

Oxford City Planning Committee

9th November 2021

Application number:	21/00672/FUL		
Decision due by	20th May 2021		
Extension of time	16 th November 2021		
Proposal	Demolition of existing dwellinghouse and garage. Erection of 5 x 2 bedroom flats (Use Class C3). Provision of amenity space, bin and cycle stores.		
Site address	4 Bladon Close, Oxford, OX2 8AD, – see Appendix 1 for site plan		
Ward	Wolvercote Ward		
Case officer	James Paterson		
Agent:	Mark Norton	Applicant:	Victoria Tsoy
Reason at Committee	This application was called in by Councillors Wade, Landell-Mills, Gant, Goddard, Roz Smith, Altaf Khan due to concerns around design, car parking, neighbouring amenities, legal covenants, land subsistence, asbestos, drainage, access, bin storage and sustainability.		

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers an application for the demolition of the existing five bed dwellinghouse, and associated outbuildings, and the erection of a replacement building to create five flats, each with two bedrooms. The building would be set back in the plot to respect the building line established by the neighbouring dwellings and would retain some of the characteristics of the dwellings on the street while also introducing more contemporary aspects to its design. The

proposal would include the removal of parking from the site and the erection of ancillary development, including bin and cycle stores.

- 2.2. Officers consider that the proposals 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.

3. LEGAL AGREEMENT

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

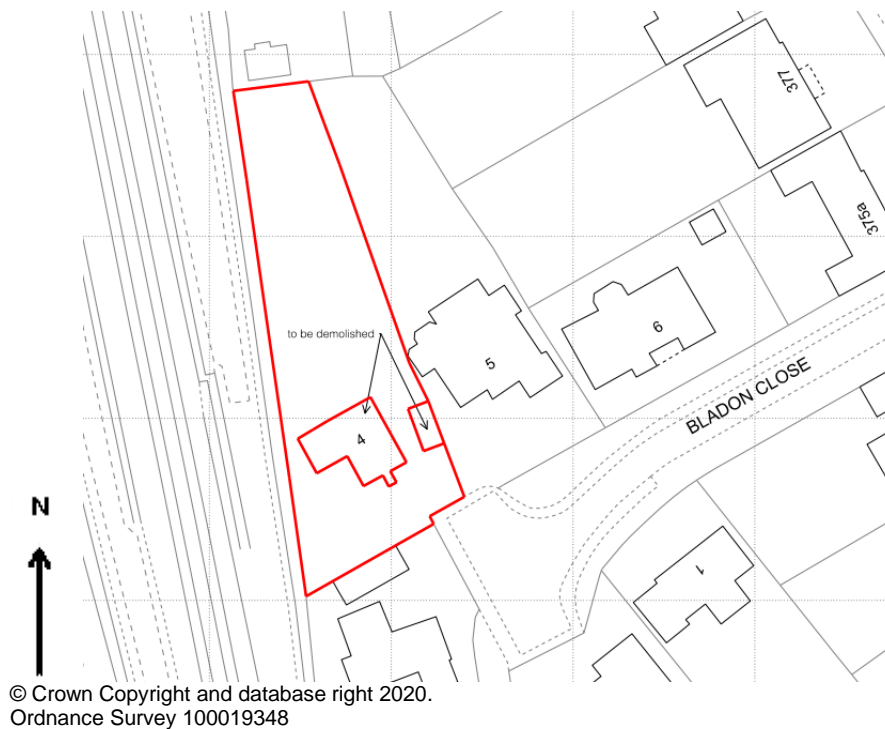
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. The amount liable would be £44,201.08.

