

Oxford City Planning Committee

24th May 2022

Application number: 22/00393/FUL

Decision due by 20th April 2022

Extension of time 31st May 2022

Proposal Partial demolition of the existing building. Erection of a three storey building to create 6 x 1 bed flats (Use Class C3). Alterations to the existing building to form 3 x 1 bed flats (Use Class C3) and alterations to fenestration on the west elevation. Provision of bin and bicycle stores. Alterations to landscaping and ancillary works.

Site address 39 South Parade, Oxford, Oxfordshire, OX2 7JL – see **Appendix 1** for site plan

Ward Summertown

Case officer James Paterson

Agent: Mr Nik Lyzba **Applicant:** Cantay Estates Ltd

Reason at Committee This application was called in by the Head of Planning Services following concerns from councillors with regard to the impact on neighbouring amenity, highways impacts, loss of garden space and general design issues.

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 the partial demolition of the existing building at 39 South Parade. This demolition would be limited to the 20th Century additions to the original Victorian building and would result in the loss of much of the internal space serving the dwelling labelled as ‘Unit 1’ at ground floor level and the

entirety of one of the dwellings at second floor level, labelled as 'Unit 3'. Minor alterations are proposed to the retained part of 39 South Parade, including minor alterations to the fenestration on the western elevation.

- 2.2. Planning permission is sought to erect a three storey building to form six one-bedroom flats, with two being set across each floor. The proposed new building would front Stratfield Road and would occupy land vacated by the demolition of part of 39 South Parade as well as occupying land in use as off-street parking serving the properties on the application site. Outdoor amenity space would be provided in the form of balconies or front gardens and a shared rear garden while access to the proposed dwellings would be achieved via an external staircase to the rear of the building. Cycle and bin storage would be provided in the rear garden; no car parking is proposed.

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 £50,076.82.

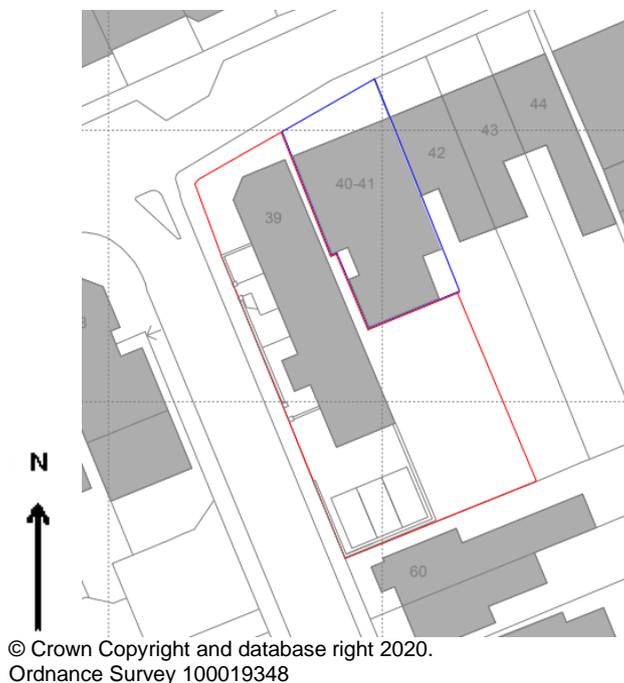
5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Summertown District Centre but outside of any designated retail frontage; the site also lies within the Summertown Area of Change which, is designated by Policy AOC5 in the Oxford Local Plan 2036.
- 5.2. The existing application site comprises of a tall Victorian building which has a 20th Century extension to its rear; it is understood that the rear extensions were erected in the 1970s and in the 1990s when the final extension was added. The existing extended building has frontages on both South Parade and Stratfield Road. The building appears to have originally been built to provide commercial space at ground floor level with accommodation above, as is typical on the street; it is understood that the ground floor of the building had been used as a green grocer's prior to the existing residential use at ground floor.
- 5.3. The original building is constructed of Oxford Yellow brick and exhibits interesting banding and detailing around the window and door openings, which is provided by a mixture of stone and red brick, while the roof is covered in plain red tiles. Aside from minor alterations to enable the current configuration of the building, the principal elevation of the building appears to remain largely original, including many timber sash windows. The aforementioned minor alterations clearly include the bricking up of the original shop front which has been relatively successfully done on the South Parade elevation. The subsequent extensions to the building are less noteworthy as they only loosely draw their design from the host building, most notably through the use of yellow brick, but are otherwise unremarkable in appearance.
- 5.4. To the rear of the site, fronting Stratfield Road, is a garage and private off-street car park. There is a shared garden space to the rear which the applicant

owns and forms part of the application site; however it is currently unused by the current occupants of the application site.

