

**West Area Planning Committee**

13<sup>th</sup> October 2020

**Application number:** 19/02817/FUL

**Decision due by** 27th December 2019

**Extension of time** 20th October 2020

**Proposal** Demolition of existing garage. Erection of 1 x 6-bed dwelling (Use Class C3) and erection of detached garage. Provision of amenity space, bin and cycle stores. Associated landscaping and boundary treatments.

**Site address** Land Between 45 And 51, Hill Top Road, Oxford, Oxfordshire – see **Appendix 1** for site plan

**Ward** St Clement's Ward

**Case officer** James Paterson

**Agent:** Mr Stephen Broadley **Applicant:** Mr J Asquith

**Reason at Committee** This application was called in by Councillors Hayes, Chapman, Tanner, Clarkson, Munkonge and Lygo due to concerns around car parking, amenities, neighbouring amenities, and the use of the site.

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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 erection of a single six bedroom dwellinghouse and an associated detached garage, which would house the proposed bin and cycle stores. The detached house would be set towards the rear of the plot, to match the dwellings Nos. 45 a and 45b, and would be two and a half storeys in height. The garage would sit forward of the principal

elevation by some distance and would be adjacent to the boundary with No. 51. Associated landscaping and boundary treatments are also proposed.

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)**

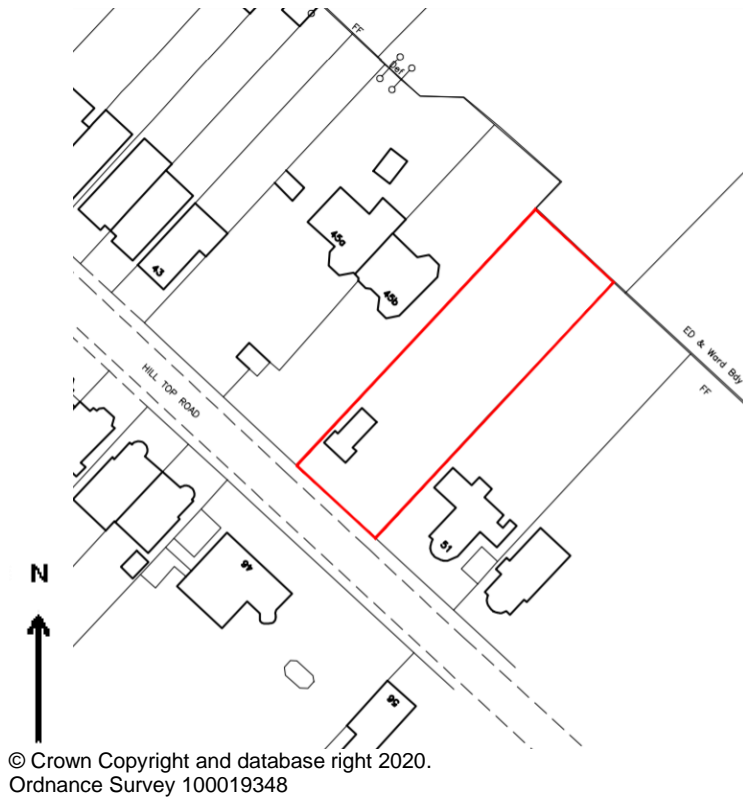
4.1. The proposal is liable for CIL. The amount due would be £ 77,862.60.

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

5.1. The site is located on the north side of Hill Top Road. The application site consists of an area of scrubland with a disused garage. Several protected and mature trees surround the site, both within and without the site itself.

5.2. The street is characterised by its eclectic mixture of generous late Victorian villas, semi-detached Edwardian houses and later infill developments. To the north lies research and educational facilities associated with the University of Oxford. In all other directions lie residential dwellinghouses. To the north-west lies Nos. 45a and 45b, a pair of semi-detached dwellings, which are something of an anomaly in the street by virtue of their siting towards the rear of their plots. To the south-east lies No. 51, a detached property constructed in an Edwardian style, typical of this portion of the street. To the south lies No. 46. This is a very generously proportioned house which has been significantly extended.