5. SITE AND SURROUNDINGS

- 5.1. The site comprised of a five bedroom detached dwellinghouse, at the time that this application was submitted. The house was fairly typical in appearance having had regard to the established built environment, being of brick construction with a dual pitched tiled roof and proportioned in a traditional manner. The property was constructed in the 1960s. The site included a single garage to the side of the house while the house was set back from the road so as to create gardens to the front and rear. The plot is somewhat irregular in shape due to the fact that it abuts a railway line to the west. Mature trees bound the site to the rear (north) and sides (east and west). Surrounding land uses include residential garden land to the north, residential dwellings to the east and south as well as the railway line to the west (which is set within a cutting).
- 5.2. The house has been demolished since the submission of this application following the submission of a prior approval application made under Part 11, Class B of the General Permitted Development Order (as amended) (reference:21/00415/DEM) which sought permission to demolish the house. The Council confirmed that prior approval was needed and granted, since the method of demolition was acceptable, and works to demolish the house commenced in September 2021.
- 5.3. The character of Bladon Close is defined by its quiet and leafy nature, due to it being a cul-de-sac, and the dwellinghouses that are situated along it being larger family homes. The dwellings on Bladon Close share some common features, such as off-street parking and generous soft landscaping to the front gardens; however, they vary significantly in terms of design as there is no unifying vernacular or material palette and the height of the houses vary from 1.5 to 2 storeys.

5.4. See location plan below:



6. PROPOSAL

- 6.1. Planning permission is sought to demolish the existing five bedroom dwellinghouse, and associated outbuildings, and erect a new building which would contain five flats that would each have two bedrooms. The demolition has lawfully taken place following the granting of prior approval for this by the Council as part of a separate application (21/00415/DEM). The proposed building would provide two flats at each ground and first floor level while an additional flat would be in the attic, at second floor level. Outdoor amenity space would be provided in the form of private gardens for the flats at ground floor level while the upper flats would be afforded a balcony each as well as access to a shared rear garden.
- 6.2. The proposed dwelling would incorporate some more traditional design elements, such as through its hipped roof and overall proportions, but would also exhibit strong contemporary vernacular, such as the symmetrical fenestration, which does not follow a traditional hierarchy, as well as its materiality and the unusual form of the rear elevation. Of particular note, the rear protruding element which appears as an extension, lessens in depth over the course of each floor level, with the ground floor having a generous larger footprint with smaller first and second floors. The proposed replacement building would be 8m in overall height to the ridge of the roof and 5.9m in height to the eaves. The building would have a maximum depth of 15.3m and a maximum width of 12.6m. The building would be predominantly finished in render although there would be some brick detailing.

- 6.3. The proposed development would be car free, no car parking is proposed either on or off the site as part of this application, although a new cycle store is proposed to house storage for twelve cycles. A bin store is also proposed to the front of the site to house all the bins for the five flats.
- 6.4. Minor landscaping is also proposed, including the subdivision of the rear garden to provide private and shared amenity spaces, the creation of hard surfacing to the front garden as well as the installation of a new front boundary treatment. Works are also proposed to the larger existing trees which are, for the most part, to be pruned and retained while the smaller trees and bushes in place on the site would largely be removed entirely; some of this has already taken place following the demolition works on the site.

7. RELEVANT PLANNING HISTORY

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

55/04550/A_H - layout of land for erection of thirty-three dwellinghouses at Blenheim Drive. PER 26th July 1955.
59/07908/A_H - Dwelling house and garage for private car. PER 14th April 1959.
60/10155/A_H - Dwelling house and garage. PER 13th December 1960.
61/11355/A_H - Dwelling house and garage for private car. PER 24th October 1961.
70/23289/A_H - Extension to form study. PER 8th September 1970.
21/00415/DEM - Application to determine whether prior approval is required for the method of demolition.. 6PA 4th August 2021.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Wolvercote Neighbourhood Plan:
Design	130-136	DH1, DH7, H14, RE2		
Housing	59-76	H5, H15, H16		

Natural environment	174, 180	G2, G7, G8		GBS5
Transport	117-123	M2, M3, M4 M5		CHS2
Environmental	124-125, 159-169	RE1, RE3, RE4, RE7, RE8, RE9		BES4
Miscellaneous	11	S1, S2		BES1

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7th April 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. *The application seeks the demolition of existing dwellinghouse and garage, erection of 5 x 2 bedroom flats (Use Class C3) and provision of amenity space, bin and cycle stores. The proposals are in a highly sustainable location with good access to public transport. The proposals are in a CPZ.*
- 9.3. *Cycle Parking - The proposals demonstrate an area marked for a 12 cycle store. 12 spaces meets the required levels of provision but further details will be required to gauge the acceptability of the provision. This should be secured through planning condition.*
- 9.4. *Car Parking - The proposals do not offer any off-street parking. This is acceptable as the proposals are within a CPZ. The proposals should be excluded from obtaining residents parking permits to enforce the low car nature of the site and protect existing on-street parking from the impact of the development.*
- 9.5. *The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to the following conditions requiring cycle parking to be provided and removal of parking permits for future occupiers.*

Thames Water Utilities Limited

- 9.6. *Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.*

- 9.7. *Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.*

Network Rail

- 9.8. Planning officers consulted this consultee but no response was received.