5.5. The site lies within an important part of the Summertown area as the crossroads on which it is located formed one of the earlier roads of the original village and is characterised by Victorian buildings; although some of the characteristics of the area have changed over time as redevelopment and infilling has taken place. South Parade is characterised by commercial uses intermingled with residential uses between and above the commercial units. The site also has a significant frontage onto Stratfield Road which is almost totally residential in character. The uniform two storey Victorian terraces that comprise much of Stratfield Road are largely finished in Oxford Yellow brick and create a strong sense of continuity and group value, in terms of their contribution to the streetscene.

5.6. See block plan below:



6. PROPOSAL

6.1. The application proposes the demolition of the existing extensions to the original Victoria Building that comprises 39 South Parade and the reinstatement of the original southern wall of the building. This would entail a reduction in the size of one of the units (Unit 1) within the building, namely a reduction from a two-bed to a one-bed flat, while also necessitating the total loss of another flat (Unit 3) within the extension, which is a one-bed dwelling. The proposed demolition also includes a garage which serves the existing ground floor flat (Unit 1).

6.2. The demolition would necessitate internal and external alterations to the retained Victorian building. This would include alterations to the internal configuration, most notably to the ground floor flat in order to move the kitchen

and wash facilities into the retained part of the building as well as to create a new internal stairway to reach the flats above. Externally, the changes would be limited to the insertion of new windows on the western façade.

- 6.3. This application seeks to then erect a three storey building on the site to the south of the retained Victorian building. The proposed building would be up to 12m in depth, 9.5m in height and would have a maximum width of 17.4m. The building would be set back 1.8m from the retained Victorian building and 2.4m from the neighbour at 60 Stratfield Road. The building would also be set 5.6m from the boundary with the garden of 43 South Parade to the rear.
- 6.4. The proposed building would have a contemporary vernacular for the most part, resulting from the flat roof, large windows and the minimalistic components of the principal façade. However, there would also be traditional elements to the principal façade which include the protruding front bay windows, banding, materiality and the definition of the larger glazing units resulting from the mullions.
- 6.5. In terms of the building's layout within the site, the building would be positioned so as to match the front building line of the buildings either side; although the rear building line would extend beyond that of the neighbours, particularly when the proposed rear stairway is taken into account. A modest front garden would be set in front of the building, which would be enclosed by a modest stone walls with railings set above, while the principal amenity space would be a rear garden which would be shared by the occupants of the proposed six flats. The rear garden would be accessed via side gates and would house the proposed cycle and bin stores. The proposed dwellings would all be car-free.

7. RELEVANT PLANNING HISTORY

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

73/00115/A_H - Erection of 5 garages.. REF 27th February 1973.

73/00414/A_H - Rear of 39 South Parade - Conversion of store and extension to provide 1 no. self contained flat with integral garage.. PER 10th May 1973.

73/00518/A_H - Outline application for two self contained flats with 2 garages under.. REF 10th May 1973.

78/00496/A_H - Extension at rear for greenhouse.. REF 5th July 1978.

89/00908/NF - Change of use from shop (Class A1) to Licensed Restaurant (Class A3). REF 12th October 1989.

94/00460/NF - Change of use of ground & basement to 3 flats including excavation to enlarge basement light well, extensions at basement & ground. Parking for 4 cars accessed off Stratfield Rd, including installation of pavement crossover. REF 25th May 1994.

94/01250/NF - Change of use of ground & basement to food & drink (A3) Alterations including extension; alterations to shop front; new stairs to basement. Ramped access from Stratfield Rd & conversion of garage into WCs. 3 parking spaces & bin. REF 29th November 1994.

