancement has been achieved. This condition also requires an updated bat assessment, as the validity of the existing assessment expires in October 2020.

10.73. Subject to condition 7, the proposal accords with Policy G2 of the Oxford Local Plan and would be acceptable in terms of matters of ecology.

## **xii. Protected Trees**

10.74. Policy G7 of the Oxford Local Plan 2036 states that planning permission will not be granted where development would result in the loss of green infrastructure features such as hedgerows, trees or woodland, where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Planning permission will not be granted for development resulting in the loss or deterioration of ancient woodland or ancient or veteran trees except in wholly exceptional circumstances.

10.75. The application includes an Arboricultural Report which reasonably demonstrates that, assuming appropriate care is taken during the demolition and construction phases, the development should not be significantly detrimental to the viability of the existing protected sycamore and eucalyptus trees which stand adjacent to the boundary of the site.

10.76. However, further details are needed in terms of landscaping, underground services and tree protection measures, in addition to requiring protective measures to be taken during development, in order to confirm that the trees and their roots would not be compromised by the development. To this effect conditions 10-14 have been included.

10.77. Subject to conditions, the development proposal would have an acceptable impact on existing trees and would accord with Policy G7 of the local plan.

## **xiii. Drainage**

10.78. 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.

10.79. The proposed development would not be at significant risk of flooding from any sources, as it is in a Flood Zone 1 area. However, in accordance with Policy RE4 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 Evaluation Guide, Non-statutory technical standards for SuDS, and CIRIA C753 - the SuDS Manual. Insufficient evidence has been provided that would show this would be the case. Therefore condition 8 has been included to ensure a drainage strategy demonstrating compliance with these matters will be produced before development commences.

10.80. Subject to conditions 8 and 18, the proposal is acceptable in terms of flooding and Policy RE4.

#### **xiv. Land Quality**

10.81. 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.

10.82. The Council's records show that the site is not at significant risk of suffering from land contamination. Therefore no further measures are required. However an informative has been included to inform the applicant of how to proceed should unexpected contamination be found.

10.83. The proposal is therefore acceptable in terms of land quality and Policy RE9.

#### **xv. Sustainability**

10.84. 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 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 will be 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 1,000m<sup>2</sup>. The Energy Statement will include details as to how the policy will be complied with and monitored.

10.85. The initial submission was not accompanied by a suitable energy or sustainability statement. Subsequently, a full energy statement has been produced by the applicant and submitted to the council. Planning officers consider that the statement demonstrates compliance with the requirements of Policy RE1.

10.86. While it is noted that concerns have been raised as to the sustainability of demolishing buildings to erect new ones, there is no policy basis or evidence for refusing the application on these grounds

10.87. The proposal is therefore acceptable in terms of sustainability and the requirements of Policy RE1.

#### **xvi. Other matters**

10.88. Most of the concerns raised during the consultation period were addressed in the above sections, where they have not been, they are addressed in this section.

10.89. It is considered that the plans are sufficiently accurate to allow planning officers to form a recommendation for this development proposal.

## 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.

### *Material consideration*

- 11.7. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. 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.

- 11.10. 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.
- 11.11. 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.
- 11.12. 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 Subject to conditions 2, 16 and 17 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 Notwithstanding the approved plans or details included in the supporting documentation, samples of exterior materials proposed to be used, including bricks, render, stone and roof tiles, shall be made available for inspection on site and approved in writing by the Local Planning Authority before the construction of the relevant works and only the approved materials shall be used.

Other 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 enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with Policies DH1 and DH3 of the Oxford Local Plan 2036.

- 4 No demolition shall take place until the applicant, or their agents or successors in title, has submitted a method statement for controlled demolition (in a

manner designed to ensure that foundations are initially cleared to ground level only so that controlled archaeological investigation can take place) 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 method statement for controlled demolition, 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 Late Saxon, medieval and post-medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

- 5 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 (including a trial trench followed by further mitigation by recording if required by the Local Planning Authority) 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.

The archaeological recording should comprise of post-demolition trial trenching followed by a second stage of recording if appropriate (including potentially the excavation of the development footprint). The archaeological investigation shall be undertaken by a professionally qualified archaeologist working to a brief issued 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 Late Saxon, medieval and post-medieval remains in accordance with Policy DH4 of the Oxford Local Plan 2036.

- 6 A Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network).

The construction works shall only take place in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with Policy M2 of the Oxford Local Plan 2036.

- 7 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 scheme of ecological enhancements must be accompanied by an up to date bat survey.

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.

- 8 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. The development 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 prior to the commencement of works. 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. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

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

- 9 Prior to the commencement of works, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner. Development shall take place only in accordance with the approved landscape plan.

Reason: In the interests of visual amenity in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

- 10 Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with Policies G7 of the Local Plan 2036.

- 11 Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction-

Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in support of Local Plan Policy G7.

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

Reason: To avoid damage to the roots of retained trees in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

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

Reason: To avoid damage to the roots of retained trees in accordance with Policies DH1 and G7 of the Oxford Local Plan 2036.

- 14 An Arboricultural Clerk of Works (ACoW) appointed by the applicant shall oversee implementation of the Tree Protection Plan and Arboricultural Method Statement, required by conditions 10 and 13. Prior to the start of any work on site a Tree Protection Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority which includes details of:

- I. The role and responsibilities on site of an arboricultural clerk of works (ACoW) or similarly competent person;
- II. Responsible persons and lines of communication and reporting including with the LPA Tree Officer;
- III. The times during construction when ACoW will be present on site to oversee works.

The development shall be carried out only in accordance with the approved Tree Protection Monitoring Plan

Reason: Reason: To avoid damage to the retained trees. In accordance with Policies G6 and G7 Oxford Local Plan 2036.

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

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with Policies DH1 and H14 of the Oxford Local Plan 2036.

- 16 Notwithstanding the approved plans, the approved car parking spaces shall each be served by an electrical vehicle charging point.

Reason: To support the use of zero emission vehicles, in accordance with Policy M4 of the Oxford Local Plan 2036.

- 17 Notwithstanding the approved plans, large scale full joinery details of the proposed new windows and rooflights shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only.

Reason: To enable the Local Planning Authority to give further consideration to the external appearance of the approved works/building, in the interest of visual amenity, in accordance with Policies DH1 and DH3 of the Oxford Local Plan 2036.

- 18 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. 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. The sustainable drainage system shall be maintained in accordance with the approved SuDS maintenance plan in perpetuity.

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

#### INFORMATIVES :-

- 1 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to

the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

Please note that the responsibility to properly address contaminated land issues, irrespective of any involvement by this Authority, lies with the owner/developer of the site.

- 2 Scrub, trees and buildings on site offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- 3 Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact - 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

### **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.