

EAST AREA PLANNING COMMITTEE

13.01.2021

Application number:	16/02549/FUL		
Decision due by	5th December 2016		
Extension of time	31st October 2018		
Proposal	Erection of building to provide 4 x 3-bed, 3 x 2-bed and 2 x 1-bed apartments. Provision of amenity space, 20 No. car parking spaces and cycle store. Formation of new vehicular access from Lewis Close.(Amended plans)		
Site address	Land Adjacent 4 Wychwood Lane, Oxford, OX3 8HG, – see Appendix 1 for site plan		
Ward	Quarry And Risinghurst Ward		
Case officer	Clare Gray		
Agent:	Mr Huw Mellor	Applicant:	Wychwood Foundation
Reason at Committee	Over 5 dwellings		

1. RECOMMENDATION

East Area Planning Committee is recommended to:-

1.1. **REFUSE** planning permission for the following reasons :

1. The proposed development, by reason of its scale, siting, layout, height, form and external appearance, will introduce an incongruous and alien backland development, at odds with the sensitive rural verdant character of this edge of city location, and the prevailing pattern and character of development in the area. Such an inappropriate development would cause harm to the visual amenity of the area, including harm to public views from the neighbouring CS Lewis Nature Reserve, as well as result in an unacceptable development of two residential edge of city gardens. The proposed development is contrary to the objectives of policies DH1 and G6 of the Oxford Local Plan 2036, the National Design Guide and guidance in the NPPF.
2. The proposed development fails to provide private, convenient or accessible outdoor amenity space, for the enjoyment of the residents of the dwellinghouses. In the absence of the being able to control either by an agreement or a condition who occupies the units as people who are vulnerable, the proposed development will fail to provide adequate

appropriate amenity space, contrary to policy H16 of the Oxford Local Plan 2036.

3. The proposed development, by reason of its siting and proximity to Wychwood House, will cause a loss of privacy to the occupiers of this property contrary to policy H14 of the Oxford Local Plan 2036. Further, the intensification of the access and the erection of 9 dwellings in a rear garden location will cause noise and disturbance to the amenities of neighbouring occupiers, harmful to present levels of quiet and tranquillity as well as be harmful to the quiet enjoyment of the CS Lewis Nature Reserve, contrary to policy RE7 of the Oxford Local Plan 2036.
4. The proposed development fails to meet Nationally Described Space Standards for the minimum provision of internal floorspace, thus creating substandard living accommodation for the future occupiers of the premises, in conflict with policy H15 of the Oxford Local Plan 2036
5. The proposed development fails to demonstrate through the submission of evidence that the proposal has the right to connect to and discharge to the private sewer in Lewis Close. On the basis of this, the applicant has failed to demonstrate there is an adequate drainage strategy in place with a viable outfall/discharge point contrary to the requirements of RE4 of the Oxford Local Plan 2036.
6. The submitted Ecology appraisals are out of date and fail to adequately consider the impact of the development on protected species. Furthermore, the application fails to achieve an overall net gain for biodiversity measured through the use of a recognised biodiversity calculator. The development is therefore contrary to policy G2 of the Oxford Local Plan 2036.
7. The proposed development fails to demonstrate how sustainable design and construction principles have been incorporated into the scheme through the submission of an Energy Statement. Had the above reasons for refusal not applied, the Local Planning Authority would have requested details to demonstrate compliance. In the absence of this, the scheme is contrary to policy RE1 of the Oxford Local Plan 2036.
8. Had the above overriding reasons for refusal not applied, the Local Planning Authority would have sought a reduction in car parking spaces in accordance with the sustainability objectives of the Local Plan to seek a lower level of parking and to reduce reliance on the private car. The scheme is contrary to policy M3 of the Oxford Local Plan 2036.

1.2 **agree to delegate authority** to the Head of Planning Services to:

finalise the reasons for refusal as set out in paragraph 1.1 above 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 the development proposal, having regard to the principle of the development, its occupation by 'vulnerable people as considered by the Wychwood Foundation, the impact on the character and appearance of the area, including from the neighbouring CS Lewis Nature Reserve and highways as well as other development management policies.
- 2.2. Officers have considered carefully the principle of subdividing the site and the erection of 9 further dwellings in the curtilage of the Wychwood House, in terms of the layout, siting, scale, form and character of the development. Officers consider that in this instance, the proposal will result in significant harm to the visual amenity of the area, in this sensitive rural and edge of city location, that by reason of its layout, siting, scale, height form and external appearance would appear as a visually discordant feature harmful in views from the CS Lewis Nature Reserve, at odds with the prevailing pattern and character of development in the area.
- 2.3. Officers also considered the development would fail to provide adequate and accessible private amenity provision for the occupiers of the development and would cause a loss of privacy to the occupiers of Wychwood House. Officers have considered at length whether controlling the occupation of the residents of the development through either a legal agreement or planning condition would address these issues, through controlling the residents through the Wychwood Foundation, but following legal advice, it is not possible or feasible. Therefore the proposal would cause harm to the amenity of the residents of the development as well as the occupiers of Wychwood House. Officers have also considered the impact of the subdivision on the amenities of 7 Lewis Close and consider this to introduce a level of activity and disturbance at odds with the amenities currently enjoyed, as well as to visitors of the CS Lewis Nature Reserve, and the amenity this area provides.
- 2.4. Officers have also considered the lack of up-to-date ecology reports and lack of assessment to show biodiversity net gain and the lack of evidence to demonstrate the site can be appropriately drained. Finally the report considers that had the above reasons for refusal not have applied, amended plans would have been sought in respect of a reduction in parking spaces and the submission of an energy and sustainability statement.
- 2.5. The report concludes that in light of the above issues and when considered against the NPPF and adopted Development Plan policies the proposal is contrary to the Development Plan and NPPF and is recommended for refusal.