95/00015/NF - Change of use from shop to 2 bedroom residential flat including single storey extension fronting Stratfield Road, external alterations and use of integral garage for new flat. Alterations to boundary to provide 0.6 m high wall.. PER 27th February 1995.

10/01431/FUL - Remove bay window and insert 2 x sash windows to reflect size, scale and position of existing first floor windows.. PER 4th August 2010.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

| Topic | National Planning Policy Framework | Local Plan | Other planning documents | Summertown and St Margaret's Neighbourhood Plan: |
|---------------------|------------------------------------|----------------------|---|--|
| Design | 130-136 | DH1, DH7, RE2, G6 | Waste Storage TAN | HOS2, HOS3, HOS4 |
| Housing | 59-76 | H4, H5, H14, H15, 16 | | |
| Commercial | 84-91 | V4 | | |
| Natural environment | 174-188 | RE3, RE4, G2, G7, G8 | Biodiversity TAN | |
| Transport | 104-113 | M3, M5 | Car and Bicycle Parking TAN | TRS2 |
| Environmental | 153-169 | RE1, RE7, RE8, RE9 | Energy Statement TAN Sustainable Construction and Design TAN | ENS2 |
| Miscellaneous | 7-12 | S1, S2, AOC5 | | |

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th March 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection, conditions required relating to a Construction Traffic Management Plan and parking permits.

Thames Valley Police

9.3. A holding objection was received due to issues regarding the design of the building in relation to the Secure by Design guidance. However, the comment received by the Council went on to outline the issues identified by the Crime Prevention Design Advisor and suggested a planning condition by included were planning permission to be granted. Having had regard to the advice received, and having afforded great weight to the consideration of this consultee, planning officers are of the view that the proposed development could be brought up to an acceptable standard in relation to Secure by Design with an appropriately worded condition, as is proposed in condition 13 as set out in Section 12 of this report.

Public representations

9.4. 46 local people commented on this application from addresses in Beech Croft Road, Bullingdon Road, Canal Street, Grove Street, Islip Road, Middle Way, Oakthorpe Road, Old Woking Road (Woking), One Britton Street (London), Osberton Road, South Parade, Stratfield Road, The Paddock, Thorncliffe Road.

9.5. In summary, the main points of objection (46 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on existing community facilities
- Effect on pollution
- Effect on privacy
- Effect on traffic
- Flooding risk
- General dislike or support for proposal
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity

- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking
- Open space provision
- Parking provision
- Public transport provision/accessibility

Officer response

9.6. 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. Ecology
- vi. Drainage
- vii. Trees
- viii. Cycle Parking
- ix. Car Parking
- x. Sustainability

i. Principle of development

10.2. Where proposals are presented for housing development on unallocated brownfield sites, the City Council will take a positive approach, applying the presumption in favour of sustainable development as per Policy S1 of the Oxford Local Plan 2036.

10.3. Policy RE2 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. Policy G6 of the Oxford Local Plan 2036 states that planning permission will be granted for new dwellings on residential garden land provided that the proposal responds to the character and appearance of the area and the size of plot to be developed is of an appropriate size and shape to accommodate the proposal. Any loss of biodiversity value on the site must also be fully mitigated, and where practicable enhanced.
- 10.5. Policy H4 of the Oxford Local Plan 2036 states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities . Proposals for 25 or more homes (gross) (C3 residential), or sites of 0.5 ha. and greater, and which are outside of the city centre or district centres, will be expected to comply with the prescribed following mix of unit sizes for the affordable element, where it is feasible. Sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.
- 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. Policy AOC5 of the Oxford Local Plan 2036 states that planning permission will be granted for new development within the area of change where it would take opportunities to deliver the objectives set out in the policy. This would include building on the existing mix of uses by creating a high density environment that contributes to the vibrancy of the place and creating a new neighbourhood of high density, contemporary housing.
- 10.8. In principle, the proposal to demolish the existing 20th Century extension to 39 South Parade and erect a new three storey block of flats on the site of the former extension and existing car park is acceptable since it would constitute a far more efficient use of land than the existing arrangement, as per the aims of Policy RE2, and would better optimise the use of the land for residential use. This is particularly important here since the current arrangement of the site does not make an efficient use of land as much of the site is given over to the parking of private vehicles, despite the sustainable location of the site and its good access to public transport. It is also noted that the existing housing on the site is not of a high density that makes the best use of the land.
- 10.9. In order for the proposed development to fully accord with the requirements of Policies S1, RE2 and G6, the proposal also needs to represent development that makes use of the capacity of the site in a manner compatible with the capacity and context of the site, including according with local and national design policies. These issues are fully explored in subsequent sections of this

