

Oxford City Planning Committee

22nd September 2022

Application number:	21/03114/CT3		
Decision due by	23rd February 2022		
Extension of time	TBA		
Proposal	Erection of 10no. new affordable dwellings on a former depot site (amended plans and description).		
Site address	Former Workshop At, Lanham Way, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Littlemore Ward		
Case officer	Sarah Orchard		
Agent:	Jessop and Cook Architects	Applicant:	Oxford City Council
Reason at Committee	Major Development		

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 and subject to:

- receipt of further drainage information requested by the Lead Local Flood Authority and removal of their current objection;
- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. **agree to delegate authority** to the Development Management Service Manager to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Development Management Service Manager considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the

obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Development Management Service Manager considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the erection of 10no. affordable dwellings on a vacant and disused site. The proposal comprises of 6no. 2 bedroom semi-detached dwellings (two storey) and 4no. 3 bed semi-detached dwellings (three storey). Vehicular access to the site would be provided by Medhurst Way to the south and the proposal would include the provision of 9no. car parking spaces (including 3no. disabled size spaces and 1no. car club space).

2.2. The development would accord with the aims and objectives of the National Planning Policy Framework (NPPF) and to promote an efficient use of land to meet the need for affordable housing. The proposal is found to be acceptable in principle, would be acceptable in design and heritage terms (with public benefits outweighing less than substantial harm to designated heritage assets), the proposal would also have an acceptable impact on archaeology, neighbouring amenity, surrounding transport network, trees (and provide enhanced landscaping), air quality, biodiversity (and provide over 5% biodiversity net gain), flooding and drainage, land quality and energy. It would constitute sustainable development, and, given conformity with the development plan as a whole, paragraph 11 advises that development should be approved without delay. Furthermore there are no material considerations that would outweigh the compliance with these national and local policies.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover the provision of off-site biodiversity enhancement (hedgerow net gain that cannot be met on site) and a financial contribution to the County Council towards household waste and recycling facilities. The legal agreement would also secure the requirement for the applicant to enter into a section 278 agreement with the County Council to alter the access into the site.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site lies at the eastern end of Lanham Way between residential properties in Lanham Way and the playing fields of John Henry Newman Academy to the east. To the north of the site lies further residential properties in David Nicholls

Close and to the south is the residential development of Medhurst Way which would provide vehicular access into the southern side of the site.

5.2. The site is currently vacant and appears to have last been used as a playing field depot. The site is made up of trees, rough ground and concrete. There is little evidence of the last use of the site.

5.3. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the erection of 10no. affordable dwellings on a vacant and disused site. The proposal comprises of 6no. 2 bedroom semi-detached dwellings (two storey) and 4no. 3 bed semi-detached dwellings (three storey). Vehicular access to the site would be provided by Medhurst Way to the south and the proposal would include the provision of 9no. car parking spaces within the centre of the site (including 3no. disabled size spaces and 1no. car club space).

6.2. During the course of the application, amended plans were received to reduce the scheme from 14no. dwellings to 10no. dwellings as it was felt that the scheme was overdeveloped and cramped and could not appropriately accommodate the number of houses proposed within the layout and size, shape and context of the site in this case; the dwellings would not benefit from adequate outdoor amenity space whilst also taking into account other material considerations such as overlooking privacy and existing tree/ hedgerow, biodiversity and access constraints.

6.3. Each pair of semi-detached two storey dwellings would measure approximately 11.3 metres deep by 11.2 metres wide. They would have a height of 5 metres to the eaves and 8 metres overall to the roof pitch.

6.4. Each pair of semi-detached three storey dwellings would also measure approximately 11.3 metres deep by 11.2 metres wide. They would have a height of 5 metres to the eaves and 9 metres overall to the rear roof pitch. The front gable would have a ridge height of 5 metres to match that of the two storey dwellings.

7. RELEVANT PLANNING HISTORY

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

60/01086/M_H - Erection of storage shed for playing fields. PERMIT 7th October 1960.
66/00700/M_H - Erect a covered area and pit for vehicle maintenance. PERMIT 26th September 1966.
71/00689/M_H - Additional accommodation to for the setting up of a large scale maintenance unit for the playing fields service, to form part of existing central depot. PERMIT 28th September 1971.
73/01094/M_H - Construction of an additional building for the storage of consumable materials for the playing fields service and to form part of the existing Central Depot. PERMIT 26th November 1973.
75/00584/SON_H - Erection of storage building in precast concrete. PERMIT 10th November 1975.
78/00587/SON_H - Erection of a concrete storage garage for new vehicle. PERMIT 6th November 1978.
82/00043/SON - Construction of garages, mess room, fencing, access, (general site improvements) at Education Department, Playing field depot. PERMIT 14th July 1982.
17/00991/OUT - Application for outline planning permission for the development of up to 16 residential units (houses and flats) with associated landscaping, parking and boundary treatment, including access (all other matters reserved). WITHDRAWN 31st January 2018.

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:
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Design	126-136	DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores		
Conservation/Heritage	194-208	DH3 - Designated heritage assets DH4 - Archaeological remains		
Housing	60-67	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards		
Commercial	83	E1 - Employment sites		
Natural environment	153-158, 159-169, 174, 180,	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure		

Social and community	92-97	V8 - Utilities V9 - Digital Infrastructure		
Transport	110-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking Standards SPD	
Environmental	119-120, 123-124, 183-188	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE5 - Health, wellbeing, and Health Impact Assessment RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN	
Miscellaneous	2, 7-12, 38, 47, 55-57	S1 - Sustainable development		

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 8th December 2021 and 20th July 2022 and an advertisement was published in The Oxford Times newspaper on 16th December 2021 28th July 2022.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. No objection. During the course of the application further details were requested in relation to carriageway and footway widths and ownership of the site up to the public highway to demonstrate that the road could be adopted. No concerns in relation to car parking levels or cycle parking. Refuse and emergency vehicles would be able to enter and exit the site safely in forward gear.
- 9.3. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works to the site access.
- 9.4. Conditions required for a construction traffic management plan, travel plan statement and a travel information pack.

Oxfordshire County Council (Education and Property)

- 9.5. Schools serving the area would be expected to have sufficient capacity to accommodate the expected pupil generation from the proposed development. As such no S106 contributions are sought.

Oxfordshire County Council (Waste Management)

- 9.6. A financial contribution of £940 is sought towards expansion and efficiency of household waste and recycling centres as sites are currently no longer fit for purpose and are over capacity.

Thames Water Utilities Limited

- 9.7. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application.