3. LEGAL AGREEMENT

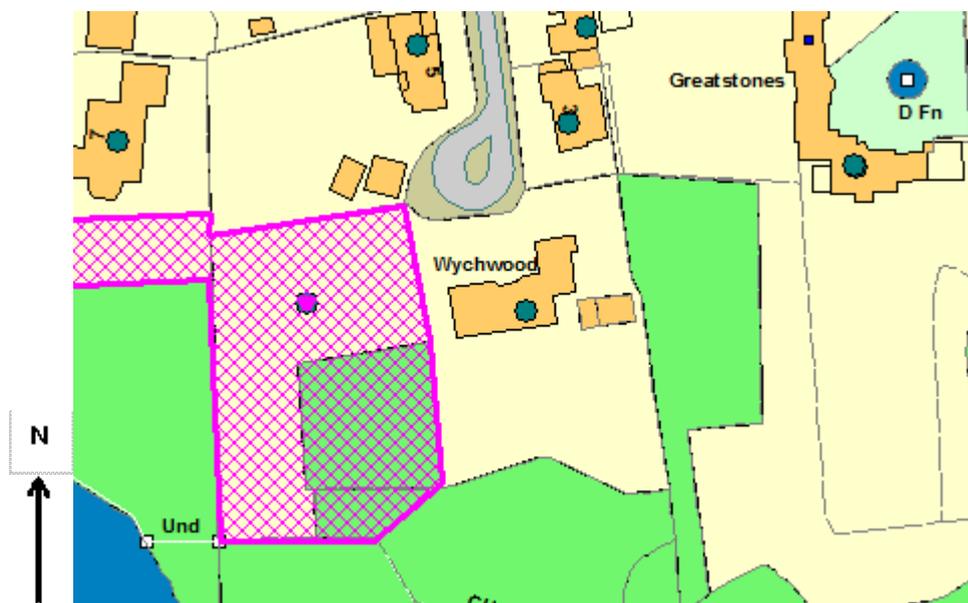
- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The application site is located within Risinghurst to the east of Oxford, beyond the Eastern Ring Road. The site comprises a residential garden to Wychwood House, 4 Wychwood Lane, which is a large detached house located at the end of Wychwood Lane. Wychwood Lane itself is a single width narrow lane unfinished track serving a cluster of detached houses, served off Kiln Lane.
- 5.2. Wychwood House is a white painted, flat roofed 2 storey Art Deco style dwelling set in a heavily treed curtilage. All trees within the curtilage of Wychwood House, 4 Wychwood Lane, are subject to an area TPO. There is a drainage pond within the rear garden of the house.
- 5.3. Adjacent to Wychwood Lane, to the west is Lewis Close, which is a cul de sac of more modern houses but includes the former home of CS Lewis, The Kilns, which is Grade II listed.
- 5.4. The site also comprises part of the rear garden to 7 Lewis Close, located to the west of Wychwood House and at the head of Lewis Close. 7 Lewis Close is a 2 storey brick dwelling with a west facing first floor balcony and a rear conservatory. 7 Lewis Close sits at a lower land level to Wychwood House.
- 5.5. To the south of Lewis Close is the CS Lewis Nature Reserve which is accessible by foot from Lewis Close from an unfinished footpath between 7 and 8 Lewis Close.
- 5.6. CS Lewis Nature Reserve sits at a lower land level to the garden and curtilage of Lewis Close and Wychwood House. A primary feature of the Nature Reserve on entrance to the site is the large pond. The pond within the rear garden of Wychwood House drains into this pond, and then this drains to a private sewer in Lewis Close.
- 5.7. Beyond the curtilage to Wychwood House and Lewis Close is the City boundary with South Oxfordshire District.
- 5.8. See block plan below:



6. PROPOSAL

- 6.1. The application proposes the erection of a total of 9 apartments in a 2.5 storey L shape building to be constructed in the grounds of Wychwood House, 4 Wychwood Lane. The application is made on behalf of the Wychwood Foundation, which is proposed to be set up as a Charitable Trust. A supporting note with the application states that the aim of the Wychwood Foundation is to look after people who are vulnerable, and to give them a sense of a happy and supportive community. The proposed units are for occupation by people who are vulnerable in the community as identified by the Foundation. The Planning Statement advises that the occupation and day to day life within the new development will be focussed on the arts and related activities.
- 6.2. The building is of an L shape form and is to be sited to the north west corner of the site with a new shared surface access drive from Lewis Close. This new access drive will provide vehicular access from the head of the cul-de-sac at Lewis Close, parallel to 7 Lewis Close and will run around the sites' boundary to Wychwood House.
- 6.3. The proposed building occupies a span of 10.1m and has an overall length of 31m. The building is proposed with a white washed brick to the ground floor and untreated timber cladding to the first floor and grey stained timber cladding to the roof gables. The roof is finished in grey sheet. The form of the building is of gable fronting with ridges running in an east-west direction. To the north of the site the land levels are lower by some 2.5m. The building thus measures 11.7m in height to the north of the building reducing to 9.2m along its north-south limb.
- 6.4. Amended plans have been submitted to reduce parking from 22 spaces to 20. The building comprises undercroft parking for 3 car parking spaces to the northern limb of the building with a further 17 spaces at ground level to the north of the proposed building accessed directly off the access road, providing 20 spaces in total.
- 6.5. The provision of 9 apartments will be over 3 floors, with 5 flats on the ground floor and 1 flat and 3 maisonettes on the first floor. On the ground floor, it is proposed 1 x 1 bed flat, 3 x 2 bed flats and 1 x 3 bed flat. On the first floor, it is proposed 1 x 1 bed flat and 3 x 3 bed maisonettes with bedrooms in the roof space over. A common room, kitchen and art room are proposed on the first floor. Each unit of accommodation is proposed with a terrace. 2 of the apartments would be occupied by carers/support staff and the other 7 apartments are for sale to people. The existing family dwelling house, Wychwood House, would remain and communal access to the garden would be provided as amenity space for all, with no boundary delineation.
- 6.6. As referred to above, vehicular access is proposed via Lewis Close. The proposal seeks to subdivide 7 Lewis Close and create a separate vehicular access off Lewis Close adjacent to the entrance to no. 7. The access would then direct around the perimeter of the garden. Amended plans have been submitted to indicate widening of the access road to 5m width.

- 6.7. To facilitate the proposal will require a number of trees to be felled, including an existing tree on the boundary with Wychwood House and 7 Lewis Close. The proposal includes replacement planting to offset the loss. Amended plans have also been submitted to enable scope for the mitigation planting as well as a greater buffer around a walnut tree (T52) which is required to offset the loss of a principal horse chestnut (T1) and to provide space along the boundary with the nature reserve for the new buffer.
- 6.8. A Tree Survey, Arboricultural Impact Assessment, Ecological Appraisal, Reptile Survey and Great Crested Newt Survey have been submitted over the course of the application in support.