report but, in summary, planning officers consider that the principle of the proposed development is acceptable and would make best use of the land in a manner that is compatible with the character of the area and would not harm the streetscene nor overdevelop the site.

10.10. With regard to the mix of dwellings, it is noted that only single bed units are proposed, including the reconstituted dwelling at ground floor level at 39 South Parade. This is considered acceptable given that maximising the number of dwellings in this district centre location is desirable but also because Policy AOC5 specifies that single bed units are sought by the Council within this designated area of change.

10.11. While a single dwelling would be lost as a result of this development, six new dwellings would be gained. This net gain of five dwellings is sufficient to satisfy Policy H5.

10.12. In summary, planning officers consider that the overall principle of the proposal, namely a three storey residential building comprised of six dwellings, is acceptable in principle and satisfies Policies S1, RE2, G6, H4, H5 and AOC5.

ii. Design

10.13. Policy DH1 of the Oxford Local Plan 2036 states that a 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. Policy RE2 requires 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. Development will need to have a density appropriate for the use proposed, have an appropriate scale of development and utilise a layout appropriate to the capacity of the site.

10.14. The application site represents something of a transition between the three storey Victorian building at 39 South Parade to the two storey uniform terraces that comprise much of Stratfield Road. Therefore any building on the application site needs to have regard to this change in form and would need to be sensitively designed to bridge the differences in scale, massing and form between these two building typologies in order to sit comfortably on the site. Overall planning officers consider that the scale, form and massing of the proposed building would achieve this by virtue of its height being taller overall than the terraced dwellings but lower than the larger corner building at 39 South Parade while taking visual cues in its articulation from both building types.

10.15. Planning officers note that the application site falls within the 'South Summertown Terraces' character area of the Summertown and St Margaret's Neighbourhood Plan. The character assessment contained within that plan states that this character area is a textbook example of Victorian and

Edwardian urban design that enhances the quality of living in this area and engenders community involvement. It goes on to state that with very few exceptions, the area's original character has been respected during later development, and it is of vital importance that this should continue. Planning officers have carefully considered this as part of the character assessment in assessing this application. While the proposed new block of flats would front Stratfield Road, it is also noted that it would lie within the original plot of the taller Victorian development fronting South Parade as well as directly opposite land serving the built form on South Parade and therefore has a relationship with both frontages. On balance, Officers consider that the proposed design which takes cues from both the terraces of Stratfield Road and the building at 39 South Parade has created a proposed development which would be more successful in design terms than a set of terraced dwellinghouses on this site which only takes cues from one aspect of the site's context. It is also noted that terraced dwellinghouses would also not optimise the use of the land for housing; this is especially pertinent given the sustainable location of the site. Officers have also noted that it is not uncommon in urban design for corners of streets to feature building of a greater scale than along the length of the street; this is already the case here at both ends of Stratfield Street.

10.16. The overall design of the building seeks to draw on the important characteristics of the terraces to the south of the site but also draw on the characteristics of the existing Victorian building at the north end of the site, which it would more closely resemble in terms of its scale, use and orientation, which would be appropriate for the reasons officers have set out previously in relation to land use efficiency and the grain of development in the area. Officers consider that the proposed development is successful in this regard on its principal façade, particularly in terms of the protruding bay windows and arrangement of the enclosed front garden on this frontage would serve to tie the building in with the terraces of Stratfield Road as would the proposed horizontal banding which reflects the different storeys of the terraced dwelling. Officers also note that key characteristics of the proposed building would also serve to tie the building into the existing building on the site, including the careful treatment of the proposed fenestration which comprises of the proposed window mullions, transoms and brick window heads. It is also noted that the design includes a reduction in the size of the proposed windows and balcony doors at second floor level as a means to draw on the perceived reduction in scale of the higher storeys at 39 South Parade; while it is noted that the reduction in size is fairly modest, it is considered that this still reinforces the reverence of the proposed building to the existing Victorian building on the site.