Thames Valley Police

- 9.8. Initially concerns were raised that bin should be stored to the rear so it does not obstruct overlooking of Lanham Way, concerns about the design and location of bin stores, neighbour disputes over parking, surveillance of parking areas, prevention of parking in front of plot 4 with a bollard, all properties should have rear garden access and concern with boundary treatment on plot 16.
- 9.9. Following reconsultation concerns that the parking level would cause neighbour disputes if parking overflows from the site. Surveillance of the car parking area is limited. Lighting plans are missing from the application. Lack of detail about boundary treatments and concern that the biodiversity area would be accessed for maintenance through the garden of plot 10.
- 9.10. However, it was further agreed that parking could be managed with a car park management plan, the access to the biodiversity area would be moved and other details could be addressed by conditions. Subject to this the objection was removed.

Littlemore Parish Council

9.11. Impact on the setting of heritage assets, impact on existing residents of pedestrian and cycle access along Lanham Way, issues of contaminated land and pollution by old sewage systems, regards should be given to sustainability, increase in traffic on Medhurst Way and impact on pedestrians on Sandford Road. Reduced parking must be justified through improvement in alternative modes of transport. Littlemore is being overdeveloped.

Oxford Civic Society

9.12. Welcome the provision of more affordable housing and the use of solar panels. Concerns with the suitability of the access and road safety. Concern that there could be conflict between different types of users of the road.

Natural England

9.13. No comment.

Historic England

9.14. No comment, refer to local conversation and archaeology advice.

Environment Agency

9.15. No consultation required.

Public representations

9.16. 32no. third party comments from addresses in Medhurst Way, Lanham Way, David Nicholls Close, Oxford Road (Littlemore), Sandford Road

9.17. In summary, the main points of objection were:

- Lack of parking provision.
- The site is not in a sustainable location for public transport.
- Too many housing developments in Littlemore adding to traffic problems.
- Road safety issues in Medhurst Way.
- Safety issues with refuse truck reversing in the site.
- Loss of privacy to residents in Lanham Way and creation of noise pollution. The lane should be kept closed.
- Sewage problems.
- Overshadowing of proposed trees.
- Inadequate garden sizes.
- Impact on Medhurst Way of construction impact.
- Transport statement refers to bus services which have been cut.

- The site should not be known as Lanham Way as there would be no vehicular access from this lane.
- Design is not in keeping with Medhurst Way, David Nicholls Close or Lawn Upton Close.
- Site should be used for a GP surgery or dentist.
- Land contamination issues.
- Lanham Way is a private road.
- 21 day consultation is not long enough. If it were a private developer 6 weeks consultation period would have been carried out.
- Negative impact on 3A Lanham Way and the wellbeing of the occupant.
- No details of boundary treatments proposed.
- Trees being retained should be protected.
- Consultation has not been carried out correctly.
- Impact on heritage assets.
- Poor design relationship between proposal and existing neighbouring dwellings.

9.18. In summary, the main points of support were:

- Good use of an infill brownfield site to add much needed social housing to Oxford.

Officer response

9.19. Where the above points relate to material planning considerations, they are addressed in the report below.

9.20. Public consultation was carried out in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and Heritage
- Housing
- Neighbouring amenity
- Natural environmental
- Social and community
- Transport
- Environmental

a. Principle of development

- 10.2. The application site is an overgrown site which appears to have been disused for a substantial period of time. It is understood that the site was last used as a playing field depot. This could be classed as an employment use under policy E1 of the Oxford Local Plan 2036.
- 10.3. Policy E1 classes employment sites not identified as category 1 or 2 as category 3 sites. This would apply to this site. The policy allows for the loss of employment uses on category 3 sites for residential development where a balanced judgement is made in relation to the need to deliver housing in sustainable locations within the city, avoid the loss of or significant harm to a successful high employment business, creating satisfactory residential living conditions and achieving biodiversity and environmental enhancements.
- 10.4. The proposal would create 10no. affordable homes, would not result in the loss of a high employment site, would provide satisfactory living conditions (as explained in more detail below and would also result in biodiversity enhancements. When balancing these considerations, it is considered that the benefits of the scheme outweigh the loss of the potential for a very small employment use and is therefore in compliance with the requirements of the policy.
- 10.5. The proposed redevelopment of the site for housing is therefore considered acceptable in principle, subject to other material considerations set out in the report below.

b. Design and Heritage

- 10.6. Paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including their setting).
- 10.7. Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets. Paragraph 202 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.
- 10.8. Special attention also has to be paid to the statutory test of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption can be outweighed by powerful material considerations.
- 10.9. The Littlemore Conservation Area encompasses the historic core of Littlemore, the special character of which derives from its retention within the

modern settlement of a village atmosphere, and its traditional buildings that survive in much of the original street pattern with representative types of structures from several centuries that are archetypal to an evolved village settlement.

10.10. As noted in the Conservation Area Appraisal (2008), characteristics that make a particular contribution to the significance of the Conservation include:

- long views along Sandford Road and Oxford Road, together with gradually unfolding views along the curving Cowley Road;
- an organic building pattern representing various development periods
- characteristic coral ragstone boundary walls and buildings;
- historic connections with John Henry Newman, a notable leader of the Oxford Movement and parish priest who built the first parish church in Littlemore in 1835-6 and established a religious 'College' in the village in the 1840s;
- mature trees that contribute to the skyline and street scape;
- the village qualities that survive despite suburban growth enveloping it as part of Oxford;
- the survival of spaces between buildings.

10.11. The site does not fall within the Littlemore Conservation Area, but lies adjacent to its boundary, and its development will impact on the setting of this designated heritage asset, in particular the continuation of Lanham Way, which the Conservation Area Appraisal describes in the following way:

- 'Lanham Way, just to the north of the Speedwell School site, is a narrow rural trackway, the majority of which is outside the conservation area. The lane is an enclosed space formed by high boundary walls, buildings directly onto the lane and planting. The lane eventually leads to the school playing fields forming part of the more open setting to the conservation area.'

10.12. The site also falls within the setting of listed buildings. Lawn Upton House is a large Gothic residence designed and built for Charles Crawley in 1846, on the 10-acre plot previously acquired by John Henry Newman for his monastic college. It is listed at Grade II. The development site comprises part of the original 10 acres of land acquired by Newman for his monastic house and on which Lawn Upton House was built, and therefore shares an historic association with the asset. It appears never to have formed part of the parkland landscape in which the house was set, but sits as a backdrop to the south-west of the grounds, which are now occupied by a residential development constructed at the beginning of the 21st century.

