

Oxford City Planning Committee

21st June 2022

Application number:	21/03241/FUL		
Decision due by	26th January 2022		
Extension of time	30th June 2022		
Proposal	Demolition of existing garage and erection of a single storey outbuilding to be used as an ancillary home office and gym. (Amended plans).		
Site address	Julianstow Cottage, 10 Harberton Mead, Oxford, Oxfordshire		
Ward	Headington Hill And Northway Ward		
Case officer	Nia George		
Agent:	Milo Bannell	Applicant:	Henry Curtis and Celia Deane-Drummond
Reason at Committee	The applicant, Henry Curtis is member of staff of Oxford City Council.		

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 demolition of an existing garage and the erection of a single storey outbuilding to be used as an ancillary home office and gym.

2.2. This report considers the following material considerations:

- Principle of development
- Design and impact upon designated heritage assets

- Neighbouring amenity
- Vehicle Parking and Highways Safety
- Drainage
- Biodiversity
- Trees
- Land quality

2.3. Officers conclude that the proposed development is acceptable in regards of its design and although it would cause a low level of less than substantial harm upon the character and appearance of the Headington Hill Conservation Area, the benefits of the scheme are considered to outweigh this low level of harm. The proposal would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts in regards to vehicle parking and highways safety, drainage, biodiversity, trees and land quality, subject to the recommended conditions and informatives. Overall the proposal is considered to accord with the policies of the Oxford Local Plan 2036, the Headington Neighbourhood Plan, the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Conservation of Habitats and Species Regulations 2017 (as amended).

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The application site is located within the Headington Hill Area of Oxford, to the north east of the city centre. The site is a detached two storey dwelling located on the north western side of Harberton Mead. The property has been recently built following planning permission being granted in January 2020 for the demolition of the previous property and the erection of a new 4 bed dwelling. The property is located within the Headington Hill Conservation Area.

5.2. Harberton Mead comprises of detached residential dwellings set out in large spacious plots. The street has a woodland character due to the presence of a number of mature trees; it being a private road with no pavements for pedestrians and its lack of street furniture.

5.3. The property currently benefits from a detached single storey garage to the south of the site, which was constructed in 1978 as part of the original development for the dwelling. The garage however has structural and stability issues which is thought to be due to a lack of appropriate foundations for the location.

5.4. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the demolition of the existing single storey garage and the erection of a new single storey outbuilding. The new outbuilding is proposed to be used as an ancillary home office and gym by the occupiers of 10 Harberton Mead.

6.2. The outbuilding would measure 6.5m in width by 5.5m in depth, and would feature a pitched roof form with a height of 4.5m and an eaves height of 2.3m. The outbuilding would be finished in brick and render to match the existing dwellinghouse and natural slate tiles. The outbuilding would also feature six solar panels on the southern roof slope.

7. RELEVANT PLANNING HISTORY

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

01/01574/P - Boundary Fence. Permission required 3rd October 2001.

78/00194/AH_H - Erection of double garage. Approved 19th April 1978.

81/00036/NFH - Extension to form bedroom and bathroom in roof space and ground floor extension. Approved 24th April 1981.

90/00609/NFH - Extension including new living accommodation on ground floor together with rooms in new roof space. Approved 15th August 1990.

08/01986/FUL - Erection of two storey rear extension to include carer's

accommodation at first floor. Approved 6th November 2008.

19/02290/FUL - Demolition of the existing dwellinghouse and outbuildings. Erection of a 1X 4 bed dwellinghouse. Provision of car parking, bin and bicycle storage. Approved 13th January 2020.

19/02290/CND - Details submitted in compliance with condition 3 (Samples in CA) of planning permission 19/02290/FUL. Approved 27th October 2020.

19/02290/CND2 - Details submitted in compliance with condition 6 (Drainage), 7 (Landscape, hard surface design), 8 (Landscape underground services - tree roots), 9 (Tree Protection Plan (TPP) 1), 10 (AMS) and 14 (Ecological enhancements) of planning permission 19/02290/FUL. Approved 30th April 2020.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1: High quality design and placemaking		GSP4: Protection of the setting of the site CIP1: Development respect existing local character CIP4: Protecting important assets
Conservation/Heritage	184-202	DH3: Designated heritage assets	Headington Hill Conservation Area Appraisal	
Housing	59-76	H14: Privacy, daylight and sunlight		
Natural environment	91-101	G2: Protection of biodiversity and geodiversity G7: Protection of existing Green Infrastructure features G8: New and enhanced Green and Blue Infrastructure		
Transport	117-123	M3: Motor Vehicle Parking		

Environmental	117-121, 148-165, 170-183	RE4: Sustainable and foul drainage RE7: Managing the impact of development RE9: Land Quality		
Miscellaneous	7-12	S1: Presumption in favour of sustainable development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 13th January 2022 and an advertisement was published in The Oxford Times newspaper on 3rd March 2022. Officers became aware of the red line boundary annotated on the initial location plan being incorrect. An amended location plan was however submitted during the course of this application and it is this revised location plan upon which the application is considered. This revised plan was re-advertised and further site notices were displayed around the application site on 4th March 2022.