7. RELEVANT PLANNING HISTORY

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

80/00095/SON - Erection of a dwelling house and garage with access. Refused 19th March 1980.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant:

	National Planning Policy Framework	Oxford Local Plan 2036	Other planning documents
Design	117-123, 124-132	RE2 RE5 DH1 DH7 H14 H15 H16	
Conservation/ Heritage	184-202	DH4	
Housing	59-76	H1 H4 H5 H10	
Natural environment	91-101	G2 G7	
Transport	117-123	M1 M3 M4 M5	Manual for Streets 2007

Environmental	117-121, 148-165, 170-183	RE1 RE3 RE4 RE6 RE8 RE9	
Miscellaneous	7-12	S1 RE7 V8	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 17th October 2016
Statutory and non-statutory consultees

9.2. Oxfordshire County Council Highways: The width of the access is substandard being below 5m width. There is no sweep path analysis for larger service and fire tenders. Further details are required before the level of car parking provided on site can be considered acceptable. In particular, the current level of car parking proposed exceeds local policy for residential uses (by two spaces) and whilst it is assumed that these additional two spaces are to be allocated to the Wychwood Foundation building that is not set out in the application form or supporting documents. Further information/justification is therefore required which demonstrates that the level of parking on-site is policy compliant. The county council objects to this application

9.3. OCC Highways Amended plans: The amended plans resolve the issues identified with the proposal.

9.4. Biodiversity: Objection. The surveys undertaken are out of date; there is no survey of bat activity and the proposal fails to demonstrate a net gain of biodiversity on site.

9.5. Trees: No objection subject to conditions regarding soft landscape and the planting of 3 extra heavy standard trees and no dig construction in root protection areas of the trees

9.6. Drainage: Objection. Extensive discussion has been undertaken with regards to the drainage system for the site. Thames Water have confirmed capacity in the sewer in Kiln Lane, however at present dispute the applicants assertions that the private sewer should be their asset under the 2011 Transfer of private sewer regulations. Further investigation pending, at the time of writing, the applicant has not provided evidence of a right to connect to the private sewer, whether through acceptance by Thames Water of ownership or otherwise. Therefore officers must object on the basis of the drainage system not having a viable outfall/discharge point.

9.7. BBOWT: Objection. Inadequate ecological baseline information including lack of protected species surveys and net gain in biodiversity not demonstrated.

Public representations

9.8. 206 letters were received, of which 204 objected and 2 supported. The following households commented on this application from locally, nationally and internationally. The addresses are as follows:

Acre End : 30

Alexander Close: 12

Ash Grove: 1A

Binswood Avenue: 19

Bridge Farm, Palmer Avenue, Lower Arcott

Brighton Road: Rectory Cottage, Woodmancote

Broad Oak: 14

Bulan Road: 53

Catte Street, Hertford College

Charlbury Road: 18A

Chequers Place: 4

Cherry Street, The Well House, Stratton Audley

Collinwood Road: 10, 13, 15, 19, 23, 32, 44, 61, 68, 71, 75, 78

Downside End: 7

Downside Road: 22, 28A, 29, 30, 43, 44B, 47, 56, 61, 74

Elm Tree Close: 2

Evenley Lane, Mixbury Hall, Brackley

Ferguson Place: 3

Field Avenue: 25

Forest Road: 26, 27, 29

Foxcroft Terrace, NW Huntsville

Glanville Road: 33

Green Road: 81

Grovelands Road: 1, 2, 3, 4, 5, 8, 22, 29A, 32, 50

Harcourt Hill

Harolde Close: 4A
Hartigan Place: 58
Herschel Crescent: 49, 73
Holloway Road, Wheatley: 3
Ivy Lane: 88
John Parker Close: 2
Kiln Lane: 13, 14, 23, 27, 31, 57A, 58B, 60, 62, 63, 64
Kiln Lane, Monks Acre
Lake Street: 35A
Lewis Close: 1, 2, 3, 4, 5, 6,
Lewis Close, The Kilns
Loddon Close: 4
London Road: 320, 386, 388
Masons Road: 36
Merlin Way: 3A, Bicester
Mortimer Road: 7A
Netherwoods Road: Nether End
Netherwoods Road: Tewsfild
Netherwoods Road: 3, 4, 5, 6, 8, 21, 25, 33, 39, 41, 43, 51, 52, 53
Northfield Road: 16
Norwood Avenue: 7
Nunnery Close: 11
Ock Street, (Flat 14), Juniper Court, Abingdon
Old Road: 80, 156
Oriol College
Oxford Road: 76
Palmer Avenue, Bridge Farm, Lower Arcott

Park Street: 24
Portland Road: 25
Princes Street: 4 Grant Mews
Ramsay Road: 51
Ridgeway Road: 12, 15, 17, 47, 49
Ringwood Road: 4, 14, 41, 54
Sedge Way, Carterton: 9
Skipper Close: 1
Spruce Gardens: 9
St. Anne's Road: 50
St. Leonard's Road: 3, 14
Stainer Place: 15
Stanway Road: 4, 7, 40, 58, 82, 100, 104
Stapleton Road: 51
Staunton Road: 21, 48
Stonesfield, Wootton: 222
Stubdale Cottage, Grasmere, Cumbria
Sturges Close: 14
Templars Close: 6
The Larches: 9
The Paddocks, Yarnton: 11A, 18
The Ridings, Four Seasons
Trinder Road, Wantage
Uplands: 1, Farnham
Williamson Way: 9
Wychwood Lane: 2, 4, 5, 6, 8
York Road: 37

Zejtun, Malta

Nantes, France

Piedmont, USA

Topeka, Kansas

Allendale, USA

Tustin, USA

800 West University, Utah

Oklahoma

St. Paul, Minnesota

Llantwit Major, Wales

Comments also refer to an online petition that is still live and receiving signatures, but as this has not been formally submitted, this has not been taken into account.

9.9. In summary, the main points of objection are:

Development will have an intrusion to Lewis Reserve and disruption to this beautiful quiet place. The tranquillity and quietness of Lewis Close will be lost. The development will impact people's enjoyment of the area. Concerns over impact on drainage system. Flooding is known in the area and this development will exacerbate the problem

The nature reserve has many wildlife; heron, dragonflies, kingfishers, aquatic plants, ducks/birds/toad spawn, foxes, hedgehogs, deer. It also has a good diversity of trees to give habitat for the wildlife. The loss of trees is a concern. Habitats and species protecting legislation needs consideration

Concerns on the current infrastructure (utilities) and what pressure it will be under with extra housing

The development is out of keeping with the history of the area. Proposed apartment blocks would have a negative impact in terms of visual amenity on neighbours and the special and semi-rural setting and character of the nature reserve and locality

The motive behind the Trust would appear to be a commendable one, the location for this development is unsuitable for the area. There are no local amenities close by

Concerns over increased traffic and the proposed vehicle access which crosses the footpath next to the entrance to the nature reserve. This will

create a blind corner and be unsafe. Refuse lorries would not be able to drive up the driveway, therefore storage would need to be near the driveway entrance, giving an unwelcoming view to the entrance of the Nature Reserve. Families and children use the nature reserve for learning experiences, this will become dangerous with cars and delivery vehicles entering and exiting the development

Not enough information is given; details of the foundation and what type of “vulnerable” people will live there. Concern if the accommodation is for vulnerable people, how would this be monitored; how is it to be decided who purchases these properties?