10.13. The proposal is also considered to sit within the setting of The Old House. This is a two-storey 2-unit baffle entry plan house (which has an entry to a lobby in front of an axial chimney-stack) constructed of limestone rubble and rendered

dating from the early-18th century or possibly earlier. It is listed at Grade II. The development site shares no known historic association with The Old House, but shares a degree of visual connection with the asset, lying c.85m to the south-east beyond intervening properties along Lanham Way. It therefore forms a part of the asset's setting, although at present it makes no particular contribution, either positive or negative, to the significance of the asset.

- 10.14. The submitted Design and Access Statement (DAS) contains a thorough analysis of the character of the Littlemore Conservation Area and its surroundings, and it is demonstrated that this analysis has positively informed the design development of the scheme.
- 10.15. The linear configuration of the development would reinforce the historic route of Lanham Way, and the front boundary walls and tree planting would help to continue something of the sense of enclosure that characterises the western part of the trackway.
- 10.16. Existing built form along Lanham Way predominantly comprises detached buildings with a fairly organic and irregular grain and layout. However, it is considered that the introduction of semi-detached pairs of dwellings would not be at odds with the grain and layout of the wider area, where the historical development of the village has resulted in a high degree of variation. As is illustrated in the DAS, it is typical for larger detached buildings to be interspersed with groups of other housing within the historic village.
- 10.17. The proposed layout is therefore considered an appropriate response to the site and the character and distinctiveness of the locality.
- 10.18. The proposed 1.5 to 2.5 storey height of the buildings is considered to be appropriate for the site, having regard to the scale and massing of surrounding development. As demonstrated in the proposed site sections and elevations, the scale of the proposed semi-detached properties would relate to existing properties along the western part of Lanham Way and to those on Medhurst Way. Grading up the height towards eastern extent of the site is suitable given that this part of the site is less visually sensitive.
- 10.19. It is clearly shown in the DAS that a detailed analysis of the Conservation Area has informed the chosen palette of materials and design details, which would appear to be of a high quality and would help to ensure that the design of the scheme, whilst contemporary, is nonetheless rooted in the character and appearance of the conservation area, whilst also helping to break up the massing of the buildings. Samples of the proposed materials would be secured by condition.
- 10.20. The incorporation of front gardens and stone boundary walls into the scheme is welcome as these are a characteristic feature of the conservation area, and would help to soften the appearance of the proposed semi-detached properties. The siting of bin storage enclosures along the front boundary walls would somewhat compromise the integrity of these boundaries; nonetheless it is acknowledged that building regulations requirements on drag distance would prevent there being a single bin storage unit for the development. The majority of

bin stores would be positioned behind the wall which is considered a suitable compromise. It is welcomed that bike storage would be located within the properties' gardens to prevent further compromise of the integrity of the boundary wall. However, it is considered that the visual impact of both the bin and bicycle stores could be further mitigated through bespoke design, and this could be secured through a suitably worded condition.

- 10.21. Overall, it is considered that the proposed development is of a suitably high quality of design that respects and responds positively to the significant character and distinctiveness of the historic village.
- 10.22. Consequently, whilst it would result in change to a part of the setting of the Littlemore Conservation Area, it would preserve the Conservation Area's character, appearance and significance.
- 10.23. It is noted that no specific assessment of the significance of either Grade II listed Lawn Upton House or The Old House is provided in the submitted DAS, nor an assessment of the impact of the scheme on their significance. However, at section 7.0 some consideration is given to views of the site from, and in conjunction with, Lawn Upon House, as well as views along Lanham Way from Sandford Road; and as the development responds well to the local character and appearance of the Conservation Area, it is considered that it would not harm the contribution that setting makes to the significance of either listed building.
- 10.24. The proposal is therefore considered acceptable in relation to policies DH1 and DH3 of the Oxford Local Plan 2036 and the NPPF. Great weight has been given to the higher duty set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 10.25. Oxford Local Plan policy DH4 requires consideration to be given to archaeology, as does the NPPF. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.26. NPPF Paragraph 205 states that where appropriate local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 10.27. This site is of interest because it lies within a landscape of extensive and dispersed Roman manufacturing activity related to the nationally important local Roman pottery industry. In this instance land directly to the north, south and east of the depot has been subject to archaeological investigation over the last 20 years providing information on the context of the site.

- 10.28. In 1995 an archaeological evaluation for a housing development at David Nicholls Close by Thames Valley Archaeological Services identified two small pits and a ditch along with a small amount of residual 12th-15th century pottery and a piece of possible Roman kiln daub. These features were located 56m north of the maintenance depot site. Trenches directly north of the depot did not identify any significant features in this area. Subsequently a watching brief Oxford Archaeology in 1996 failed to identify any further features.
- 10.29. A watching brief was also undertaken during the construction of buildings for John Henry Newman Primary School directly east of the site by Tempus Reparatum in 1994, no significant features were identified. Furthermore John Moore Heritage Services undertook a two-phase archaeological evaluation at Speedwell First School in 2002 and 2005, here a small amount of Roman pottery was discovered along with two undated gullies 30m south west of the maintenance depot site.
- 10.30. The limited number of features and the small number of residual finds from the surrounding sites suggests a low level of activity in the area. However there is a sufficient question mark over undated features and the kiln daub to warrant conditioned trial trenching in this instance.
- 10.31. In this case, bearing in mind the site history and context, Officers consider that, in line with the advice in the NPPF, any consent granted for this application should be subject to a condition to secure archaeological trial trenching followed by further mitigation as appropriate.
- 10.32. Subject to this condition the application is considered to comply with policy DH4 of the Oxford Local Plan and the requirements in the NPPF.

c. Housing standards

Affordable Homes

- 10.33. Policy H2 of the Oxford Local Plan requires that proposals for major housing developments (10 dwellings or more) should provide 50% of the homes as affordable units. 40% of proposed dwellings provided should be available for social rent. In this case the entire site is proposed as affordable social rent to be managed by Oxford City Council. The proposal therefore exceeds the policy requirement. Whilst the provision of 100% social housing has the potential to create unbalanced communities, in this case considering the small scale of the development and its integration into an area of predominantly market housing, it is considered that the proposal would not result in an unbalanced community.
- 10.34. The Written Ministerial Statement published 24th May 2021 set out the requirement for first homes to form a percentage of affordable housing delivered on site. This requires that 25% of affordable units should be first homes, sold with a minimum of 30% discount against market value to eligible buyers. The ministerial statement also sets out that where specific developments are exempt from delivering affordable homes under the NPPF, first homes does not apply. Paragraph 65 of the NPPF states that 10% of a development should not have to be made available for affordable home ownership where a site is exclusively for

affordable housing, as in this case. The site is therefore exempt from providing first homes.