Statutory and non-statutory consultees

Local Highways Authority

9.2. No objection.

Public representations

9.3. No formal representations received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and impact upon designated heritage assets
- Neighbouring amenity
- Vehicle Parking and Highways Safety
- Drainage
- Biodiversity
- Trees
- Land contamination

a. Principle of development

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption

in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policies DH1 and DH3 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP4 of the Headington Neighbourhood Plan. The proposal must also not be detrimental upon the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036. Finally this proposal must also not cause any detrimental impacts in regards to drainage, vehicle parking and highways safety, trees and biodiversity, outlined within Policies RE4, M3, RE7, G2, G7 and G8 of the Oxford Local Plan 2036, in addition to the NPPF, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Conservation of Habitat and Species Regulations 2017 (as amended).

b. Design and impact upon designated heritage assets

10.4. Policies DH1 and DH3 of the Oxford Local Plan, and Policies GSP4, CIP1, and CIP4 of the Headington Neighbourhood Plan, seek to ensure that development is of a high quality design, relates well to the existing house and its surroundings, and respects and enhances the historic environment.

10.5. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area to which great weight is attached and it is accepted is a higher duty.

10.7. Haberton Mead comprises mostly of detached residential houses in large plots. Haberton Mead has been developed in stages, in which the subdivision of

the earlier grounds of Harberton House has provided numerous large plots. This has resulted in a series of enclosed areas which has an important impact upon the appearance of the area, and has contributed to its low-density feel. Harberton Mead has a woodland character; the section of the road immediately surrounding the application site does not have a separate pavement for pedestrians to use, and this coupled with the green verges and mature trees gives its 'lane' character and appearance. The street has a tranquil residential character, and does not feature any street furniture, helping to preserve the woodland character.

- 10.8. Buildings along Harberton Mead comprise of a mixture of arts and crafts architecture, early 20th century buildings, along with later 20th century buildings. The application site has been recently rebuilt, having been granted planning permission in January 2020 for a replacement dwelling. Although the property itself is considered not to have any special historic or architectural interest, it has been designed to be of a scale that is comparable to houses within the area and has importantly retained a low density character and appearance.
- 10.9. The proposed outbuilding would have a footprint of 5.5m x 6.5m and would feature a pitched roof with a pitch height of 4.5m and an eaves height of 2.3m. The existing garage has a footprint of 5.5m x 6.0m, and therefore the proposal extends 0.5m greater in width when compared to the existing garage. The existing garage also has a pitched roof with a pitch height of 4.0m and an eaves height of 2.4m. Therefore the proposed outbuilding would also be 0.5m taller in height at the ridgeline compared to the existing garage.
- 10.10. Although the proposed outbuilding would be slightly larger both in its footprint and in its height when compared to the existing garage, having regard to the context of the site where large detached garages and outbuildings are prevalent along Harberton Mead, coupled with the scale of the host dwelling and its pitched roof form with low eaves, it is considered that the proposal would read as a subservient addition to the main dwelling.
- 10.11. The walls of the outbuilding would be finished in a white painted render and brick which would match that used on the host dwelling, and the roof would be finished in natural slate tiles. Overall the materials proposed are considered to be acceptable as they would form a good visual relationship to the host dwelling and would not be out of character within the surrounding area. A condition has been recommended however requiring samples of the exterior materials to be provided to the Local Planning Authority prior to commencement, to ensure the appearance of the outbuilding is of a high quality given its location within a conservation area.
- 10.12. The proposed outbuilding would not extend any closer to the streetscene of Harberton Mead when compared to the existing garage, and its pitched roof form would ensure that the proposal has a similar appearance to the existing. Therefore although the building would be clearly visible in views along Harberton Mead, it is considered that the proposal would not be dominant due to its similar scale, design and siting to the existing garage. Furthermore the retention of the mature trees at the south eastern boundary of the site will ensure there is still screening from the southern end of Harberton Mead, and therefore the views

from both the northern and southern ends of the street would be similar to the existing.