Public representations

- 9.9. 8 objections were received from No.s 2, 2B, 3 (two objections), 5 and 6 (two objections) Bladon Close and No. 3 First Turn.

- 9.10. In summary, the main points of objection were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- Effect on Traffic
- Flooding risk
- General dislike for proposal
- Ground Stability
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Waste and Refuse

Officer response

- 9.11. 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. Trees
- vii. Drainage
- viii. Ecology
- ix. Land Quality
- x. Car Parking
- xi. Cycle Parking
- xii. Sustainability
- xiii. Noise
- xiv. 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 of the Oxford Local Plan 2036 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 dwelling and erection a new building to house five flats would make a more efficient use of

the land for housing than the existing arrangement. Planning officers note that the plot is generous in size and is located in a sustainable location, being located near to an arterial road with good public transport links, and maximising development in this location would be desirable in terms of considering the aims of Policy RE2.

- 10.5. Planning officers understand the delicate balance between overdevelopment of the site and making an efficient use of the available land. 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, the proposed building would not be of a dissimilar scale and appearance to the surrounding urban environment when considering the number of large detached, or semi-detached dwellinghouses in the vicinity, which are often situated on smaller plots of land. Planning officers therefore consider that the proposal would not lead to an overdevelopment of the site and would represent a scale of development that is compatible with its surroundings and therefore would accord with Policy RE2.
- 10.6. Policy H5 of the Oxford Local Plan 2036 states that planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site, including family homes (loss of an HMO converted from a self-contained dwelling would be considered a loss of a self-contained dwelling), except in one of the extreme circumstances outlined in the policy.
- 10.7. While the proposal would result in the loss of a dwelling, five dwellings are proposed to replace it; this would result in a net gain of four self-contained dwellings. The proposal is therefore considered acceptable in terms of Policy H5.

ii. Design

- 10.8. 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.
- 10.9. In considering the design of the proposed building in isolation, planning officers consider that the proposed building would be visually satisfactory including when viewed from the public realm and streetscene. These elevations have a consistent void-to-opening ratio, an overall simple appearance with some variation in materials to add visual interest, as well as appropriately designed fenestration; this would be much the same as the original house. While the rear façade would have a somewhat overcomplicated and muddled appearance, it is noted that this elevation has been designed in such a way to accommodate the outdoor amenity needs of the proposed flats. With this in mind, it is considered that this elevation has been designed as well as is reasonably possible while accommodating the

proposed balconies; some measures have been taken to improve its appearance, such as cladding the second floor balcony to blend it in with the roof. With this in mind, as well as the fact that this elevation would be visible only to limited private views, this is considered to be of acceptable design. It is noted that the proposed building would have a greater footprint than the original dwellinghouse and would also be of a greater scale as well as representing an intensification of the use of the site, however, it is considered that the plot is generously proportioned and could readily accommodate a building of the scale being proposed. Therefore, in isolation the proposed development is of acceptable design.