Mix of Dwelling Sizes

10.35. The site does not seek to provide 25 or more homes and is therefore not expected to deliver a mix of dwelling sizes as set out in policy H4 of the Oxford Local Plan 2036.

Accessible and Adaptable Homes

10.36. Policy H10 of the Oxford Local Plan 2036 sets out that all affordable dwellings shall be constructed to optional category 2 standard of Building Regulations Approved Document M4. The proposal seeks to achieve this standard which could also be secured by condition.

Privacy, Daylight and Sunlight

10.37. All new homes should have adequate daylight, sunlight and privacy in accordance of the requirements of policy H14 of the Oxford Local Plan 2036. The application has been accompanied by a daylight/sunlight assessment to demonstrate that the habitable rooms of the proposed dwellings would receive an adequate level of daylight and sunlight.

10.38. The two storey dwellings would sit south of properties in David Nicholls Close. Plot 1 would sit approximately 6.5 metres from 3a David Nicholls Close (formerly a garage, Plot 2 would sit approximately 15 metres from 3 David Nicholls Close, Plots 3-4 would sit approximately 13 metres from 4 David Nicholls Close. Given that these proposed units would all sit within 20 metres of windows looking directly towards to the development, limited amenity space is located to the rear of the properties and first floor windows would be high level to protect the amenity of the occupiers of the future dwellings. Other proposed plots would be adequately distanced from existing neighbouring occupiers to ensure that they would benefit from adequate privacy.

Internal Space

10.39. Policy H15 of the Oxford Local Plan 2036 requires that all new homes are building to the nationally described space standard.

10.40. The proposal comprises of 6no. two bedroom, two storey homes suitable for occupancy for up to 4no. residents. These would meet the minimum space standard of 79m².

10.41. 4no. three bedroom, three storey homes suitable for occupancy for up to 6no. residents are also proposed. These would meet the minimum space standard of 108m².

10.42. The proposal is therefore considered to comply with policy H15 of the Oxford Local Plan 2036.

Outdoor Amenity Space

- 10.43. Policy H16 of the Oxford Local Plan 2036 sets out that houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint. This would be the case with the proposed dwellings.
- 10.44. The policy also requires that consideration is given to the accessibility, usability and privacy of the space. Given that the development site is reasonably constrained, it has been a challenge to ensure that all dwellings would have usable and private amenity space. To ensure the amenity spaces get adequate sunlight and would be private from dwellings to the north in David Nicholls Close, a larger proportion of the gardens are unusually proposed to the front of the dwellings. Adequate boundary treatments and planting, which could be secured by condition, would ensure that they would be of a suitable appearance and provide adequate privacy.
- 10.45. Given that private amenity space is limited and just meets the policy requirement, it is considered reasonable to recommend a condition to remove permitted development rights for extensions and outbuildings to ensure that adequate private amenity space would be retained for future occupiers.
- 10.46. Subject to these conditions, the proposal is considered to comply with policy H16 of the Oxford Local Plan 2036.

d. Neighbouring amenity

- 10.47. Policies RE7 and H14 of the Oxford Local Plan 2036 require consideration to be given to the amenities of neighbouring occupiers during the course of construction and post completion of the development in relation to privacy, daylight and sunlight and sense of enclosure.
- 10.48. The application has been accompanied by a daylight/sunlight assessment to demonstrate that the proposal would not be harmful to the amenity of neighbouring properties. The submitted report concludes that the proposed development would have no impact on the vertical sky component (VSC) of the majority of neighbouring windows. Where there is impact, this is assessed as negligible. Where there is an impact, overall the rooms are still considered to achieve the required daylight factor ensuring adequate daylight would still be received during the day. All neighbouring windows would also achieve the required sky view percentage on the working plane level which would ensure that there would not be an unacceptable loss of outlook.
- 10.49. The report also concludes that the greatest impact would be on the Annual probable sunlight hours (APSH) to window 6 (W6) of 4 David Nicholls Close. This is a small side facing which serves a kitchen diner and is one of 5 windows plus glazed doors serving the room. The impact on this room overall would not be considered a significant impact therefore, given the other existing windows and doors to the room.
- 10.50. The two storey dwellings would sit south of properties in David Nicholls Close. Plot 1 would sit approximately 6.5 metres from 3a David Nicholls Close (formerly

a garage, Plot 2 would sit approximately 15 metres from 3 David Nicholls Close, Plots 3-4 would sit approximately 13 metres from 4 David Nicholls Close. Given that these proposed units would all sit within 20 metres of windows looking north from the proposed development the proposed high level windows in the rear of Plots 1-6 would protect the amenity of the neighbouring occupiers. Other proposed plots would be adequately distanced from existing neighbouring occupiers to ensure that they would benefit from adequate privacy.

10.51. In relation to properties in Lanham Way and Medhurst Way the proposed dwelling are considered to be located adequate distance with windows in appropriate locations to ensure that there would not be a detrimental impact on privacy or enclosure.

10.52. To ensure that privacy is retained between the proposed development and properties and their private amenity space in David Nicholls Close, permitted development rights under Class A are recommended to be removed by condition to allow further consideration to be given to the installation of any further windows.

10.53. Concerns have been raised that the proposed trees would overshadow 5 David Nicholls Close. 2no. trees are proposed along this boundary (T33 and T34). These are to replace existing trees and therefore it is considered there would be a neutral impact on this property and garden in terms of daylight and sunlight.

10.54. The proposal is therefore considered acceptable in relation to policies RE7 and H14 of the Oxford Local Plan 2036.

e. Natural environment

Ecology

10.55. Oxford Local Plan 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 the loss and achieve an overall net gain for biodiversity and for major development this should be demonstrated in a biodiversity calculator. The LPA should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). In addition, The Wildlife and Countryside Act 1981 protects all birds and their nests, providing offences subject to certain exceptions.

10.56. The Local Planning Authority has a duty to consider whether there is a reasonable likelihood of protected species being present and affected by development at the application site. The presence of a protected species that may be affected by the development is a material consideration for the LPA in its determination of a planning application (paras' 98, 99 ODPM and Defra Circular 06/2005: Biodiversity and geological conservation). The LPA has a duty as a competent authority, in the exercise of its functions, to secure compliance with the Habitats Directive (Regulation 9(1) The Conservation of Habitats and Species Regulations 2017 '2017 Regulations'). The Habitats Directive is

construed from 31 December 2020 to transfer responsibilities to UK authorities to enable it to function as retained EU law. This applies to European sites (SACs and SPAs) and European Protected Species, both in and out of European sites.

10.57. The 2017 Regulations provide a licensing regime to deal with derogations. It is a criminal offence to do the following without the benefit of a licence from Natural England:

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

10.58. The application site is of limited ecological value at present. The primary features of interest are the trees, which it would be preferable to retain. However, where losses are proposed these are necessary and the proposed mitigation measures are considered adequate and appropriate.