The proposal for 22 parking spaces seems excessive for the proposed 9 dwellings. Inadequate parking provision for the local community centre, which will have an impact on overspill parking on Kiln Lane. Parking would be an issue in the surrounding roads

Concerns from noise and light pollution to the nature reserve

A precedent could be set for future development

9.10. A comment in support of the application was submitted. This stated:

The proposal is sympathetic to the environment and would have a community focus. Not to go ahead and develop the site would leave it open for other development to take place

Officer response

9.11. Officer comments to the representations are addressed in the main assessment of the report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing
- Impact on character and appearance of the area
- Impact on neighbouring amenity
- Indoor amenity standards
- Outdoor amenity standards
- Occupation
- Highways and Parking
- Cycling
- Flooding and Drainage
- Biodiversity

- Trees
- Energy and Sustainability
- CIL

Principle of development

10.2. Policy H1 of the Oxford Local Plan 2036 seeks to deliver new homes in Oxford by promoting the efficient use and development of land/sites, including higher densities in appropriate locations. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land and that development proposals must make best use of site capacity, in a manner compatible with the site itself and the surrounding area, and must address specified criteria including that the density must be appropriate for the use proposed; the scale of development should conform to other policies in the plan; and built form and site layout must be appropriate for the capacity of the site.

10.3. The site comprises garden land within the grounds of Wychwood House, and is not considered previously developed land as per the NPPF definition. Paragraphs 84 and 117 of the NPPF encourages the use of previously developed land.

10.4. However, policy G6 of the Oxford Local Plan provides that there is scope to accept the principle of development on garden land where a) the proposal responds to the character and appearance of the area, taking into account the views from streets, footpaths and the wider residential and public environment; and b) the size of plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of existing and surrounding buildings, and the minimum requirements for living conditions set out in Policies H15 and H16; and c) any loss of biodiversity value on the site will be fully mitigated, and where practicable measures to enhance biodiversity through habitat creation or improvement are incorporated.

10.5. There is scope therefore for a case to be made for the principle of dwellings to be accepted, and a more efficient use of the site, subject to a thorough assessment of the detailed issues below and compliance with policies within the Local Plan. However such issues may render the site unsuitable for further development.

Affordable Housing

10.6. Policy H2 of the Oxford Local Plan 2036 states that planning permission will only be granted for residential development of affordable homes if they accord with the criteria within the policy. On self-contained residential developments where sites have a capacity for 10 or more homes or exceed 0.50 ha, a minimum of 50% dwellings should be provided as affordable.

10.7. In this case the site area is 0.5ha so would not exceed 0.5ha and is a scheme for 9 dwellings and as such would not trigger the above policy to require on site affordable housing.

10.8. However, an independent viability assessment has been undertaken. This was due to the former policy requirement of HP4 of the former Sites and Housing Plan which related to affordable housing requirements from proposals for 4-9 dwellings. The viability assessment considered that the scheme is sensitive to changes to the costs, with this scheme attracting a higher build cost than an average development and resulting in a deficit. The assessor concluded that the costs and values of the scheme is unlikely to be able to support a contribution towards affordable housing.

Impact on the character and appearance of the area

10.9. Policy DH1 of the adopted Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. All developments will be expected to be supported by a constraints and opportunities plan and supporting text to explain design rationale in a design statement proportionate to the proposal.

10.10. The site is located adjacent to the eastern perimeter of the Oxford city boundary and is located alongside open countryside that envelopes the site to the south and beyond. This open countryside is heavily treed and is defined as the CS Lewis Nature Reserve with Shotover Country Park beyond. Due to this significant tree belt, the site is not visible in the wider public realm in views from beyond the site to the south, but is highly visible in local views from the Nature Reserve.

10.11. The character of the site and the surrounding landscape is the rural fringes of Oxford, defined by its openness with the rolling open countryside beyond of Shotover Country Park clearly dominating the backdrop to the site. The site is very much characterised by this backdrop and is considered sensitive, rural and verdant in character. In local views from the Nature Reserve looking up to the site's western boundary, this character is highly evident given its openness.

10.12. Scale, siting and layout: The prevailing character and pattern of housing in the areas of the area is of large individual houses located in large plots that bleed out to the fringes of the city's boundary with South Oxfordshire beyond. This is in particular true of Wychwood House which is a large individually built house on the edge of Oxford sitting in a significant plot. Equally this describes 7 Lewis Close of a large house sitting in a plot of commensurate size.

10.13. The building occupies a long L shaped footprint adjacent to the site's boundary to the west of Wychwood House. This footprint is significant in scale and size and being sited along the western boundary is considered to be at odds with the prevailing pattern of development that defines Wychwood Lane, Lewis Close and Kiln Lane in this part of Oxford. The siting of a large building occupying such a long length on this western boundary, would be highly visible from the Nature Reserve, being elevated at a higher ground level. Views from the Nature Reserve are almost panoramic, and it is considered the building's

siting right on the boundary would introduce a building form at odds with the sensitive rural character of the area.

- 10.14. In addition, it is considered that the hard landscaped surface areas with the access road, parking and manoeuvring will also impact greatly on the rural character of Lewis Close and views from the Nature Reserve, especially with the cars lined up in those views. This will have a considerable adverse visual impact and will alter the transitional appearance of garden to open countryside by the degree upon which the site is landscaped. This will be at the cost of the appearance of the site and its context.
- 10.15. Height, form and external appearance: The harm to the visual amenity of the area is considered to be exacerbated by the 3 storey height of the building over the large scale footprint in which the proposal sits. This harm is magnified by the multiple gable flank walls, the overhanging feature eaves and number of conventional pitched roofs over, which are not considered vernacular. The external appearance of the building with the terrace balconies and the multiple pitched roofs appear to sit in contrast with the more simple forms of buildings that dominate the area, and whilst there are a number of house types in the vicinity, there is equally a pattern and rhythm of more traditional house types. By contrast, the external façade of the building, with numerous gabled roofs, the dominance of the terraced balcony and the height of the building are considered to be alien and incongruous features not appropriate in such a visible elevated location as proposed. Whilst it is recognised the ridgeline will not exceed the trees on the western boundary of the site, it is clear that the building will be highly apparent in its angular roof form, and will dominate views from the Nature Reserve and from Lewis Close, from where views are highly accessible and visible.
- 10.16. Overall, it is considered the proposal will have a detrimental and adverse impact upon the sensitive rural transitional character of these domestic residential plots as they bleed into the natural open countryside that lies immediately adjoining Wychwood House and 7 Lewis Close. The scale, siting, layout, height, form and external appearance, would cumulatively have a negative impact upon the site and the sensitive rural edge of Oxford to the detriment of the visual amenity of the area, contrary to policy DH1 of the Local Plan and guidance contained in the NPPF and National Design Guide.
- 10.17. In general terms, garden sites like these are recognised for their part in delivering much needed housing in Oxford, and scope for delivering housing is recognised in policy G6 of the Local Plan, where it states that planning permission will be granted for new dwellings on residential garden land. However, this is subject to compliance with a 3 criteria, including the requirement that the proposal responds to the character and appearance of the area, taking into account the views from street, footpaths and the wider residential and public environment. Further there is the requirement that the size of the plot to be developed is of an appropriate size and shape to accommodate the proposal taking into account the scale, layout and spacing of existing and surrounding buildings.