- 10.10. The streetscene of Bladon Close consists of a mixture of dwellinghouses which share some similarities, such as their situation within their plots affording larger front gardens which reinforces the suburban and leafy nature of the street. However, the houses comprising the close have the appearance of being infilled over time as each house differs in important ways, such as the material palette, orientation within their plot and, to an extent, even in terms of their overall form.
- 10.11. The overall form of the proposed building reflects some of the important characteristics of the houses that comprise Bladon Close. The hipped roof and overall proportionality of the proposed building in particular represent a more traditional architectural vernacular, which reflects the traditional aesthetic of dwellinghouses on the street. The more contemporary elements of the proposed design, such as the proposed rendered finish across much of the building, appear congruent within the wider streetscene and would not be visually jarring or out of place; in particular it is noted that some neighbouring dwellings also have their principle facades broken up with different materials, either with render or hung tiles. As a result, the proposed development would not appear out of place within the context of the site or streetscene.
- 10.12. It is noted that concerns have been raised relating to the height and massing of the proposed building during the public consultation. Planning officers consider that the proposed building would not appear disproportionately large in its context as it would not be much taller than the surrounding dwellings. Officers also consider that the integration of the second floor into the roof would also go some way to mitigate the visual impact of setting the proposed flats across three floors. Furthermore, siting of the building towards the western edge of the plot would also mean that the overall bulk of the building would appear minimised due to its being set away from neighbours and the highway. With this in mind, officers consider that these concerns would not substantiate grounds for refusing the application.
- 10.13. Planning officers also consider that the proposed intensification of the residential use of the site is unlikely to produce a level of activity within and around the site that would mean that the use of the site would fail to respect the quiet nature of the site and its surroundings. The policies of the Oxford Local Plan (2036) and specifically Policy RE2 require a more efficient use of land where there would be an increase in the number of residential units (where appropriate) and the principle of this type of intensification of dwellings on a sustainable site would be acceptable.

- 10.14. Having regard to the above, planning officers consider that the proposed dwelling would be of acceptable design and would accord with Policy DH1.
- 10.15. 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.
- 10.16. It is considered that the proposed bin stores would likely be of a sufficient size to accommodate the necessary bins and would allow easy access to the street for collection. However, final details are needed to ensure that the bin stores, as well as the proposed cycle stores, would be visually satisfactory.
- 10.17. Subject to conditions, the proposal is acceptable in terms of bin and cycle storage and Policy DH7.

iii. Neighbouring Amenity

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

Daylight

- 10.19. The proposed development would accord with the 25/45 degree access to light test, outlined in Policy H14. Having regard to this, the orientation of the sun and the layout of the site in conjunction with the arrangement of neighbours' windows, it is considered that the development proposal would not give rise to an unacceptable loss of daylight to neighbours' internal rooms.
- 10.20. Having regard to the siting of the proposed building, which would broadly be in a similar position to the existing, it is considered that the proposed development would not give rise to unacceptable shading or loss of direct daylight to the areas of outdoor amenity serving neighbours' dwellings.

Overbearing

- 10.21. It is noted that the proposed building would be larger than the existing dwellinghouse and that, in particular, the eaves would be of a greater height than the existing which would add a degree of bulkiness to the appearance of the proposed building when compared to the existing. Furthermore, the footprint of the house would be greater than the existing. Having considered the cumulative impact of these matters, planning officers consider that the increased bulkiness of the proposed building would not give rise to unacceptable overbearing due to its being set far from shared boundaries and neighbours' dwellings as well as its being positioned roughly in line with the building lines of both the neighbour to the east as well as to the south. This

would mean that the proposed building would not seem overly dominant to views from neighbours' internal rooms or gardens.

- 10.22. It is noted that concerns have been raised during the public consultation with regard to the proximity of the proposed building to the boundary with 5 Bladon Close. However, the proposed building would be no closer to this than the dwelling that formerly occupied the application site. Therefore the proposal is acceptable in this regard.

Privacy

- 10.23. It is noted that views of the rear garden of 5 Bladon Close could be achieved from the rear windows and balconies of the proposed flats. However, these would be limited for reasons explained below rather than materially harmful overlooking and would therefore not result in an unacceptable loss of privacy to this neighbour. Furthermore, views from the rooms and gardens at ground floor level would be blocked by the existing boundary treatment, the views of the first floor balconies would be limited to only very acute views as a result of the proposed privacy screens and the views from the topmost balcony would similarly be acute due to this balcony being at a reasonable height and set back from the lower floors (which would curtail views of the gardens below). Furthermore, it is considered that views from the proposed windows on the eastern elevation would not be afforded views that a materially more intrusive than would be possible under the previous arrangement on the site that would have had windows on the rear elevation offering a similar level of mutual overlooking that is common-place within residential areas. Having considered the above planning officers consider that the proposal would not unacceptably impinge the privacy of the occupants of 5 Bladon Close.
- 10.24. Views from the front windows of the proposed flats would also not give rise to an unacceptable loss of privacy to the occupants of 3 Bladon Close. The front rooms with windows facing towards this neighbour at first and second floor level would either be serving bathrooms, hallways or bedrooms. It is considered that in all of these cases it is unlikely that, due to the nature of the uses of these spaces, future occupants would spend protracted periods of time looking out of these windows towards this neighbour. Furthermore, it is noted that these views would not be materially more intrusive than would be possible under the arrangement that existed with the dwelling that occupied the site. In any case, it is noted that the principal outdoor amenity space associated with this dwelling is located out of sight on the other side of the dwelling. It is also considered that there is sufficient distance between the north facing windows of 3 Bladon Close and those of the proposed buildings so as to offer sufficient mitigation and prevent inter-looking between properties.
- 10.25. In reaching the above view, officers have been mindful that there is some vegetation around the edge of the application site, some of which is proposed to be retained as part of the proposed development. Officers consider that the vegetation on site would partially screen and soften views into and out of the application site and thereby reduce the impact of the development on surrounding occupiers.