10.59. A robust assessment has been undertaken with regards to protected species, with appropriate mitigation proposed for nesting birds, reptiles and great crested newts. Officers are satisfied there are no likely adverse effects on these species and protected species licences would not be required. The mitigation would be secured via planning condition.

10.60. Within the application site the proposals would result in a net gain of 0.16 habitat units (+8.57%) and a net loss of 0.38 hedgerow units (-24.39%).

10.61. The applicant thoroughly explored options for delivering net gain in both habitat and hedgerow units within the application site and Officers are satisfied this is not viable. The applicant is proposing to fund the delivery of 100m of hedgerow on a recreation ground in Thames View Road, which would result in an overall gain of 0.39 hedgerow units for the proposed development (+34.96%).

10.62. Whilst the development would provide a lower level replacement habitat for a lost tree of medium biodiversity distinctiveness (quality) overall this is considered insignificant in respect of the scheme as a whole which otherwise would provide appropriate biodiversity replacement and delivers net gain. Officers therefore consider the application to accord with the net gain requirements in Policy G2 of the Oxford Local Plan 2036.

10.63. Management of the on-site element of the biodiversity net gain should be secured through a suitable management plan. Officers are therefore recommending a planning condition requiring a landscape environment

management plan (LEMP), in addition to a Landscape Plan to ensure no invasive species are planted (at present a Cotoneaster is proposed, which would need to be removed from the planting list). Funding for the off-site element of net gain could be appropriately secured through a section 106 agreement.

Trees

- 10.64. Policies G1, G7 and G8 require consideration to be given to retaining green landscape features wherever possible. Trees should be retained unless not feasible and if they are lost the loss must be mitigated for on-site with replacement tree canopy cover. If that is not possible other onsite mitigation measures will need to be provided.
- 10.65. As the proposal is for a major development, policy G7 identifies that as a major residential development there should be no net loss in tree canopy cover associated with development compared with baseline + 25 years against a no development scenario baseline + 25 years.
- 10.66. The technical advice note that accompanies the policy states that there may be occasions where it is not possible to incorporate the existing trees into the design of the development, but developers will need to demonstrate that alternative site layouts are not achievable (on small sites in particular it may be difficult to achieve any layout that would not require the removal of the existing trees). The constraints from trees may prevent a level of development that is viable, which is another consideration.
- 10.67. The application involves the removal of all the generally poor quality trees and shrubs from the site to facilitate development without unrealistic spatial conflicts arising with inappropriately retained trees. Indicative landscape proposals are included in the Design and Access Statement (DAS); this shows species selections for replacement tree planting. The main feature of this is a linear tree arrangement along the notional line of an extension to Lanham Way. Discrete sections of hedge are indicated for the fronts, and between, houses, and a long continuous hedge is indicated for the rear boundary to the north. A species rich shrub area for biodiversity enhancement is located in the rectangular area at the east of the site.
- 10.68. The selection of trees indicated in the DAS are acceptable in principle and have been chosen in order to grow and develop in sustainable spatial relationships to the built scheme; this demonstrates the principle of achievable mitigation through replacement planting. The loss of T30 (a 12.5 metre early mature sycamore) would be mitigated by a fastigate maple - *Acer x freeman* 'Armstrong', which is considered acceptable.
- 10.69. However, Officers are not convinced that the species mixtures indicated are appropriate in all situations, or that they work well as unifying elements to the scheme; and this requires further refinement by a landscape architect which could be resolved by condition requiring a finalised landscape scheme.
- 10.70. The tree canopy baseline is measured at 918m², which is 32% of the total application area of 2,859m². The study assumes that if the site were not

developed it would be used for some other purpose, such as for storage, and for this vegetation would need to be cut back. The forward projection of canopy cover, assuming the site was not abandoned, is therefore given as the same as the baseline at 918m². Officers do not object to this methodological approach in these circumstances.

10.71. The canopy sizes after planting are taken from information published by the Trees & Design Action Group (TDAG). This generates a post planting canopy area of 400m². The canopy extent after 25 years is also shown on the plan. This has been estimated by considering the growth rate and form of the specified species and the proximity to buildings, roads and gardens where future pruning will be carried out. This generates an anticipated canopy area after 25 years of 749m². This equates to 26.2% of the site.

10.72. Therefore there would be a 6% net loss of canopy cover on the site after a 25 year period; this is considered inevitable in the context of development being acceptable in all other policy regards as set out elsewhere in the report. The overall impacts of the development on canopy cover would initially be a significant reduction, then a recovery to near parity would take place after 25 years. In addition the quality of the canopy cover would be enhanced over existing by being more diverse and in its impact by virtue of being by design. Therefore on balance, given the constraints of the site and layout, it is considered that the development would result in a net enhancement of the site over time and is therefore acceptable.

10.73. The proposal is therefore considered acceptable in relation to policies G1, G7 and G8 of the Oxford Local Plan 2036 subject to conditions requiring a finalised landscape plan, implementation of the landscape proposals, reinstatement of any landscaping which fails to survive with 5 years of planting, a landscape management plan, landscape surface design in relation to tree roots, underground services in relation to tree roots and compliance with the submitted tree protection plan.

f. Transport

Highways Impact

10.74. The tracking details submitted with the application demonstrate that emergency and refuse vehicles would be able to safely enter the site and leave in forward gear. Adequate room has been provided for turning on site and the Local Highway Authority have no objection to this proposed layout.

10.75. Further information was requested during the course of the application of carriageway and footway widths to demonstrate that the proposed road could be adopted and that the application site boundary met that of the adopted highway. This information was provided and this objection was removed.

10.76. An obligation to enter into a section 278 agreement would be required to secure mitigation/improvement works to the site access. The requirement to do this would be secured by the proposed section 106 agreement.