10.18. It is clear from the assessment given above, that not only does the proposal not meet with the clear design objectives of policy DH1 but that also that the criteria which considers the development of garden land, in policy G6 has also not been satisfied. Whilst regard is given to the need for housing, this is not at the expense of the visual amenity and character of the area, which is highly sensitive and needs careful regard to. The development of the site is clearly contrary to the criteria which supports such proposals. Therefore, in this case, the scheme is contrary to guiding policy G6 of the Local Plan.

Impact on neighbouring amenity

10.19. Policy H14 of the adopted Oxford Local Plan states 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 RE7 states planning permission will only be granted for development that ensures the amenity of communities, occupiers and neighbours is protected and does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network and provides mitigation measures where necessary.

10.20. The building is located to the west of the site separated from Wychwood House by a large garden between the two buildings. The building is further at distance from neighbouring buildings at 7 Wychwood Lane and 7 Lewis Close. Due to the separation distance surrounding the proposed building to neighbouring building's, it is considered that the siting or massing of the building will not result in a loss of amenity through overshadowing or loss of light.

10.21. In respect of privacy, the proposed flats have a direct outlook from habitable room windows of the first and second floor. This will directly overlook the rear garden of the Wychwood House to the detriment of the occupiers of this building. The amenity of this property is required to be protected in perpetuity and whilst the applicant, as the current occupier, may find this relationship acceptable, it is not considered to give rise to an appropriate relationship between the buildings for any future occupiers.

10.22. Overall it is considered that the residential amenity of the occupiers of Wychwood House cannot be safeguarded as the proposal would have an unacceptable impact on the privacy of Wychwood House, contrary to the provisions of H14 of the Local Plan.

10.23. Further, policy RE7 of the Local Plan is highly relevant. This policy states that planning permission will only be granted for development that: a) ensures that the amenity of communities, occupiers and neighbours is protected; and b) does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network; and c) provides mitigation measures where necessary.

10.24. Having regard to the proposed access alongside 7 Lewis Close and the use of the access to serve 9 units, it is considered that the proposal to subdivide this garden and that of Wychwood House would have a significant impact on the quiet enjoyment of these existing houses and gardens. Both Wychwood House

and 7 Lewis Close back onto the CS Nature Reserve, on the fringe of Oxford City with rural South Oxfordshire, enjoying a high level of quiet within the gardens. To subdivide these gardens and to introduce new development of 9 houses would have a significant impact on the enjoyment of these spaces by introducing noise and activities that would be at odds with the quiet spaces that are currently enjoyed. The use of the access road for vehicular movements for 9 dwellings, as well as associated serving and access for refuse, will have a detrimental impact on the occupiers of these buildings, as well as activities enjoyed by residents of the building within rear gardens. The creation of further dwellings in this backland tranquil location, will have an adverse impact on the amenities of these occupiers, contrary to policy RE7 of the Local Plan.

10.25. Furthermore, objection has been received by people who enjoy the tranquil quiet of the CS Lewis Nature Reserve. The Nature Reserve has a direct relationship with the dwellings and gardens of 7 Lewis Close and Wychwood House, and the impact of increased and intensified activities and use of the site would have a discernible impact upon the amenities enjoyed by visitors to this reserve, at odds with the character of the area, contrary to policy RE7 of the Local Plan.

Indoor amenity standards

10.26. The internal size of all units have been assessed against the Nationally Described Internal Space Standards as required by policy H15 of the Oxford Local Plan. However, 5 of the 9 proposed units, do not meet with the standards and therefore would be contrary to this policy, as they would fall below the minimum requirement. The scheme is therefore contrary to policy H15 of the Local Plan.

Outdoor amenity standards

10.27. Policy H16 of the Oxford Local Plan states planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space (in addition to bin or bike storage space), to meet the following specifications: a) 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; b) flats and maisonettes of 3 or more bedrooms must provide either a private balcony or terrace of useable level space with a minimum dimension of 1.5 metres depth by 3 metres length, or, in the case of ground floor flats, direct access to a private garden or shared garden with some private space. These private outdoor areas should allow space for outside dining and/or clothes drying, with reasonable circulation, which will require a minimum dimension of 1.5 metres depth by 3 metres length. The policy goes on to list a number of factors material to assessing whether adequate space has been provided, including clear delineation of public and private space and the degree to which enclosure and overlooking impact on the proposed new dwellings and any neighbouring dwellings, amongst other criteria.

10.28. The development proposes 5 ground floor single storey flats, a single storey first floor flat and 3 x 2 storey maisonettes set over the first and second floor in a mix of 1, 2 and 3 bed units. All but one of the units are dual aspect with windows

front and back, as either east west direction or north south direction. The access to the flats are from either sole entrances to the ground floor flats or via an entrance lobby at lower ground floor located at the corner of the building, with access up a stair case or lift. First floor units are either proposed to be accessed via the entrance lobby on the lower ground floor or from an external staircase located to either end of the building on the southern or eastern elevation. How the units are accessed is relevant in the assessment of outdoor amenity provision.

10.29. The building is sited to the west of the site, with a large garden area between the building and Wychwood House. There is no proposed boundary or delineation between the two buildings and is proposed with one large amenity area.

10.30. Of all the 9 units, 8 units have access to a terrace and 1 unit has no access to amenity space at all. This flat (flat 2) is sited on the corner of the building and is a 3 bed unit. Being a 3 bed unit, this is considered a family unit, and does not have any direct access to any amenity space, private or public. The large area of amenity space to the east of the site between the building and Wychwood House is only accessible by walking around the building to the east and accessing the garden that way. The policy requires for 3 bed flats there should be a private amenity space or direct access to a shared or private garden. This flat provides neither, contrary to H16 of the Local Plan.