- 10.26. Properties in First Turn would not experience any loss of light or privacy from the proposed development as the distance from the rear elevation of the proposed flats to the rear boundary would be approximately 42m which would prevent overlooking or overshadowing.
- 10.27. It is considered that other neighbours are set sufficiently far from the proposed dwelling so as to not have their amenity materially affected by the development.

iv. Occupier Amenity

- 10.28. 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. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Policy H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.29. The indoor arrangement would offer a coherent and functional living space for future occupants and would comply with the relevant space standards. The outdoor amenity space afforded to each flat would meet the requirements of Policy H16 and provide sufficient quality space for the future occupants. Ground floor flats would be provided with directly accessible private gardens and upper floor flats would have balconies with a shared garden at ground floor.
- 10.30. The proposal would therefore offer sufficient amenity to future occupants and would accord with Policies H15 and H16.

v. Archaeology

- 10.31. 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-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm.
- 10.32. This application is of interest because it involves groundworks in a location that has potential for prehistoric remains. Iron Age settlement, including a linear pit alignment (visible on aerial photographs and as yet investigated), have been identified approximately 30m to the west on the other side of the railway. The full character and extent of this rural settlement remains unknown. However, subject to a works being carried out in accordance with a

programme of archaeological work officers consider that the proposal would likely not give rise to harm to unknown underground heritage assets.

10.33. Subject to condition 14, the proposal is therefore considered acceptable in terms of archaeology and Policy DH4.

vi. Trees

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

10.35. The proposal would entail the loss of a considerable amount of vegetation in the front and rear garden, although the larger trees in the rear garden would be retained. The larger retained trees do contribute to the public visual amenity of the area since they contribute to the green backdrop of the street, which is an important characteristic of the close. Larger trees around the edge of the site would also soften the appearance of the proposed development and reduce impact on amenity for neighbouring occupiers. A canopy cover assessment has been submitted, as required by Policy G7, which assesses the impact of the proposal on the canopy cover of the site. While it does not include any information of growth-rate assumptions, officers are satisfied that the proposed development is acceptable in terms of canopy cover implications and proposed indicative replacement tree planting is considered adequate. While the proposed tree species are included in the canopy cover assessment, additional information is required to provide details of nursery stock types and sizes and tree pit design. However, officers are satisfied that this can be captured in appropriately worded conditions.

10.36. Officers have recommended conditions that would retain the larger and more important trees on the site and provide for a scheme of landscaping enhancements to ensure that the site is visually satisfactory as required by Policy G7 of the Oxford Local Plan (2036).

vii. Drainage

10.37. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case by case basis, taking into account the effect on flood risk on and off site. Development will not be

permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

- 10.38. 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.
- 10.39. The application site is in a Flood Zone 1 (i.e. the lowest risk of flooding) and is therefore technically not at significant risk of flooding from any sources. However, it is noted that there has been concern due to the history of flooding around the site as a result of issues with the capacity of foul water drainage. Thames Water have been consulted for comment and have confirmed that the proposed development would not significantly impact the capacity of the foul water drainage infrastructure. Given that Thames Water is a statutory consultee, their view has been afforded significant weight. While planning officers accept the consideration of Thames Water, a SuDS strategy has been required in order to ensure unacceptable water-run off would not result from the proposed development. Officers are satisfied that the submitted SuDS is acceptable in this regard and a condition has been included in the recommendation to ensure that the SuDs strategy is adhered so that the development complies with the requirements of Policy RE4 of the Oxford Local Plan (2036).