Car Parking

- 10.77. Policy M3 of the Oxford Local Plan 2036 sets maximum parking standards for residential developments. Wherever possible it seeks to encourage car free developments where certain criteria are met. This is where the development falls within a controlled parking zone, is within 400m of a bus stop with a regular bus service (with a service every 15 minutes) and is within 800 metre of a food store. In this case the development does not fall within a controlled parking zone, is within 230 metres of a bus stop (currently served by the 3A on a half hourly basis), 400 metres of a bus stop (served by the 5A bus service on a half hourly basis) and within 800 metres from a full sized supermarket (Sainsbury's at Heyford Hill). Given that the site is not within a controlled parking zone and the bus service is not every 15 minutes, the site does not therefore meet the requirements for a car free development.
- 10.78. Concerns have been raised through public consultation that the transport statement referred to bus services which have been cut or altered. This has been raised with the Local Highway Authority who are aware of what current bus services are available and are still satisfied that the parking provision is adequate.
- 10.79. The application now proposed a total of 9no. spaces to serve 10no. dwellings, one space below maximum parking standards. This would be comprised of 1no. car club space to encourage car sharing and lower car ownership, 3no. disabled sized spaces and 5no. standard spaces. This therefore meets policy M3.
- 10.80. Concerns were raised by Thames Valley Police that parking levels were too low. Following further conversations it was explained that whilst three of the parking spaces would be disabled sized, they would be not be restricted to disabled users. If there was a disabled occupier, they would however have priority to use one of these spaces. Thames Valley removed their objection on this understanding and suggested a car park management plan should be secured by condition so that occupiers were aware of the availability of parking.
- 10.81. Concerns have been raised that the parking provision should be based on a survey carried out by a resident of Medhurst Way who calculated that the average car ownership in Medhurst Way is 1.28 cars per dwelling. These car ownership levels are above maximum parking standards set out in policy M3, which seeks to encourage reduced car ownership through reducing maximum parking levels to 1 space per unit (where developments do not fall within car free requirements). The level proposed, including a car club space, is therefore considered acceptable in line with M3.
- 10.82. The Local Highway Authority (Oxfordshire County Council) has also raised no object to the level and type of parking proposed.
- 10.83. The proposal is therefore considered acceptable in relation to policy M3 of the Oxford Local Plan 2036.

Cycle Parking

10.84. Policy M5 of the Oxford Local Plan sets minimum cycle parking standards for all new dwellings. Houses of up to 2 bedrooms are required to have at least 2no. spaces and houses of 3 or more bedrooms are required to have at least 3no. spaces. The proposed development complies with these minimum standards and the final design and layout of the bicycle storage would be secured by condition to ensure it is of a suitable appearance and is covered and secure in order to meet the requirements of policy M5.

g. Environmental

Energy

10.85. Policy RE1 of the Oxford Local Plan relates to sustainable design and construction and requires that new commercial development meets BREEAM excellent standard and achieves a 40% reduction in carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. The proposed development has been assessed against Part L1A 2021 of the Building Regulations which was adopted during the course of the application. In this case the proposal meets these requirements with a fabric first approach to reduce energy demand (with good building insulation) and also through the use of solar PV panels on the roofs and air source heat pumps to rear gardens. Furthermore the proposal seeks to use sustainable materials and minimise waste during construction and operation. A compliance condition would ensure that the proposed development is built to comply with the commitments of the energy strategy. This would also ensure that the proposed development reaches a minimum of four credits under BREEAM assessment in relation to water efficiency given that Oxford is located in an area of water stress.

10.86. Given the above and subject to compliance conditions, the proposal is considered to meet the requirements of policy RE1.

Flooding/Drainage

10.87. Policies RE3 and RE4 of the Oxford Local Plan 2036 require consideration to be given to the risk of flooding to the proposed development as well as the impact on flooding elsewhere that the development could cause. Policy RE4 also requires the incorporation of sustainable urban drainage (SuDs) into all schemes.

10.88. A flood risk assessment is not required as the site is under 1 hectare and is located within Environment Agency Flood Zone 1.

10.89. The application was accompanied by a drainage scheme. Infiltration testing has been carried out on site. Whilst infiltration rates were found to be low across the site, they were within the useable range, indicating that soakaways would function. The new buildings would be constructed in an area which is currently soft landscape or old concrete slabs with no positive drainage. The proposals would therefore be an improvement on the current situation.

10.90. This report has been reviewed by the Lead Local Flood authority (LLFA) who have raised no concern but requested further information:

- Provide site boundary on the drainage strategy plan.
- Provide flood risk assessment for the proposed site.
- Provide detailed drainage drawing.
- Provide surface water catchment plan.
- Provide infiltration testing location plan.
- Provide discharge rates of all proposed SuDS on the drainage strategy plan.
- Provide surface flood exceedance plan.

10.91. Further information was providing during the course of the application to address these concerns. In response to this further information was still requested in relation to:

- Addition of 10% urban creep to the surface water catchment plan.
- Provision of discharge rates of all proposed SuDS on the drainage strategy plan.

10.92. This information is currently being provided. It is considered that the issues raised by the LLFA are technical in nature and they have not raised a fundamental objection to the proposed development. On this basis Officers recommend that the application be approved subject to receiving the drainage information requested by the LLFA and confirmation that they are satisfied with it. Subject to conditions, the proposal is considered to comply with policies RE3 and RE4 of the Oxford Local Plan 2036.

Thames Water

10.93. Thames Water have no objection to the proposal. They consider that the scale of the development would not materially affect the sewer network. In relation to foul water sewage network capacity, Thames Water have no objection to the proposal. Also surface water would not be discharged into the network so this capacity does not need to be accounted for.

10.94. The proposal is therefore considered acceptable in relation to policy V8 of the Oxford Local Plan 2036.

Air Quality

10.95. Policy RE6 of the Oxford Local Plan requires air quality impacts to be taken into consideration during the course of construction and post construction. This should also consider the impact of air quality on residents of the proposed development from external sources as well as the impact of the development on existing neighbouring residents.

10.96. The baseline assessment shows that the application site is located within the Oxford city-wide Air Quality Management Area (AQMA), declared by Oxford City Council (OCC) for exceedances of the annual mean NO₂ air quality objective (AQO). The potential for exposure of future occupants to exceedances of the AQOs was assessed based on the AQMA designation, proximity of pollution sources to the site, local monitoring results and predicted background concentrations. Analysis of DEFRA's urban background maps and of all pollutant

concentrations at monitoring locations in the surrounding area of the application Site, show air pollutant concentrations to be below their relevant air quality objectives and the application site is therefore considered suitable for its intended use.

10.97. According to the site's energy statement, the building's heat demand is to be met by air source heat pumps (ASHPs) coupled with PV technology systems, which are proposed to be grid connected. These technologies are zero emission, and as such there will be no negative impacts on local air quality from the use of these systems.

10.98. According to the site's transport assessment, the proposed development is anticipated to generate 6 trips in the AM peak, 8 trips in the PM peak and 65 daily vehicle movements. This is below the indicative criteria set out in the Institute of Air Quality Management planning guidance (100 AADT within or adjacent to an AQMA). As the maximum generated trips (as AADT) are not predicted to exceed the relevant EPUK/IAQM Screening Criteria, Effects associated with the operation of the Proposed Development can therefore be considered as insignificant and require no further consideration.