10.31. In respect of the 8 other flats, 4 on the ground floor have their own terrace and have direct access to a shared garden, which is acceptable. However in the case of the first floor flats and maisonettes, the terraces directly in front of each flat comprise a communal balcony through which residents will need to cross past to access their own units. The terraces are therefore not private, and in this arrangement, would have both a public and private role with no delineation between the two. There is further no direct access to the shared garden. Of the first floor units, three are 3 beds, so as referred to above, would require their own private amenity space or direct access to a shared or private garden. Again, they are provided with neither. The shared garden offered on the ground floor is only accessible by the external stair case at the other side of the building or via the stair or lift to the entrance lobby, and then around. This is not practical or feasible, particularly for family homes, of which 3 beds are considered to be, contrary to policy H16 of the Local Plan.

10.32. In respect of 7 Lewis Close, a significant area of the garden will be lost to the development's subdivision with the access road and parking removing large areas of amenity space. Policy H16 states that houses of 1 or more bedrooms should be provided with a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint. 7 Lewis Close is a large 6 bed detached garden sitting in a large spacious plot, commensurate for a house of this size. Similar to other plots, the garden areas for the neighbouring buildings are equally large gardens in large plots. However, by contrast in this development proposal the scheme would remove a significant proportion of this outdoor space and would leave a private garden that is considered disproportionate in size to the host dwelling, and the prevailing character of the area which has large gardens in

large plots, contrary to policy H16 of the Local Plan as well as policy G6 of the Local Plan.

Occupation

10.33. Officers have explored, at the request of the Applicant, the potential for the occupation of the building to be restricted in perpetuity to the beneficiaries of the Wychwood Foundation, which could safeguard against the loss of amenity as described above, as the occupiers of the building would be associated with Wychwood House and the Wychwood Foundation, with the two uses linked. There has been a long discussion with the Applicant on this aspect of the proposal and this has been a primary cause of the delays in bringing the application to Committee as the Applicant was asked to propose a definition of the occupiers of the units that could be controlled and enforced by the Council via a section 106 agreement or through a planning condition. This culminated in the drafting of a Unilateral Undertaking to control the use of the garden spaces. However, this Unilateral Undertaking is not acceptable and it has been concluded that it is not possible to define an acceptable occupation of the units in a way that can be controlled and enforced by the Council. Whereas it is possible to define and control the occupation of a care home through criteria such as age or infirmity, it has not been possible to find a definition for the proposed occupiers of the new building which is measurable by specific and quantifiable criteria in the same way. This is important if the occupation is to be controlled and enforced. For example, the Planning Statement sets out that the Wychwood Foundation will be for those people that are vulnerable or lonely, however, there is no real way to assess or quantify vulnerability or loneliness in planning terms. Therefore there is no realistic or feasible way to control the proposed occupiers of the development and the Council's own Lawyer concurs with this view. The applicant has also explored controlling the use of the garden, but this isn't enforceable or feasible and would not address the main concerns.

10.34. The applicant has also stated that they propose to register the Foundation as a Charity, and Officers have explored whether this provides a basis for controlling occupation. Officers are not aware that this has been applied for but, in any event, it is not considered that any charitable status of the Foundation would resolve the problems associated with defining and restricting the occupation of the units to persons who are vulnerable or lonely or provide a means of controlling that occupation by the Council.

10.35. Overall it is considered there is no appropriate way to control who occupies the dwellings proposed in line with the aspirations of the Foundation and that without this control, these dwellings could be sold on the open market. Given the issues identified above regarding the impact on privacy for the occupiers of Wychwood House and the lack of appropriate amenity for the occupiers of the proposed units, the development would not comply with Local Plan policies that seek to safeguard the residential amenity of those occupying the buildings and those living in adjoining buildings, contrary to policies H14, H16 and RE7 of the Local Plan.

Highways and parking

- 10.36. Transport policies of the Local Plan seek to ensure development proposals prioritise cycling, walking and public transport.
- 10.37. Access to the site is proposed via 7 Lewis Close which is located beyond the curtilage to Wychwood House, and sits at the turning head of Lewis Close. The proposal would be to subdivide the curtilage of 7 Lewis Close to create a separate access which would run along the former boundary of 7 Lewis Close's curtilage into the west of Wychwood House. Car parking spaces are proposed along the length of the access along the northern boundary. The access road culminates in a turning head, upon which the building fronts.
- 10.38. Oxfordshire County Council Highways Authority initially objected to the proposal for reason of inadequate access width being below 5m standard. The Highways Authority advised that it would need to be demonstrated that the access road could accommodate refuse and emergency vehicles to ensure that vehicles are able to access and manoeuvre within the site and accommodate a large refuse vehicle and fire tender, so that they can safely access, turn and exit in a forward gear without obstruction. The road had a width of 4.20m at its narrowest and 4.78m at its widest, and thus was below the minimum width of 5m.
- 10.39. The County Council required therefore that the road be increased to 5m and that a Swept Path Analysis, demonstrating that a large refuse vehicle and fire tender can safely and easily access, turn and exit the site in a forwards gear without obstruction, was submitted. This is required in order to assess the suitability of the access road for both refuse and emergency vehicles. Furthermore since the dimensions of the access road do not meet the standards set out in the County Council's Design Guide, the access road would not be considered for adoption.
- 10.40. To respond to this, amended plans were submitted which shows the road increased to 5m, which would overcome the concern previously held, and later plans show the details of the swept path analysis to deal with manoeuvring through the access road.
- 10.41. Highways advise they have no objections to the access road and manoeuvring through the drive and out in a forward gear, in accordance with policy RE7 of the Local Plan.
- 10.42. In terms of pedestrian accessibility, the plans indicate that the proposed access is also to be a shared surface for pedestrian access. Taking into account the low speeds expected and site constraints, the County Council considers that a level shared surface arrangement, with a clearly legible and determined pedestrian route from the entrance of the site to the dwellings would be suitable and would better consider the needs of the site's users. The pedestrian link could use different coloured surfacing or clear tonal contrast in order to clearly mark out the pedestrian areas. However the County Council would recommend that a low level lighting scheme was implemented to ensure pedestrian safety will be considered.

10.43. Parking policy M3 states for locations outside of CPZs, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. In this instance, the site falls outside a CPZ and the standard of 1 car space per dwelling is applicable.

10.44. The Highways Authority also objected on parking provision and stated that 22 spaces were excessive against the former Local Plan. The parking provision has been amended, and proposes parking spaces for 20 cars, with a reduction of 2 spaces from 22 to 20. However, this is still far in excess of 1 car space per dwelling. Such excessive parking does not promote sustainable modes of transport as it places emphasis on car ownership, contrary to the objectives of the Local Plan to prioritise walking, cycling and public transport. The application is therefore contrary to policy M3 of the Local Plan.

Cycling

10.45. Policy M5 of the Local Plan sets the requirements for cycle provision to promote sustainable modes of transport. Appendix 7.3 of the Local Plan states the standards to apply are 2 spaces per 1 and 2 bed units and 3 spaces per 3 bed units.