10.17. While officers have outlined the ways in which the proposal draws on existing built form in the area, the proposed building also includes features which would set it out as an interesting, independent piece of architecture in its own right. The combination of a flat roof, emphasis on glazing and simple articulation of the elements of the building means that it would still read as a contemporary addition to the street. Officers have also had regard to the requirements of Policies HOS2 and HOS3 and consider that the proposal responds positively to local character and distinctiveness of the area while

also drawing on both traditional and innovative design to respect the local heritage and character of the neighbourhood.

- 10.18. In terms of materials, officers consider that the Oxford Yellow bricks form an important characteristic of the area which the proposed development should seek to replicate. The proposal seeks to utilise pale yellow multi bricks and officers consider that this would respond adequately to the materiality of the surrounding built form so as to ensure the proposed development would sit comfortably on the application site.
- 10.19. Concerns have been raised by the Thames Valley Policy as to the design of the building with regard to the principles of Secure by Design and they have submitted a holding objection. Their consultation response points out various issues including the pinch point between the proposed building and 39 and 40 South Parade as well as the gated access and lack of lighting to the rear. However the response also includes a proposed planning condition were permission to be granted as well as various means of addressing the concerns that have been raised. Officers are satisfied that with an appropriate planning condition relating to lighting, locked gated access and other Secure By Design features, the potential for anti-social behaviour and fear of crime can be minimised to a point where it would be acceptable. Officers have therefore recommended Condition 13 as a means to address these concerns.
- 10.20. Overall, officers consider that the proposal represents high quality design and would accord with the requirements of Policy DH1 of the Oxford Local Plan 2036 and HOS2 and HOS3 of the Summertown and St Margaret's Neighbourhood Plan.
- 10.21. 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.
- 10.22. Covered and secure bin storage are proposed in the rear garden; these would have sufficient space for the necessary bins, as per the Council's relevant TAN, and would be easily wheeled to the curb for collection. These, and the cycle stores, would be of acceptable design so as to not harm the amenity of the area.
- 10.23. The proposal is therefore acceptable in this regard and complies with Policy DH7.

iii. Impact on neighbouring amenity

- 10.24. 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.

10.25. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.

Daylight

10.26. The proposed development would comply with the 25/45 degree access to light test, outlined in Policy H14, with the exception of the westernmost downstairs and upper windows of 40 South Parade on the rear elevation of the building. However, officers understand that the downstairs window in question serves a kitchen associated with a non-residential use. Therefore, the impingement on this window would be acceptable since it would not be sensitive to a degree of lost daylight. Meanwhile the upper window in question serves a residential lounge/ dining area. This would be sensitive to an erosion of amenity through a loss of daylight. However, having regard to the fact that this room is also served by a second south facing window that would not be impinged upon by the proposed development in conjunction with the findings of the submitted Daylight and Sunlight Analysis, it is considered that the proposed development would not cause an unacceptable loss of light to this neighbour.

10.27. It is considered that the proposal would not impinge on the daylight received to the internal rooms of any other neighbours, having considered the 25/45 degree access to light test and the findings of the submitted Daylight and Sunlight Analysis since the rest of neighbours' windows would be set sufficiently far from the proposed building or would face away from the application site.

10.28. It is considered that the proposed dwelling would not unacceptably overshadow the outdoor amenity areas of neighbouring residences. The proposal would have a minimal impact on the gardens of the properties on Stratfield Road to the south, given the orientation of the sun while the properties to the west would be sufficiently distant from the site so as to not be impacted. There would be some impact on the gardens of 42-44 South Parade where the gardens may experience a degree of overshadowing during the mornings as a result of the proposed block of flats, but it is not considered that this would be to an extent that would prevent their quiet enjoyment of their gardens. It is also noted that the mature trees that were previously on the site, until they were removed sometime last year, would likely have blocked a similar amount of light during the summer months that the proposed building would.