- 10.13. The proposed outbuilding as noted would be used as an ancillary home office and gym. The building would feature a W.C. and a kitchenette, and it is appreciated that the building would have its own independent access. Officers became aware of concerns that the building could potentially be used as a short term let through platforms such as 'Airbnb', which could give rise to a more extensive use than a single family home. Officers are satisfied however that given the subservient scale of the building coupled with its proximity to the host dwelling and its intended use, that the building would only be used for purposes ancillary to the main dwelling. Officers are mindful that the proposed use of the building is important upon the character of the conservation area as the tranquillity of the area must be retained. A condition has therefore been recommended to ensure the building is used for ancillary purposes only so that inappropriate uses including short term letting do not take place in this location where only incidental or ancillary uses would be acceptable.
- 10.14. The southern roof slope of the proposed outbuilding would feature six solar panels. These would be sited together as an array and would in total cover 1.7m x 3.0m of the roof slope. Although solar panels are contemporary features and are not commonplace within the surrounding area; it is considered that due to their siting on the southern roof slope which would be screened by the mature trees to the south of the building that the panels would not appear as prominent additions on the roof slope. It must be noted that the host dwelling features a number of solar panels on its southern roof slopes, which do not appear out of character as the property overall has been designed with a contemporary appearance. It is considered that the proposed building due to its use of matching materials with the host dwelling and its single storey height, would appear as a subservient and ancillary building and therefore the panels would read within the context of the overall site which has a contemporary character and appearance.
- 10.15. It is considered that the open character and appearance of a low density development would be somewhat retained, however it is appreciated that there would be slight increase in scale compared to the existing garage in terms of its footprint and height. Therefore there would be a greater proportion of built form perceived which impacts upon the low density appearance of the area which is an important characteristic to the conservation area.
- 10.16. Due to the reasons above, the development proposal has been assessed as resulting in a low level of less than substantial harm to the significance of the Headington Hill Conservation Area, and in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal. As mentioned, the existing garage is currently in need of repair as there are subsidence and structural stability failure issues; and the outbuilding currently is considered to result in a poor visual relationship with the main dwelling. The case officer must note that at the time of their site visit, there was also noticeable damage to the roof of the garage. By demolishing the existing garage and erecting the new outbuilding which is considered to be of a high quality design, it is considered that the proposal would result in an improvement to the amenity of the

surrounding area, and the appearance of the Headington Hill Conservation Area. The proposal is therefore considered to enhance the appearance of the conservation area which would result in a considerable public benefit. The proposed garage would also include six new solar panels which would generate power not only for the proposed outbuilding, but for the existing host dwelling too. The new panels would generate approximately 1200kWh per annum, and this would increase the properties energy generated by renewable energy in total up to 37%. This renewable energy generated would not only be used to heat the space and water for the host dwelling and the outbuilding, but would also provide power to an electric vehicle charging point at the property. Therefore the proposal would overall help to reduce the sites carbon emissions, and it is this climate control mitigation that also results in a public benefit.

10.17. Great weight and importance has been given to the desirability of preserving the designated heritage asset. The low level of less than substantial harm that would be caused is considered sufficiently mitigated and justified by the public benefits the new outbuilding would provide in this case. These public benefits would outweigh the low level of less than substantial harm caused and subject to the recommended conditions, the scheme would comply with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Policies DH1 and DH3 of the Oxford Local Plan, and Policies GSP4, CIP1, and CIP4 of the Headington Neighbourhood Plan.

c. Impact on neighbouring amenity

10.18. Policy H14 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, and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

10.19. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

10.20. The outbuilding is proposed next to the southern boundary of the site which is shared with 12 Harberton Mead. The neighbouring property 12 Harberton Mead also benefits from an existing garage which is sited immediately to the west of the proposal. This garage has a similar scale to the existing garage at the application site and screens views of the existing garage from the neighbouring property. It is considered that given the siting of the proposal in the same location as the existing garage, coupled with the siting of the neighbours garage immediately next to the site and the minimal increase in scale when compared to the existing garage, that the proposal outbuilding would not cause any detrimental impacts in regards to daylight access, outlook and would not be overbearing. No openings are proposed to the west elevation of the outbuilding and the opening proposed to the south elevation would be sited at a high level with trees situated between the window and neighbouring site. It is therefore considered that the proposal would not create any detrimental privacy issues for the neighbouring occupiers.