viii. Ecology

- 10.40. 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.
- 10.41. Having reviewed the submitted Bat Survey Report (July 2021), produced by Ecology By Design, planning officers are satisfied that the potential presence of protected habitats and species has been given due regard. However, to ensure a net gain of biodiversity on the site, in accordance with Policy G2, a condition has been included requiring a works to be in accordance with the recommendations of the bat report in order to ensure a net gain in the ecology on the site.
- 10.42. Subject to condition 9, the proposal is acceptable in terms of ecology and Policy G2.

ix. Land Quality

- 10.43. Policy RE9 of the Oxford Local Plan 2036 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.
- 10.44. Having reviewed the site history and submitted information, planning officers consider that the risk of significant contamination being present on the site from previous use is likely to be low.
- 10.45. Having considered the above, the proposal is acceptable in terms of land quality and Policy RE9.

x. Car Parking

- 10.46. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones (CPZs) 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.
- 10.47. Policy M4 of the Oxford Local Plan 2036 requires electrical vehicle charging facilities to be provided to each new car parking space.
- 10.48. Officers consider that the application site is within 800m of a supermarket, M&S at the BP garage adjacent to the Wolvercote Roundabout (which is considered to sell a range of everyday goods) lies approximately 600m walking distance from the application site. The application site is also within 400m of frequent public transport, specifically the bus stops on Banbury Road. The application site is within a CPZ. The site is therefore required to be car free, as required by Policy M3 of the Oxford Local Plan (2036). The proposal includes no car parking and is therefore acceptable in this regard. Officers have also been mindful that the location of the application site would be particularly suitable for car free development; the site is within 1.5km of Summertown District Centre and within 3km of Oxford Parkway. The site is also adjacent to National Cycle Network Route 5 which runs along Banbury Road. A number of conditions (Condition 4-6 in Section 12 of this report) have been recommended by officers that would seek to ensure that the site remains car free in perpetuity; preventing the creation of informal parking areas on site in the future or altering the site to facilitate access by vehicles.
- 10.49. It is noted that concerns have been raised via the public consultation with regard to potential blocking of neighbours' driveways. Given that no car parking is proposed it is considered that this would be limited to servicing and deliveries. This is considered to be an acceptable level of disruption that would likely be no worse than previous use of the site for residential use.

Furthermore, it is considered that there is sufficient space for bins to be presented at the kerbside for collection.

10.50. Since no off-street car parking is proposed, no electric vehicle charging points are required by Policy M4.

10.51. Subject to conditions, it is considered that the development proposal would be acceptable in terms of car parking and Policies M3 and M4.

xi. Cycle Parking

10.52. 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.

10.53. The proposal includes cycle parking for the new dwellings, which would be located to the side of the building. It is considered that the cycles could be readily wheeled from this location to the public highway and the outbuilding could accommodate sufficient cycles. However, further details of the cycle parking to ensure that it would be secure, covered and allow easy access to cycles and visually satisfactory.

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

xii. Sustainability

10.55. 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 1,000m². On schemes of five more residential dwellings or 1000m². The Energy Statement will include details as to how the policy will be complied with and monitored.

10.56. An energy statement and water usage calculations have been submitted which demonstrated compliance with the principles outlined in Policy RE1 in terms of carbon reduction, energy efficiency, renewable energy and insulation.

10.57. The proposal is therefore acceptable in terms of sustainability and accords with Policy RE1.

xiii. Noise

10.58. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.

10.59. The development consists of the demolition of an existing house and the construction of a new block of 5 flats. The site is located in a no through road, just off Woodstock Road, A4144. The site is approximately 300m to the south of Wolvercote Roundabout. The site is also located next to the railway line serving Oxford Railway Station; this is a busy line with national connections.

10.60. The applicant has submitted an acoustic assessment by 'Air Pressure Testing Ltd', which identifies the rear façade, nearest the railway line, is clearly the noisiest location at the site in terms of noise. Officers are satisfied that the acoustic assessment adequately demonstrates that the site is relatively quiet and that road traffic has only a small degree of impact upon it. Therefore, acceptable internal levels for road traffic noise can be readily achieved through typical double glazing and trickle vent in which examples have been specified. Therefore, the scheme is suitable for the development and acceptable in terms of the level of noise that would be experienced by future occupiers; however condition 15 has been included to ensure adequate noise insulation takes place.