Overbearing

10.29. The proposed building would be set alongside the existing dwellings at 60 Stratfield Road and 39 South Parade and so would only be perceptible to limited acute views from the windows serving these dwellings. The exception would be the rooflight windows serving the single storey rear extension and the side window serving the rear outrigger at 60 Stratfield Road. However, is

understood that the upper side window serves a bathroom, where occupants are not reasonably expected to spend protracted periods of time looking outwards, while the rooflights serve a kitchen/ family area and are of a height where only acute views of the building would likely be possible.

- 10.30. It is considered that the dwellings to the west of the site are set sufficiently far from the application site so as for the proposed development to not give rise to unacceptable overbearing.
- 10.31. The proposed building would have an impact on the views from the rear of the flats at 40-41 South Parade and would also impact how the gardens of the three dwellinghouses to the east of that would be experienced by their occupants, although the building would be sufficiently far from the rear windows of those dwellings to not result in unacceptable overbearing to their internal rooms. In terms of the internal rooms of 40-41 South Parade, while views from the rear windows would be affected, planning officers consider that the proposed building would not be unexpectedly large or unprecedented in this regard. Furthermore, the proposed development would frame only a portion of views from these windows which are largely directed southward beyond the application site. Therefore officers consider that the proposal would not cause unacceptable overbearing to this neighbour.
- 10.32. In considering the impact of the development on the gardens of 42-44 South Parade, the proposed building would certainly result in a degree of enclosure to their outdoor amenity spaces. However, these gardens are already enclosed, to a degree, by the existing large buildings at Robert Saunder's House to the east, the dwellings of South Parade to the north and the extended building at 39 South Parade already on the application site. While the proposed building would be taller and would add to the sense of enclosure, it is considered that this sense of enclosure would not be unexpected when considering their location within a district centre surrounded by taller buildings and the gardens would be set sufficiently far from the building as to mean that this overbearing would not be of an unacceptable or unexpected degree.

Privacy

- 10.33. The windows of the proposed new building would be concentrated on the front elevation while there would be some alterations to the fenestration of the retained building at 39 South Parade. These windows would be sufficiently far from neighbours so as to not cause unacceptable overlooking. Although the gardens and windows of dwellings to the west of the site would be visible, these would be at a distance that would not be uncommon and would not allow intrusive inter-looking; views of these neighbours' windows and amenity spaces would be limited to glimpses. In any case, the nearest garden to the west of the application site is in a non-residential use as outdoor seating while some of it has been given over to car parking. Therefore this space is not sensitive to overlooking while the gardens beyond are at a distance where overlooking would be minimal.

10.34. In considering the windows on the rear of the proposed block of flats, it is noted that these windows have been kept to a minimum as part of the proposed design and views from these windows would also not give rise to an unacceptable loss of privacy to neighbours, whose windows are some distance away while only glimpses would be afforded to their associated gardens.

10.35. Officers are concerned as to the possible loss of privacy to views that would be possible when using the external stairway or loitering on the associated walkways. While some measures have been taken to reduce views from the stairway, namely obscure glazed panels to the north and south of the stairway, officers continue to have concerns as to possible views from the stairway out towards the gardens of the houses at 42-44 South Parade. Therefore, condition 11 has been included requiring further measures to be taken to limit these views as far as possible; this could include further screening or louvres.

Standards of Amenity

10.36. While the proposal would lead to an intensification of the use of the site, which would entail increased activity in the rear garden and use of the external stairway, it is considered that it would not lead to a degree of activity that would be unprecedented for a busy district centre location or would be unreasonable.

10.37. Having considered all of the above, it is considered that the proposal would not give rise to an unacceptable loss of amenity to neighbours and would accord with Policies H14 and RE7, subject to condition 11.

iv. Occupier Amenity

10.38. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.

10.39. The proposed indoor amenity space would be sufficient to offer occupants of the proposed dwellings high quality and functional living space that would accord with the space standards. Each flat would either have a balcony or front garden, which accords with the requirements of Policy H16, however the garden to the rear of the proposed building would also be for communal use, which would be acceptable.