10.21. All other properties are a sufficient distance away from the site so would not be directly impacted by the proposals.

10.22. It is noted that the proposed outbuilding would be used as an ancillary home office and gym, and would contain a kitchenette and a W.C. Officers are satisfied that the intended use as an office and gym would not unduly disturb neighbours or result in a use that would not be supported in this location. A condition has however been recommended to ensure the proposal remains ancillary to the main dwelling.

10.23. Subject to the recommended condition, the development is considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

d. Vehicle parking and highways safety

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

10.25. 10 Harberton Mead is not located within a Controlled Parking Zone and therefore the standards set out in Appendix 7.3 of the Oxford Local Plan are of relevance. Appendix 7.3 states that dwellings of any size should have a maximum of one space provided within the development site, where feasible.

10.26. The existing garage at the site does not meet the minimum internal dimensions required to be used as a car parking space (3.0m x 6.0m), and therefore the loss of the garage is considered not to result in the loss of a parking space at the site. The remaining parking situation is unchanged and there is enough space at the site to accommodate one vehicle.

10.27. During the course of this application Officers became aware of concerns in relation to highway safety in that one of the entrances/exits to the site had been blocked up, as well as concerns that there would not be enough space for a vehicle to turn on the site. Officers were also made aware that there is a two metre change in level on the driveway and that no swept path analysis had been submitted with the application.

10.28. Although the previous planning permission under reference 19/02290/FUL proposed two entrances/exits to the site, only one has been implemented and this is an existing situation at the site which the plans submitted for this application show. As this is an existing situation, this is not a matter which can be addressed through this application and would be a matter for planning enforcement to check whether there is a breach of planning control.

10.29. Nevertheless Officers consulted with the Local Highways Authority and they consider that there would be enough turning space within the site to allow vehicles to enter and exit in a forward gear as a result of the proposal. The Local

Highways Authority concluded that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

10.30. The development is therefore considered to comply with Policies M3 and RE7 of the Oxford Local Plan.

e. Drainage

10.31. Policy RE4 states that all development is required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off.

10.32. The application site is located in flood zone 1 and is not considered to be at significant risk of flooding from any sources. However the development may increase the impermeable area of the site, leading to increased surface water runoff. Therefore the site should be drained using Sustainable Drainage Systems (SuDS). Accordingly, a condition is recommended requiring that the site is drained using SuDS. Subject to this condition, the proposals are considered to comply with RE4 of the Oxford Local Plan 2036.

f. Biodiversity

10.33. Policy G2 states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss and achieve an overall net gain for biodiversity.

10.34. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). Oxford City Council, as the Local Planning Authority, can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on protected species and thus meet the requirements of the National Planning Policy Framework (July 2021) and the Conservation of Habitats and Species Regulations 2017 (as amended).

10.35. The proposal includes the demolition of the existing garage and given its potential suitability for use by roosting bats, coupled with the presence of suitable foraging and commuting habitat in the surrounding area, this increases the likelihood that roosting bats may be present.

10.36. A preliminary roost assessment was submitted for the application which identified potential roosting features under collapsed roof tiles. The garage was assessed as being of low suitability for roosting bats and therefore further survey work was required. A bat emergence and re-entry survey report was then submitted and this identified no bat roosts.

10.37. The project ecologist recommended that the works are completed in accordance with a precautionary working methodology, and the applicant is proposing to install two nesting bird boxes which is a welcome ecological enhancement.

10.38. Overall the Council is satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due

regard. The Council is also satisfied that European Protected Species are unlikely to be adversely affected as a result of the proposals.

10.39. Subject to conditions ensuring the works are carried out in accordance with the precautionary working method and that the two nesting devices shall be installed in accordance with the proposed plans, it is considered that the proposal complies with Policy G2 of the Oxford Local Plan 2036, the NPPF, and the Conservation of Habitats and Species Regulations 2017 (as amended).

g. Trees

10.40. Policy G7 states that planning permission will not be granted for development that results in the net loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact on public amenity or ecological interest. Policy G7 also states that planning permission will not be granted for development resulting in the loss of other trees, except in the following circumstances where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not feasible, any loss of tree canopy cover should be mitigated by the planting of new trees or introduction of additional tree cover (with consideration to the predicted future tree canopy on the site following development); and where loss of trees cannot be mitigated by tree planting onsite then it should be demonstrated that alternative proposals for new Green Infrastructure will mitigate the loss of trees, such as green roofs or walls.