5.3. See location plan below:



## 6. PROPOSAL

- 6.1. This application proposes to demolish the existing garage, which is located towards the front of the site. A new dwellinghouse would be erected to the rear of the site, in line with the arrangement at Nos. 45a and 45b, being set 30m back from the front boundary and only 11m from the rear boundary. The dwellinghouse would be of red brick construction with plain clay tiled and painted timber framed windows. The dwellinghouse would be set across two storeys, with additional accommodation in the roof and basement and would have large, steep roofslopes, which slope away to the front and rear, with two large gables to the front elevation. To the rear there would be a single gable while a small pitched roof dormer would be set in the rear roofslope. The house would be up to 14.5m deep and 10m wide, while it would have a height of 5.2m to the eaves and a total height of 9.1m. The house would be set 4.6m from No. 45b and would have roughly the same building line to the front but would extend approximately 3.2m further rearward.
- 6.2. The proposed garage would be located to the front of the site and would be set near the boundary with No. 51, being 7.3m from the front boundary and of 1.2m from the east boundary. The garage would have space for a single car and would feature bespoke storage for cycles and bins. In the roofspace there is proposed to be a small home office. The garage would have a width of 6.4m and a depth of 8.8m. The garage would stand to a height of 3.1m to the eaves and 6.2m to the ridge of the hipped roof. A single rooflight would be situated on the eastern roofslope. The garage was originally proposed to be located on the other side of the site, to minimise the impact it would have on neighbours. Following concerns from the Tree Officer in relation to tree roots of protected trees; the garage was relocated and downsized in the final plans.

- 6.3. Minor landscaping is also proposed, including the creation of a lightwell to the rear, to serve the basement, and the creation of a small terraced area and grass lawn.

## 7. RELEVANT PLANNING HISTORY

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

16/02777/TPO - Raise canopy of 1No. Beech tree (T2) to 4m as identified in City of Oxford Hill Top Road No.1 Tree Preservation Order 1998.. PER 29th November 2016.

17/01832/FUL - Erection of 1 x 6 bed dwellinghouse (Use Class C3). Retention of existing garage for use as utility room/store. Alterations to form new vehicle access. Provision of private amenity space, car parking and bin stores.. PER 14th September 2017.

18/00858/FUL - Erection of 1 x 6 bed dwelling house (Use Class C3). Formation of garage to habitable space and provision of private amenity space, car parking and bin stores.. PER 31st May 2018.

19/02815/FUL - Demolition of existing garage and erection of a 1 x 4-bed dwelling and a 1 x 6-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments.. PCO .

19/02816/FUL - Demolition of existing garage and erection of 1 x 4-bed dwelling and 1 x 5-bed dwelling (Use Class C3). Provision of amenity space, car parking and bin and cycle stores. Associated landscaping and boundary treatments.. PCO .

## 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, DH7, H14, RE2		
Conservation/Heritage	184-202	DH4		

<b>Housing</b>	59-76	H15, H16		
<b>Natural environment</b>	91-101	G7, G8		
<b>Transport</b>	117-123	M2, M3, M4 M5		
<b>Environmental</b>	117-121, 148-165, 170-183	RE1, RE4, RE7, RE9		
<b>Miscellaneous</b>	7-12	S1		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 14th November 2019. Following the receipt of revised plans, making changes to the proposed garage, new site notices were displayed around the application site on 14th August 2020.

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

Oxfordshire County Council (Highways)

9.2. No objection, conditions required

### **Public representations**

9.3. 2 local people commented on this application from addresses in Hill Top Road

9.4. In summary, the main points of objection (2 residents) were:

- Effect on character of area
- Effect on privacy
- Local ecology, biodiversity

### **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. Neighbouring Amenity
- iv. Occupier Amenity
- v. Archaeology
- vi. Protected Trees
- vii. Drainage
- viii. Ecology
- ix. Land Quality
- x. Car Parking
- xi. Cycle Parking
- xii. Sustainability
- xiii. 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 required by 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, as well as considering the criteria set out in the policy.

10.4. Planning officers consider that the demolition of the existing garage and erection of a new dwelling on the disused plot would make a better use of the land than the existing arrangement. Planning officers note that the site is very generously proportioned and in a sustainable location and have considered whether the proposed development makes sufficiently efficient use of the land; specifically whether the capacity for further dwellings has been considered. However, on balance, the protected trees constrain the amount of development that may take place on the site; this would therefore make additional dwellings, which also respond to the open aesthetic of the street to likely not be acceptable. 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 large detached dwellinghouses nearby.