10.40. The proposal would be acceptable in terms of offering potential occupants high quality amenity and would accord with Policies H15 and H16.

v. Ecology

- 10.41. 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.
- 10.42. The part of the building to be impacted was assessed to be of low suitability for roosting bats and a single bat roost survey was undertaken in August 2021. No bat roosts were identified. Planning officers are satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due regard.
- 10.43. Virginia Creeper (*Parthenocissus quinquefolia*) was recorded in the application site. The species is listed on Schedule 9 of the Wildlife and Countryside Act, which makes it an offence to allow the species to grow in the wild. Schedule 9 species pose a conservation threat to native species. The Bat Survey Report recommends the plant is removed and disposed of as contaminated waste, which is appropriate.
- 10.44. The Landscape Plan includes Japanese Honeysuckle (*Lonicera japonica*). It is not listed on Schedule 9 but is an invasive non-native species and should be removed from the planting list.
- 10.45. More widely, the Landscape Plan is dominated by non-native species or cultivars of native species, which are of lower biodiversity value than native species. Given the urban location of the proposed development an element of ornamental planting is acceptable but native species are preferred. Planning officers consider that the proposed planting should be re-balanced to include additional native species.
- 10.46. Policy G2 of the Oxford Local Plan 2016-2036 requires certain planning applications to demonstrate they will deliver 5% biodiversity net gain through the use of a suitable metric. It states: "*For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator.*" A Biodiversity Net Gain Assessment has been submitted in support of this planning application utilising the Defra Small Sites Metric, which is an appropriate metric for a site of this size/nature. The assessment shows a net gain of 0.005 habitat units (a net gain of 16.08%).
- 10.47. The assessment incorrectly classified the proposed sedum roofs as intensive green roofs, when they would instead constitute extensive green roofs. Making this change reduces the gain to 0.0029 units (9.47%).
- 10.48. While this is a minor planning application and it is not necessary to use a biodiversity calculator nevertheless the assessment provided indicates net gain would be delivered, while a bat box and bird box has been proposed as an additional enhancement.

10.49. In order to ensure non-invasive and non-native planting is minimised and biodiversity net gain on the site is secured, planning officers have included conditions 6, 9 and 10. Subject to conditions, the proposal is acceptable in terms of ecology and Policy G2.

vi. Drainage

10.50. 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.

10.51. Policy RE4 of the Oxford Local Plan 2036 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 identified in RE4.

10.52. The site is not at significant risk of flooding, since it is in a Flood Zone 1 area. However, the proposal would lead to an increase in built form on the site and the proposal must therefore be drained using SuDS and not lead to an increase in water run-off. Details have been provided by the applicant to this effect and include details of all hard surfacing on the site. Planning officers are therefore satisfied that the proposal would not lead to an increase in flood risk or water run-off from the site.

10.53. The proposal is therefore acceptable in terms of flooding, drainage and Policies RE3 and RE4.

vii. Trees

10.54. 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.

10.55. There are no mature trees on the site that contribute significantly to public amenity. Planning officers are aware of the fact that a number of mature trees

were removed from the site prior to the submission of this application. Notwithstanding the fact that this did not need planning permission, planning officers consider that these trees contributed positively to the character of the street. While their loss is regrettable, planning officers consider that the proposed scheme of landscaping on the site would be sufficient to compensate for the loss of these trees.

10.56. Turning to the retained trees on the site, on the eastern boundary, it is considered that no significant groundworks are proposed within their root protection areas and it is therefore considered that the proposed development would not harm the longevity of these trees.

10.57. The proposal is therefore acceptable in terms of trees and Policy G7.

viii. Cycle Parking

10.58. 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.

10.59. 18 Cycle parking spaces are proposed. This would be sufficient to meet the required number of spaces for the proposed flats as well as the existing flats contained within the reduced building at 319 South Parade. The cycle parking would be secure, covered and allow good access to each cycle and to the public highway.

10.60. The proposed cycle parking is therefore acceptable and would accord with Policy M5.

ix. Car Parking

10.61. 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.

10.62. Officers consider that the application site is within 800m of several supermarkets that sell a range of everyday goods and within 400m of numerous bus stops, indeed the site is within a district centre which offers a large range of goods and services. 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.