10.46. The plans indicate a bike store located on the lower ground floor behind 3 car parking spaces. The bike stores 22 bikes, which would accord with the above policy. The proposal therefore complies with policy M5 of the Local Plan.

Flooding and Drainage

10.47. Policy RE3 seeks to manage flood risk and direct new development towards areas of low flood risk (Flood Zone 1). In considering proposals elsewhere, the sequential and exception tests will be applied.

10.48. The site is located in flood plain 1, and therefore is unlikely to impact on flood risk in this location.

10.49. Policy RE4 states 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 runoff on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the following drainage hierarchy: a) store rainwater for later use; then: b) discharge into the ground (infiltration); then: c) discharge to a surface water body; then: d) discharge to a surface water sewer, highway drain or other drainage system; and finally: e) discharge to a combined sewer.

10.50. Extensive discussion has been undertaken with regards to the drainage system for the site. Initial proposals were to split the runoff from the site into two outfalls – the roof area to a pond to the rear of the development, and the parking area to a sewer along the new access drive. Officer's expressed concerns about the viability of the outfall to the pond, as it seemed to have an 'informal' outfall offsite, which could not be deemed suitable. The strategy was amended to discharge both roof and parking area runoff to the sewer in Kiln Lane. Whilst Officers were satisfied with the principle of the updated strategy, concerns were

raised as to the right to discharge to the sewer in Lewis Close, which was said to take runoff from a pond in the CS Lewis Nature reserve, connecting to the Thames Water surface water sewer in Kiln Lane. Thames Water have confirmed capacity in the sewer in Kiln Lane, however at present dispute the applicant's assertions that the private sewer should be their asset under the 2011 Transfer of private sewer regulations. Further investigations are pending. At the time of writing, the applicant has not provided evidence of a right to connect to the private sewer, whether through acceptance by Thames Water of ownership or otherwise. Therefore Officer's object on the basis of the drainage system not having a viable outfall/discharge point, and the scheme is contrary to the requirements of RE4 of the Local Plan.

Biodiversity

- 10.51. Policy G2 of the Oxford Local Plan states development that results in a net loss of sites and species of ecological value will not be permitted. Sites and species important for biodiversity and geodiversity will be protected.
- 10.52. The application was submitted in 2016 with an Ecological Appraisal. Further to that a Reptile Presence Survey was submitted in 2017 and then in 2019, a Survey of Great Crested Newts and a Mitigation Plan.
- 10.53. The Ecological Appraisal identifies that the site shares woodland and aquatic habitats with the adjacent CS Lewis BBOWT nature reserve and likely to be considered to have equal conservation and ecological value. The dominant habitats on site are amenity grassland with scattered shrub and fruit trees and woodland. There is one hedged off area which has overgrown long grass and scrub. Three ponds are also present within the site boundaries. The habitats on site have a high likelihood of supporting commuting, foraging and roosting bats, widespread reptile species, amphibians (including great crested newts) and breeding birds. Evidence of badger foraging was also present.
- 10.54. Following a request for further survey work, a Reptile Survey was undertaken and submitted in 2017. This identified 13 slow worms which are protected species under the Wildlife and Countryside Act 1981. However, a mitigation plan detailing a robust mitigation strategy for how the slow worms would be trapped and translocated and how the site would be cleared, was not submitted until July 2019. A Great Crested Newt Survey was also produced at this time, which showed there were no found species in the ponds.
- 10.55. However, the surveys submitted with the application are now over 4 years and 3 years old. The Chartered Institute of Ecology and Environmental Management recommends that surveys should be no older 18 months at the time of decision. The Great Crested Newt Survey is also coming up to that date. Therefore, the applicant would need to undertake updated surveys to ensure no change to habitats and species distribution have taken place. In the absence of this it cannot be demonstrated that the proposal would not result in harm to the habitats of ecological value, or protected species.
- 10.56. During the course of the application, in addition to the survey work submitted, Officers have long requested that the applicant undertake bat activity surveys

although this has not been submitted. Based on the proximity to known bat habitat, the submission of this survey work is critical to fully understand the likely impact on these species and again in the absence of this it cannot be demonstrated that proposal would not result in harm to these species. Members are reminded that all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017. Further, the Local Planning Authority in exercising any of their functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies 4 main offences for development affecting European Protected Species (EPS).

10.57. Policy G2 states that: *'Development that results in a net loss of sites and species of ecological value will not be permitted.'* To that end Officers have requested evidence of a net gain in biodiversity on site through the use of a biodiversity metric, however, to date such evidence has not been forthcoming.

10.58. Having regard to the above, it is clear that the date of the surveys are not up-to-date; bat activity surveys have not been undertaken and that the proposal does not demonstrate a net gain in biodiversity as required by policy G2. The proposals are therefore currently contrary to the requirements of the National Planning Policy Framework and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Trees

10.59. Policy G7 of the Local Plan states planning permission will not be granted for development that results 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. The policy goes on to state that it must be demonstrated that their retention is not feasible and that their loss will be mitigated.

10.60. The site is heavily treed and these trees are all subject to a TPO (no.1 4 Wychwood Lane) particularly around the perimeter of the site, and this contributes to its verdant and rural character. The scheme proposes to remove 10 trees, one of which is already dead, and a hedgerow in order to facilitate the development

10.61. In support of the application, a Tree Survey and an Arboricultural Impact Assessment has been submitted which categorises the quality and value of existing trees, identifies the constraints that they impose on site layout and assesses the impact of the proposals on them. All of the existing trees are currently protected by Tree Preservation Order

10.62. The trees to be removed or pruned as a direct result of the proposed development are; 3 trees (T1, T41 and T52) must to be removed from the garden of 7 Lewis Close for the access road and car park as proposed, and 7 trees (T26, T27, T28, T30, T32, T33 and T34) must be removed from the garden of 4 Wychwood Lane for the proposed building.