- 10.5. Planning officers also note that there is extant permission for a single large detached dwelling on this site. The principle of a large detached dwellinghouse has already, therefore, been established. While that permission was granted under a superseded policy basis, the considerations in terms of design and efficient use of the land remain very similar.

## **ii. Design**

- 10.6. 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.
- 10.7. The overall form and appearance of the house reflects the large Victorian villas that form part of the character of the area. While planning officers considered whether a design approach which more closely resembled the more dominant Edwardian characteristics of this end of Hill Top Road would be more appropriate; given that this proposal is for a single large dwelling planning officers considered that the design approach adopted by the applicant to reflect the less apparent Victorian architecture is acceptable, in this case. This character has been achieved by virtue of the proportioning and scale of the house. Notably the large, steep roof slopes, strong verticality created by the fenestration and gables and traditional window hierarchy all contribute to this. The front façade in particular is very traditional in character and closely related to the Victorian villas which comprise some of the nearby streetscene. While there would be non-traditional elements to the rear, which sit somewhat at odds with the traditional architectural language, such as the large window openings and disordered window hierarchy, these elements would not be readily visible in the public realm and would therefore have an acceptable impact in terms of design considerations.
- 10.8. Officers have carefully considered the layout of the site and note that a large dwelling was previously approved on the site (18/00858/FUL). Indeed, planning officers consider that if the house were set forward, it would better respect the typical arrangement and character of the street. The inclusion of a large garage forward of the principle elevation is also unusual and distracts from the important principle façade of the building. Having said this, officers note that the site is heavily constrained by protected trees and the findings of the submitted supplementary arboricultural information indicated that the root protected areas (RPAs) of the protected trees were likely to be extensive due to the nature of the soil. Therefore the decision to site the house rearwards would result in a less constrained development. Furthermore, planning officers note that the siting of the house rearwards with a garage to the front of the site reflects the arrangement of the direct neighbours to the west, Nos. 45a and 45b. Therefore, the siting of the house and garage would not be especially visually discordant in the immediate context of the site. Additionally, the revised plans submitted by the applicant have reduced the scale of the garage

and mean that it would be less disruptive and lessen the awkward relationship of the proposed arrangement.

- 10.9. Given the careful consideration in terms of design and the sensitivity of the site, Condition 9 has been recommended to remove permitted development rights so that any future additions made to the dwellinghouse would require planning permission. This would ensure any alterations to the house are carefully considered by the Council.
- 10.10. Having considered the above, the proposal is therefore acceptable in terms of design and Policy DH1.
- 10.11. 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.
- 10.12. The proposed bin storage arrangements are considered acceptable.

### **iii. Neighbouring Amenity**

- 10.13. 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

- 10.14. The proposal mostly accords with the 25/45 degree access to light test, outlined in Policy H14, with the exception of the ground floor side windows of No. 45b. For the most part, the proposal would not impact the amount of daylight received by the internal rooms of neighbours. The impingement on the daylight received by the ground floor side windows of No. 45b would be very small and would be unlikely to result in a materially significant amount of light loss. In any case, it is noted that these windows either serve non-habitable rooms or serve rooms which benefit from more important windows directly to the front or rear of the house. Therefore the daylight impact on this neighbour is considered acceptable.
- 10.15. While the house would be large, it is noted that it is set away from the boundaries and is unlikely to lead to a significant daylight loss to neighbours' gardens.
- 10.16. Planning officers note that neighbouring residential occupiers are vulnerable to additional windows and extensions being added at a later date. Therefore Condition 9 has been included curtailing permitted development rights in this respect.

#### Privacy



- 10.17. The proposed glazing to the rear of the house is considered acceptable as this would only have significant views of the rear garden of the proposed dwelling and glimpses through the vegetation towards the university facilities to the rear of the site. While the windows to the front of the property would offer views towards No. 51, which is set towards the front of its plot. However, it is noted that views from the ground floor windows of the proposed dwelling would be entirely blocked by the boundary treatment. Furthermore, while it is noted some inter-looking may be possible between the upper front windows of the proposed dwelling and the upper rear windows of No. 51, it is considered that sufficient screening is offered by the mature trees, which cannot be removed or pruned without permission from the Council, and the distance of approximately 18m between the windows would protect privacy. There would also be sufficient distance between No. 26 and the proposed dwelling to protect the privacy of occupiers of that dwelling.
- 10.18. It is noted that a number of side windows are proposed. These would either be at ground floor level and would therefore not have significant views of neighbours' rooms or gardens or serve bathrooms and would therefore not offer views to the future occupants. The proposal is therefore acceptable in terms of privacy.
- 10.19. The windows on the proposed garage would face away from nearby dwellings and would not offer unacceptable views of neighbouring properties. The only windows on the garage which would face towards dwellings would be the two roof lights on the eastern roof slope of the garage but because of the internal floor height of the office in the roofspace of the proposed garage, it is considered that these rooflights would not provide an outlook that would compromise privacy.