10.99. According to the site's transport and sustainability statements, the site the proposed parking provision of 9 spaces (including 7 resident spaces, 2 visitor spaces and 1 car club space). The development is required to be compliant with local plan policy M4 with regards to Electric vehicle charging infrastructure which would be secured by condition.

10.100. The impacts of demolition and construction work on dust soiling and ambient fine particulate matter concentrations have been assessed on the AQ Assessment, the Site is found to be at worst 'Medium Risk' in relation to dust soiling effects of Earthworks on people and property and 'Low Risk' in relation to human health impacts. The risk of dust causing a loss of local amenity and increased exposure to PM10 concentrations has been used to identify appropriate mitigation measures. Provided these measures are implemented and included within a dust management plan, the residual impacts are considered to be not significant. This could be secured by condition.

10.101. Subject to these conditions the proposal would comply with policy RE6 of the Oxford Local Plan 2036.

Noise

10.102. Policies RE7 and RE8 require consideration to be given to the impact of a proposed development on the nearest noise sensitive receptors (in the interests of neighbouring amenity) and also the impact of any existing noise sources external to the site on the occupiers of the proposed development to ensure that the site would be habitable.

10.103. An acoustic assessment has been submitted by AF Acoustics, document ref: 1540-AF-00001-02 dated 27 September 2021 which adequately identifies the nearest noise sensitive properties to the proposed site.

10.104. The proposed development is not considered to be a source of noise which would cause an unacceptable level of disturbance to the amenity of neighbouring occupiers other than construction noise and disturbance which could be controlled by condition. The facade sound insulation performance for all elevations of the development has been sufficiently assessed and adequate glazing sound reduction specifications have been suggested within the acoustic submission to ensure adequate living conditions for any future occupiers.

10.105. The proposal is therefore considered acceptable in relation to policies RE7 and RE8 of the Oxford Local Plan 2036 subject to conditions requiring the final scheme for the protection of habitable rooms from road noise and a construction management plan.

Land Quality

10.106. The Council has a statutory duty to take into account, as a material consideration, the actual or possible presence of contamination on land. As a minimum, following development, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The following planning legislation and policies apply:

- National Planning Policy Framework, paragraphs: 119, 174, 183 -185
- Oxford Local Plan 2016-2036 - Policy RE9 - Land Quality

10.66. Officers have reviewed the submitted Desk Study and Ground Investigation report and agreed that the contamination risks at the site are moderate to low, being limited to slightly elevated lead contamination risks in near surface made ground soils.

10.107. The identified lead contamination risk to future occupiers and construction workers could be effectively mitigated with installation of an appropriate clean cover soil system in landscaped and garden areas of the site and appropriate health and safety measures during the construction phase. To ensure that the proposed remediation measures for the site are implemented, a formal remediation plan should be submitted to this authority for approval. A validation report would also need to be submitted documenting completion of the approved remediation measures. Conditions requiring a phase 3 remediation strategy, carrying out of remedial works and submission of a validation report and a watching brief during the course of construction for any unexpected contamination should therefore be imposed.

10.108. Subject to these conditions the proposal is considered to comply with policy RE9 of the Oxford Local Plan 2036.

11. CONCLUSION

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

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes 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.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be an acceptable development and would also make an efficient use of the site. The proposal is suitable in design terms and comply with policies DH1 and paragraphs 129-130 of the NPPF. The proposals would be acceptable in relation to neighbouring amenity and also compliant with RE7 of the Oxford Local Plan 2036. The proposal would also have an acceptable impact on the highway network in accordance with policy RE7 of the Oxford Local Plan 2036. Consideration has also been given to impact on trees and landscaping under policies G1, G7 and G8 of the Oxford Local Plan 2036, biodiversity under policy G2 of the Oxford Local Plan 2036, drainage under policies RE3 and RE4 of the Oxford Local Plan 2036 (subject to the receipt of finalised details), contaminated land under policy RE9 of the Oxford Local Plan 2036, archaeology in accordance with policy DH4 of the Oxford Local Plan 2036, air quality in accordance with policy RE6 of the Oxford Local Plan 2036 and energy efficiency under policy RE1 of the Oxford Local Plan 2036. In relation to heritage assets, the proposal would not result in harm to the setting of nearby heritage assets.
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole subject to the approval of conditions.
- 11.6. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where the development plan is absent, silent, or relevant plans are out of date, granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the framework indicate development should be restricted.
- 11.7. 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 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, 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 2026, when considered as a whole, and that there are no material considerations that would outweigh these policies.

- 11.9. Therefore it is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions and informatives set out in Section 12 of this report and the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990.

12. CONDITIONS

1. Time limit

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Approved plans

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 DH1 of the Oxford Local Plan 2036.

3. Materials

Prior to their installation on site, samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies DH1 and DH3 of the Adopted Oxford Local Plan 2036

4. Boundary treatments

Prior to the occupation of the dwellings, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. A sample panel of any stone boundary walls shall also be made available for inspection on site. Prior to the occupation of the dwellings the boundary treatments shall be provided on site in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the site, setting of the Littlemore Conservation Area and neighbouring amenity in accordance with policies DH1, DH3 and H14 of the Oxford Local Plan 2036.

5. *Bin and bicycle storage details*

Prior to the occupation of the dwellings, details of bin and bicycle storage including means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the dwellings the bin and bicycle storage shall be provided on site in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the site, setting of the Littlemore Conservation Area and sustainable modes of transport in accordance with policies DH1, DH3 and M5 of the Oxford Local Plan 2036.

6. *Lighting details*

Prior to the occupation of the development details of a scheme of lighting shall be submitted to and approved in writing by the local planning authority and implemented on its first occupation or use and retained thereafter. There shall be no variation to the approved details without the further prior written approval of the local planning authority.

Reason: In the interests of the safety of the occupiers and the surrounding area, visual amenity and the residential amenities of neighbouring occupiers in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

7. *Archaeological trial pit*

No development shall take place until the applicant, or their agents or owner or their successors in title, has secured the implementation of a programme of archaeological work comprising stage 1) trial trenching and stage 2) archaeological recording in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including Roman remains (Local Plan Policy DH4).