- 10.63. The proposal includes no car parking for the proposed dwelling as well as the loss of four existing car parking spaces on the site; the proposal would therefore represent a net improvement over the existing arrangement 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 Summertown District Centre, a short bus journey to two railway stations and near to National Cycle Network Route 5, which runs along Banbury Road. Conditions (Conditions 4 and 5 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.
- 10.64. It is noted that concerns have been raised via the public consultation with regard to potential parking by future occupants of the proposed development on the street. The proposed conditions include the removal of occupants for eligibility from parking permits and therefore occupants would not be able to park on the street within walking distance of the site.
- 10.65. It is noted that the Summertown and St Margaret's Neighbourhood Plan states that any future development must include parking sufficient for the users of the building and additional parking for residents and customers, to relieve congestion on the street, as part of its guidance for development on South Parade. However, this is guidance and the policies of the local development plan are afforded far greater weight; in this instance Policies M3 and TRS1 which seek a reduction in parking and traffic in the city and neighbourhood plan area respectively.
- 10.66. It is noted that the County Council have requested a Construction Traffic Management Plan to be submitted by condition. Given the scale of the development and proximity to sensitive uses, this has been included as condition 14.
- 10.67. Subject to conditions, it is considered that the development proposal would be acceptable in terms of car parking and Policies M3 and M4.

x. Sustainability

- 10.68. 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.

- 10.69. 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, on-site renewable energy, provided via solar panels which would produce a further regulated CO₂ savings of 36.00%, and insulation.
- 10.70. The proposal is therefore acceptable in terms of sustainability and accords with Policy RE1.

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.

In Accordance With the Approved Plans

- 2 Subject to conditions 6 and 11, 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 as Specified

- 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.

Removal of Car Parking Permits

- 4 The development hereby permitted shall not be occupied until the relevant Oxfordshire County Council Controlled Parking Zone Order governing parking at the application site has been varied by the Oxfordshire County Council as highway authority to exclude the approved new dwellings subject to this permission from eligibility for residents' 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.

Means of Access to the Highway

- 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 The dwellings hereby approved shall not be occupied until a fully detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The landscape plan shall not include Japanese Honeysuckle (*Lonicera japonica*) and should prioritise native planting to the written satisfaction of the Local Planning Authority. The approved landscape arrangements shall be carried out prior to the first occupation of the approved dwellings and 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 and Bin Storage

- 7 Prior to the first occupation of the approved dwellings, the approved bicycle and bin storage enclosures shall be installed and retained for these purposes thereafter, unless agreed in writing with the Local Planning Authority.

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.

Sustainability

- 8 The development shall be carried out in accordance with the recommendations of the submitted 'Energy and Sustainability Statement', prepared by ERS Consultants Ltd (dated December 2021).

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

Biodiversity Net Gain

- 9 Prior to the first occupation of the development, details of biodiversity enhancement measures including at least one bat box and one bird nesting device for building dependent-birds (i.e. breeding Swifts, House Sparrows and House Martins) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter.

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.

Non-Native Species Protocol

- 10 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Virginia Creeper on site. The measures shall be carried out strictly in accordance with the approved scheme prior to first occupation of the development.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

Privacy – External Stairway

- 11 Prior to the commencement of the development hereby approved, final details of privacy measures serving the external stairway shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be

designed in such a way to direct views away from the amenity areas serving neighbouring residences. The development shall be carried out in accordance with the approved privacy measures

Reason: To safeguard the privacy of neighbouring occupiers in accordance with the requirements of Policy H14 of the Oxford Local Plan 2036.

Drainage

- 12 The development only shall take place in accordance with the submitted drainage details (drawing reference: 330510730-STN-XX-XX-C-5001-REV P01). The approved drainage arrangements shall be retained and maintained thereafter unless agreed otherwise in writing by the Local Planning Authority.

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

Secure by Design

- 13 Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority. The application shall include measures such as lighting, controlled access and a visitor door entry system and access control system.

Reason: To ensure the proposed development is of sufficient design quality and to minimise crime and the fear of crime through good design, in accordance with Policy DH1.

Construction Traffic Management Plan

- 14 A Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to commencement of works. The CTMP shall follow Oxfordshire County Council's template if possible. This shall identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,

- Engagement with local residents.

The development shall only take place in accordance with the approved CTMP.

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

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.