#### Overbearing

- 10.20. While the house is of a significant height, it would be set at least 3.5m from the mutual boundary with No. 45b and would, for the most part, be built next to that dwelling and would be of similar length. The garden of No. 45b would therefore not be unacceptably impacted by the development proposal. The outlook of the side windows of No. 45b would be changed to include views of a large dwelling. However, given the distance of 4.5m between the dwellings and mature vegetation to screen much of the new dwelling, it is considered that this impact would not be unacceptable.
- 10.21. The proposed dwelling would not be overbearing on the dwelling of No. 51 due to the fact that this dwelling would be set a significant distance behind No. 51. In terms of the amenity space of No. 51, it is considered that the proposed house being set 3.5m from the boundary and with a large hedgerow and mature protected trees would be sufficient to ensure the development would not be overbearing.
- 10.22. The proposed garage is of sufficiently modest scale and set back from the boundary, by a metre, so as to ensure it would not have an overbearing impact on No. 51

10.23. Considering the above, the proposal would be acceptable in terms of neighbouring amenity and Policy H14.

#### **iv. Occupier Amenity**

10.24. 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.

10.25. 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.

10.26. 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.

10.27. The proposed outdoor space would also be sufficient to meet the policy requirements and provide future occupants with high quality outdoor amenity space.

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

#### **v. Archaeology**

10.29. 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.

10.30. Having consulted the Historic Environment Record, the Council concludes that, on present evidence, this development proposal would be unlikely to have significant archaeological implications

10.31. The proposal is therefore acceptable in terms of archaeology and Policy DH4.

#### **vi. Protected Trees**

10.32. Policy G7 of the Oxford Local Plan 20136 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.

10.33. The submitted documents serve as sufficient evidence to demonstrate that the proposed development would have an acceptable impact in terms of the protected trees, in principle. However, officers have concerns about inconsistencies in the submitted documents, amounting to conflicting detail, in addition to a lack of detail in relation to the tree protection measures. Further details would therefore be required to confirm the retained trees would be adequately considered during construction. These have been secured by condition. The sensitivity of the site in both design and arboricultural terms also means that officers would need a landscaping plan to be submitted prior to the relevant works taking place.

10.34. Considering the above, the proposal is acceptable in terms of Policies G7 and G8 and would adequately preserve the protected trees, subject to conditions 11-17.

#### **vii. Drainage**

10.35. 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.

10.36. The proposed development would not be at significant risk of flooding from any sources. 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 7 has been included to ensure a drainage strategy demonstrating compliance with these matters will be produced before development commences.

10.37. Subject to conditions 7 and 19, the proposal is acceptable in terms of flooding and Policy RE4.

#### **viii. Ecology**

10.38. 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.

- 10.39. The proposal is unlikely to have an adverse impact on local biodiversity. 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.
- 10.40. Subject to condition 8, the proposal accords with Policy G2 of the Oxford Local Plan and would be acceptable in terms of matters of ecology.

#### **ix. Land Quality**

- 10.41. 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.
- 10.42. 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.
- 10.43. The proposal is therefore acceptable in terms of land quality and Policy RE9.

#### **x. Car Parking**

- 10.44. 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.
- 10.45. The application site is within 400m of a well-served bus stop and is within a Controlled Parking Zone (CPZ). However the nearest supermarket is over 800m from the site. Therefore one bespoke car parking space is required. This has been proposed to be provided in the proposed garage. The proposal therefore accords with Policy M3.
- 10.46. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.
- 10.47. The requirements of Policy M4 are noted and condition 10 has been included to ensure this takes place.

#### **xi. Cycle Parking**

- 10.48. 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.