10.61. Although the actual demolition of the house has largely been completed, condition 16 has been included to ensure that any further demolition work that may be required would not give rise to unacceptable amenity impacts on neighbours as a result of noise, dust and vibration.

10.62. It is noted that the proposal would intensify the use of the site for housing. However, planning officers consider that this intensification would likely not generate a significant amount of additional noise than would be possible under the previous arrangement.

10.63. Considering the above, the proposal is acceptable in terms of noise and Policy RE8.

xiv. Other Matters

- 10.64. 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.
- 10.65. It is noted that the issue of land subsidence was raised as an issue during the public consultation. Having consulted internal specialists, it is considered that the demolition of the existing building and erection of a new building would not necessarily cause land subsistence. This issue would be resolved at the building control stage where the design for the proposed foundations will have to take into account the ground conditions and in addition what is the suspected cause of the subsidence to the house that is due to be demolished.
- 10.66. It is noted that the issue of there being covenants on the land was raised as an issue during the public consultation. Such covenants would not be a planning matter and have 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

Time Limit

- 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.

Develop in Accordance with Approved Plans

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

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

Materials

- 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.

No Parking Permits

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

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with Policy M3 of the Oxford Local Plan 2036.

No New Accesses

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications) no additional means of access to the public highway from the plot of the approved development shall be installed on the basis of the Order without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is car-free, in accordance with Policy M3 of the Oxford Local Plan 2036.

Landscape Plan

- 6 A landscape plan for the approved new dwellings 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 trees, shrub and hedge planting and boundary treatments. The plan shall preclude the parking vehicles in the front garden of the approved dwellings. The landscaping proposals as submitted to and approved in writing 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 and shall be retained and maintained thereafter unless agreed otherwise in writing by the

Local Planning Authority.

Reason: In the interests of visual amenity and to ensure no car parking can take place on the site, in accordance with Policies M3, G7, G8 and DH1 of the Oxford Local Plan 2036.

Cycle Stores

- 7 Prior to the first occupation of the approved dwellings, details of bicycle and bin storage enclosures, including elevations, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the approved dwellings the approved enclosures shall be installed and retained for these purposes thereafter.

Reason: In the interests of the character and appearance of the area and promotion of sustainable modes of transport in accordance with policies DH7 and M5 of the Oxford Local Plan.

Energy Requirements

- 8 Development shall take place in accordance with the recommendations of the submitted 'Energy and Sustainability Statement', prepared by C80 Solutions (dated May 2021).

Reason: To ensure compliance with Policy RE1 of the Oxford Local Plan 2036..

Ecology

- 9 In accordance with the recommendations of the Bat Survey Report produced by Ecology By Design (July 2021), no development shall take place until a European Protected Species Mitigation Licence has been obtained from Natural England. A copy of the licence shall be provided to the local planning authority.

Reason: To comply with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy G2 of the Oxford Local Plan 2036.

Drainage and SuDs

- 10 The development hereby approved shall only take place in accordance with the recommendations of the submitted 'Sustainable Drainage Assessment' (prepared by GeoSmart Information Ltd, dated August 2021).

Reason: To ensure compliance with Policies RE3 and RE4 of the Oxford Local Plan 2036

Tree Protection Measures

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

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

Root Protection

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

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

Archaeology

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

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including prehistoric remains, in accordance with Policy DH4 of the Oxford Local Plan 2036.

The archaeological investigation should consist of a watching brief and should

be undertaken by a professionally qualified archaeologist working to a brief issued by the Council.

Noise

- 14 The development hereby approved shall be insulated to such a standard that it would protect its occupiers from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16hrs daytime and of more than 30 dB LAeq 8hrs in bedrooms at night.

Reason: To protect the amenity of future occupiers from existing sources of noise, as per Policy RE8 of the Oxford Local Plan 2036.

Demolition Method

- 15 The development hereby approved shall only be demolished in accordance with the recommendations of the submitted Demolition Method Statement.

Reason: To protect the amenity of neighbouring occupiers from noise, dust and vibration from building works, as per Policy RE8 of the Oxford Local Plan 2036.

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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