10.41. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green spaces.

10.42. The existing outbuilding is located close to two mature trees, including a large horse chestnut tree near to the southern boundary of the application site. Initially an objection was raised by the Council's internal tree officer as no arboricultural impact assessment or method statement had been submitted to address the potential impact of the development upon these trees. Although the trees are not protected by a tree preservation order, they are protected by virtue of being located within a Conservation Area

10.43. An arboricultural method statement and tree protection plan was subsequently submitted which addressed the Council's tree officers' original concerns.

10.44. Subject to a condition ensuring that the development would be carried out in strict accordance with the approved methods and protection measures identified, Officers are satisfied that the proposal accords with Policies G7 and G8 of the Oxford Local Plan 2036.

h. Land Quality

10.45. Policy RE9 sets out the requirements for applications where proposals would be affected by contamination or where contamination may present a risk to the

surrounding environment. These include details of investigations carried out to assess the nature and extent of contamination and possible impacts on the development and future users, biodiversity, and the natural and built environment; and detailed mitigation measures.

10.46. The Councils' internal land quality officer was consulted on the application and stated that the site has not been subject to previous historical contaminative use according to historical mapping, and it is also not within 50m of a former landfill. Therefore it is considered that there are no landfill risks associated with this development. The proposed building is to be ancillary to the current main residential dwelling and no new property with separate garden areas is proposed. As a result of the above, the overall contamination risk at the site is considered to be low for the proposed development.

10.47. The proposal is therefore considered to comply with Policy RE9 of the Oxford Local Plan 2036.

11. CONCLUSION

11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan 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 clear reasons 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.

11.3. 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.

Compliance with development plan policies

11.4. In summary the proposed development would enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policy S1. Although the proposal would cause a low level of less than substantial harm upon the character and appearance of the Headington Hill Conservation Area, the public benefits of the scheme are considered to outweigh this low level of harm and is considered to accord with Policies DH1 and DH3 of the Oxford Local Plan 2036, Policies GSP4, CIP1 and CIP4 of the Headington Neighbourhood Plan, the NPPF, and Section 72 of the Planning (Listed Buildings

and Conservation Areas) Act 1990. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7. The development would not have any unacceptable impacts in terms of vehicle parking and highways safety, drainage, biodiversity, trees nor land quality, and is considered to be compliant with Policies M3, RE4, RE7, RE9, G2 and G7 of the Oxford Local Plan 2036, the NPPF, and the Conservation of Habitat and Species Regulations 2017 (as amended).

11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

Material considerations

11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.

11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, 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 and Headington Neighbourhood Plan, and that there are no material considerations that would outweigh these policies.

11.9. 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 this report.

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.

Development 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 and to comply with Policy DH1 of the Oxford Local Plan 2036.

Materials

3. Samples of the exterior materials proposed to be used shall be made available for inspection on site and approved in writing by the Local Planning Authority before their installation on the site and only the approved materials shall be used, unless otherwise agreed in writing by the Local Planning Authority.

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

SuDS

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas should be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development. Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with Policy RE4 of the Oxford Local Plan 2016 – 2036

Precautionary Working Method

5. All works shall be carried out in accordance with the Precautionary Working Method in the Bat Emergence and Re-entry Surveys report produced by Arbtech dated May 11th 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any potential impact on protected species is adequately dealt with and to comply with the Wildlife and Countryside Act 1981 and Policy G2 of the Oxford Local Plan 2036.

Bird nesting

6. Two bird nesting devices shall be installed in accordance with the Proposed Elevations drawing produced by Milo Design & Visualisation on November 19th 2021 prior to the completion of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological enhancements in compliance with the National Planning Policy Framework and Policy G2 of the Oxford Local Plan 2036.

Arboricultural Method Statement

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the planning application details shown on drawing number SP02.F (25.02.22) unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Use of outbuilding

8. The outbuilding hereby permitted shall not be used other than for purposes ancillary to the enjoyment of 10 Harberton Mead, and shall not be used as a separate dwelling or for any business, commercial or industrial purposes, including short term letting.

Reason: In the interests of protecting the character and appearance of the area as well as to safeguard the amenities of adjoining residents in accordance with the requirements of Policies DH1, DH3 and H14 of the Oxford Local Plan 2016-2036.

INFORMATIVES

Bats

1. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended). Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection. Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that work is stopped immediately and advice sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

Nesting birds

2. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

NPPF

3. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. HUMAN RIGHTS ACT 1998

13.1. 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.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

14.1. 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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