10.49. The proposed cycle parking would be covered, secure and allow for independent access to each cycle. There would be enough space for four cycles in each. This conforms to the requirements of Policy M5.

10.50. The proposal is therefore acceptable in terms of Policy M5 and cycle parking.

## **xii. Sustainability**

10.51. 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 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.

10.52. The submitted documentation is sufficient to demonstrate that the proposal accords with the general principle of sustainable design, as set out in Policy RE1. However, no calculations are provided which demonstrate compliance with the requirements of the policy in terms of energy efficiency. That being said, planning officers are satisfied that the proposed development can conform to the relevant requirements of RE1. The final calculations are to be provided by condition, prior to the commencement of works; these shall include calculations based on the Dwelling Emission Rate and the Target Emission Rate.

10.53. Subject to condition 19, the proposal is acceptable in terms of sustainability and Policy RE1.

## **xiii. Other Matters**

10.54. 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.

10.55. It is noted that concerns have been raised as to the legal requirements of the applicant to build any new dwelling to certain specifications, as outlined in the deeds to the land. This is not a planning matter and had not been considered as part of this application.

## **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 10 and 18, 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 A Construction Traffic Management Plan shall be submitted to and be 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)

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.

- 5 The development shall not be occupied until the dwelling the subject of this permission has been excluded from eligibility for parking permits.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low car nature of the development is met, in accordance with Policy M3.

- 6 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6m as measured from carriageway level.

Reason: To provide and maintain adequate visibility in the interest of highway safety in accordance with Policies DH1 and M3.

- 7 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.

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

- 8 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 shall 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.

- 9 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.

- 10 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.

- 11 A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation or first use of the development hereby approved. The plan shall show details of treatment of paved areas, and areas to be grassed or finished in a similar manner, existing retained trees and proposed new tree, shrub and hedge planting. The plan shall correspond to a schedule detailing plant numbers, sizes and nursery stock types.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 12 The landscaping proposals as approved by the Local Planning Authority shall be carried out no later than the first planting season after first occupation or first use of the development hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036

- 13 No development shall take place until details of the design of all new hard surfaces and a method statement for their construction have first been submitted to and approved in writing by the Local Planning Authority and the hard surfaces shall be constructed in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

The details shall take into account the need to avoid any excavation within the Root Protection Area (RPA) of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction - Recommendations". Where hard surfaces are proposed within the RPA of retained tree(s) the details shall include scaled section drawings based on topographical data to indicate the formation and construction design.

Reason: To avoid damage to the roots of retained trees in accordance with Policies G7 and G8 of the Oxford Local Plan 2036.

- 14 No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by the Local Planning Authority. 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 current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 15 The development shall be carried out in strict accordance with the tree protection measures contained within the planning application details shown on Drawing number '1763\_P\_130', Titled 'Tree Report Site Plan - Option 3' (September 2020) unless otherwise agreed in writing beforehand by the Local Planning Authority. Notwithstanding the 'Bridging Report Option 3' the tree protection measures (fencing and ground boards) shall be implemented during construction as set out in this drawing and shall not be removed or altered from this for any reason without prior notice to, and written approval from the Local Planning Authority.

The fencing indicated in the aforementioned drawing shall be constructed in accordance with the standard default design set out in Figure 2 of BS.5837:2012- Trees in relation to design, demolition and construction- Recommendations, unless otherwise agreed in writing by the Local Planning

Authority.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 16 No development, including demolition and enabling works, shall take place until a detailed statement (the Arboricultural Method Statement (AMS)) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall detail any access pruning proposals, and shall set out the methods of any workings or other forms of ingress into the Root Protection Areas or Construction Exclusion Zones of retained trees. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2036.

- 17 Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan, approve under condition 15, and/or Arboricultural Method Statement, as approved in writing by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP. The development shall take place in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with Policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

- 18 Notwithstanding the approved plans or submitted documents, a final energy statement shall be submitted in writing to the Local Planning Authority prior to the commencement of works. This shall include the final Dwelling Emission Rate and the Target Emission Rate in the final calculations. The development shall be carried out in accordance with the approved energy statement.

Reason: To ensure the proposal meets the requirements of Policy RE1 of the Oxford Local Plan 2036.

- 19 A SuDS maintenance plan shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. 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 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)
- 2 Alterations to the Public Highway (Dropped Kerbs) 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).
- 3 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.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

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

## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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