- 10.63. Of the 3 trees that are to be removed from the garden of 7 Lewis Close for the access road, T1 is a large horse chestnut tree that is in poor health having been 'ring barked' sometime prior to the application (and also prior to the TPO being made), and will inevitably need to be removed when it dies regardless of any proposed development. Without the development it would need to be replaced at the same location following removal and that is not possible given the layout of the access road proposed. However, if the young walnut tree, T52, nearby is retained, it would eventually replace the skyline canopy that is lost when T1 is removed; the car parking layout should be adjusted to tree T52 if possible;
- 10.64. T41 is a small laburnum tree and although its removal will have a minor detrimental effect on public views from Lewis Close, this can be mitigated by planting a group of new trees on the land available in the South West corner of the garden;
- 10.65. The access road runs across the Root Protection Areas of 2 Ash trees (T48 and T49) that stand within the nature reserve and where this is the case the design and construction of the road must be 'no dig' to protect the existing rooting environment.
- 10.66. Due to the presence of other trees in public views, the removal of the 7 trees (1no. Birch, 2 no. Apple, Oak, 1 no. Norway spruce, 1 no. Witch Hazel and 1 no. Magnolia) from the garden of 4 Wychwood Lane will not have a significant effect on public views and will therefore not be detrimental to public visual amenity;
- 10.67. However, the canopies of beech trees T12 and T15 overhang the footpath on the west side of the building. As proposed, the layout will require several low branches to be pruned from these trees to provide adequate head space over the footpath and this will open up views to and from the adjacent nature reserve. The route of the footpath should be adjusted from the top of the steps so that it runs close to the building to minimise the need for pruning and to preserve the screening that low branches provide in views from the nature reserve.
- 10.68. It appears to be likely that some branches high in the crowns of ash trees T13 and T14 will need to be pruned for scaffolding to be erected during the construction phase of development. However, this very minor 'tipping back' should not harm the appearance of the trees or public amenity;
- 10.69. It is recommended that another 2 trees (T22, Horse Chestnut and T25, Birch) should be removed from the garden of 4 Wychwood Lane for arboricultural management reasons regardless of any development. This is sound advice,
- 10.70. The relationship between the proposed building and the retained trees gives some cause for concern because windows on the west and south sides will be permanently shaded throughout the day. This could put pressure on trees to be pruned following occupation to improve light to the rooms on the west and south sides of the building. The application should demonstrate that the light that will reach the rooms of the west side of the building is adequate for their intended use without pruning the trees.

- 10.71. In addition, the trees on the western boundary of the site are relatively young and have potential for significant growth. Regular pruning will be required following occupation to manage encroachment of branches towards the building. However, pruning involving a modest reduction in the length of encroaching lateral branches undertaken on a 'little and often' basis, possibly every 2 or 3 years, is not likely to have a significant adverse effect on public amenity.
- 10.72. Overall a soft landscape scheme including 3 extra heavy standard sized native trees, for example silver birch (*Betula pendula*) planted in the South West corner of the garden of 7 Lewis Close, and informal 'hedges' of native evergreen species, for example a mix of yew (*Taxus baccata*) and holly (*Ilex aquifolium*) planted along the southern boundary of the garden of 7 Lewis Close and also the western boundary of 4 Wychwood Close will help 'buffer' the nature reserve from visual intrusion and light pollution. The line of the access road should be adjusted to the north to provide additional space for planting if possible.
- 10.73. Overall there is no objection to the proposal on tree grounds subject to adjusting the layout of car park and access road to retain walnut tree T52 as a replacement for horse chestnut tree T1, and to increase the space between the access road and the nature reserve boundary for planting to buffer the nature reserve. Furthermore, this is also subject to adjusting the route of the footpath on the west side of the proposed building, south of the steps, so that it is close to the proposed building to minimise the need for pruning of the lower branches of beech trees T12 and T15 which provides screening in views from the nature reserve.
- 10.74. These amendments have now been made and Officers consider that the proposal appropriately mitigates for the impact of the development. It is recognised that since the application was amended a new Local Plan has been adopted. Policy G7 states planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances: a) it can be demonstrated that retention of the trees is not feasible; and b) where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and c) where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls. In this instance, the applicant has not been asked to undertake a tree canopy cover assessment given the fundamental conflicts with other policies raised above. However, it is considered that on this occasion, given the land available in the site that a condition could be imposed for additional new trees to be planted to offset this loss of tree canopy, should it be demonstrated that there is a shortfall in coverage.
- 10.75. In addition, appropriately worded conditions relating to securing Green Infrastructure features can be imposed in accordance with policy G8. Overall, the application is considered to comply with policies G7 and G8 of the Local Plan.

Energy and Sustainability

10.76. Policy RE1 of the Local Plan states planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated into the scheme. The policy goes on to state that an Energy Statement shall be submitted for new build residential development that demonstrates compliance.

10.77. In this instance, the application details a list of approaches which may be deployed in the scheme, but doesn't comprise an Energy Statement. The only commitment given in writing is to solar thermal and passive solar approaches, but it doesn't quantify the impact. Regard is also had to an improvement on fabric insulation levels as better than the Building Regulations, however this is not quantified. Overheating risk is discussed but not assessed, which is a requirement of the Building Regulations Part L calculations. Furthermore ground source heat pumps are referred to, as are gas boiler option, but no commitment given. Overall a number of measures are referred to but no commitment or quantification of impact, is provided. An estimated 5% carbon saving compared to the Building Regulations is suggested but not evidenced which is significantly short of the current 40% requirement of RE1, or the previous 20% carbon of the former Local Plan.

10.78. The proposal therefore fails to demonstrate through the lack of a robust energy statement that the scheme will incorporate appropriate sustainable design and construction principles that will demonstrate that the scheme can deliver a 40% reduction in carbon as required by policy RE1 of OLP.

11. CONCLUSION

11.1. 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 it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. 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 despite

11.3. Therefore, in conclusion, 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 is inconsistent with the result of the application of the development plan as a whole.

11.4. In summary it is considered that whilst the proposal to redevelop the site would provide 9 houses, the assessment of the scheme above has outlined how it is considered that the scheme would result in harm to public interests through

failing to respond to the sensitive rural character of the site, and the adjoining context of the Nature Reserve and open countryside. The site would fail to respect the privacy of the neighbouring property, Wychwood House; it would, through the intensification of activities and the use of these gardens, increase noise and disturbance to areas where there is an expectation of quiet and tranquillity; it has failed to provide private amenity space for the residents of the dwellings; fails to provide adequate internal amenity contrary to the Nationally Described Minimum Space Standards; it incorporates excessive parking; it fails to provide evidence that the proposed drainage strategy can be delivered; the ecology reports and assessments are out of date, incomplete and fail to demonstrate a net gain on site; it fails to demonstrate that the scheme will incorporate energy and sustainability principles compliant with the Council's objectives for 40% reduction of carbon. Further, Officers have considered whether the occupation of the dwellings in association with the Wychwood Foundation could be appropriately controlled through either a legal agreement or condition, and have concluded that this is not possible.

11.5. Officers would advise members that having considered the application carefully, the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, that when considered as a whole, that there are no material considerations that would outweigh these policies.

11.6. It is recommended that the Committee resolve to refuse planning permission for the development for the reasons given in paragraph 1.1 of this report.

12. HUMAN RIGHTS ACT 1998

12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

13.1. 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

This page is intentionally left blank