8. *Scheme for affordable housing*

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definitions and requirements for affordable housing as set out within the Oxford Local Plan 2036 or any future guidance that amends or replaces it unless otherwise agreed in writing by the Local Planning Authority. The

scheme shall include, unless otherwise agreed in writing by the Local Planning Authority:

- i. The numbers, type, and location on site of the affordable housing provision to be made which shall consist of not less than 50% of the housing units as detailed in the schedule accommodation (dwg. no. 3679-LB-ZZ-ZZ-DS-A-350003 Rev. 3), the tenure location plan (dwg. no. 3679-LB-ZZ-00-DP-A-120011 Rev. 1), the site location plan (3679 - LB - XX - XX - DP - A - 101000 Rev. 3) and the supporting planning statement.
- ii. Details as to how the affordable tenure split for the affordable housing accords with the requirements of the policies of the Oxford Local Plan 2036 or any future guidance that amends or replaces it.
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing (if no Registered Social Landlord involved).
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- v. The occupancy criteria to be used for determining the identity of the occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced
- vi. The arrangements to ensure that such provision remains affordable housing subject to any statutory rights or where 100% of the equity in an affordable housing dwelling has been acquired and that dwelling subsequently sold.
- vii. Comply with the National Space Standards then applicable.
- viii. Show compliance with Secure by Design standards then applicable.

Reason: In order to secure the affordable housing provision on site in accordance with Policy H2 of the Oxford Local Plan 2016-2036.

9. *M4(2)*

The dwelling(s) shall not be occupied until the Building Regulations Part M access to and use of building, Category 2 accessible and adaptable dwellings, Optional requirement M4(2) has been complied with.

Reason: To ensure that new housing meets the needs of all members of the community and to comply with policy H10 of the Oxford Local Plan 2036.

10. *PD right removal*

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Schedule 2, Part 1 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area, the amenity of

neighbouring occupiers and amenity of the occupiers in accordance with policies DH1, DH3, H14 and H16 of the Oxford Local Plan 2036.

11. Compliance with biodiversity method statement

The development hereby approved shall be implemented strictly in accordance with the Reptile & Amphibian Pre-Construction Ecological Method Statement at Technical Appendix 6 of the Ecology Report produced by Aluco Ecology (dated July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To protect reptiles and amphibians in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

12. Protection of breeding birds during construction

No removal of hedgerows, trees or scrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or the said ecologist confirms that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect breeding birds in accordance with the Wildlife and Countryside Act 1981 (as amended).

13. Ecological mitigation and enhancements

Prior to commencement of the development, details of ecological mitigation and enhancement measures including at least three bird nesting devices for building dependent birds (e.g. swift, house sparrow, house martin) and three bat roosting devices shall be submitted to and approved in writing by the local planning authority. Details must include proposed locations and arrangements for any required maintenance. The approved devices shall be fully constructed prior to occupation of the approved dwellings and retained as such thereafter. Any new fencing will include holes suitable for the safe passage of hedgehogs.

Reason: To improve the biodiversity in Oxford City in accordance with Policy G8 of the Oxford Local Plan 2036 and the National Planning Policy Framework.

14. Landscape and Ecological Management Plan

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the delivery of biodiversity net gain as required by Policy G2 of the Oxford Local Plan 2036.

15. *Landscape Plan Required*

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

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

16. *Landscape Proposals: Implementation*

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

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

17. *Landscape Proposals: Reinstatement*

Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

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

18. *Landscape Management Plan*

Prior to first occupation or first use of the development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and timing for all landscape areas, other than small, privately owned domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out as approved by the Local Planning Authority.

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

19. *Tree Protection Plan (TPP)*

The development shall be carried out in strict accordance with the Tree Protection Plan (Ref: 1563-02 REV B) and other tree protection measures contained within the approved planning application details unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

20. *Landscape Surface Design – Tree Roots*

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

Details shall take into account the need to avoid any excavation within the Root Protection Area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which require hard surfaces to be constructed on top of existing soil levels in accordance with the current British Standard 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations".

Reason: To avoid damage to the roots of retained trees in accordance with policies G1 and G7 of the Oxford Local Plan 2036.

21. *Underground Services - Tree Roots*

No development shall take place until details of the location of all underground services and soakaways have been submitted to and approved in writing by

the Local Planning Authority. The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas of retained trees as defined in the current British Standard 5837 "Trees in Relation to Design, Demolition and Construction - Recommendations". Works shall only be carried out in accordance with the approved details unless otherwise agreed in writing beforehand by the local planning authority.

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

22. Arboricultural Monitoring Programme (AMP)

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

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

23. Car Park Management Plan

Prior to the occupation of the dwellings, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The parking shall be managed in accordance with the approved plan thereafter.

Reason: In the interests of sustainability and neighbouring amenity in accordance with policies M3 and RE7 of the Oxford Local Plan 2036.

24. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works, and thereafter implemented and operated in accordance with the approved details. The CTMP should follow Oxfordshire County Council's template if possible. This should 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,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents, including the adjacent care home.

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 the requirements of policy RE7 of the Oxford Local Plan 2036.

25. Travel Plan Statement

Prior to the first occupation of the development hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable transport in accordance with policy M1 of the Oxford Local Plan 2036.

26. Travel Information Pack

Prior to first occupation a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage the use of sustainable transport in accordance with policy M1 of the Oxford Local Plan 2036.

27. Energy Efficiency

The development shall be carried out in accordance with the recommended measures set out the in 'Energy and Sustainability Statement – August 2022'. All measures shall be retained thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of energy and sustainability in accordance with policy RE1 of the Oxford Local Plan 2036.

28. Dust mitigation

No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on Table 17 (page 27) of the Air Quality Assessment that was submitted with this application, are included in the site's Construction Environmental

Management Plan (CEMP). The CEMP shall be submitted to and approved in writing by the Local Planning Authority, and the development carried out in accordance with the approved details.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment, and with Core Policy RE6 of the new Oxford Local Plan 2036.

29. *EV Charging Infrastructure*

Prior to the occupation of the development, the Electric Vehicle charging infrastructure as shown on the approved plans shall be installed on site and shall remain in place thereafter.

Reason: To contribute to improving local air quality, and to achieve compliance with policy M4 of the new Oxford Local Plan 2036.

30. *Noise – internal areas*

No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected in accordance with policy RE8 of the Oxford Local Plan 2036.

31. *Insulation between dwellings*

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, e.g. living room and kitchen above bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policy RE8 of the Oxford Local Plan 2036.

32. Construction Management Plan

Prior to commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 07:00 – 19:00 Monday to Friday daily, 08:00 – 13:00 Saturdays. No works to be undertaken on Sundays or bank or public holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with the requirements of policies RE7 and RE8 of the Oxford Local Plan 2036.

33. Phase 3 Remediation Strategy

Prior to the commencement of the development a phase 3 remediation strategy, validation plan, and/or monitoring plan must be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use, taking into account contamination risks identified within the approved Phase 1 and Phase 2 Desk Study and Ground Investigation reports. This shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management (LCRM) procedures for managing land contamination.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

34. Contaminated Land – Remedial Works

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved by the local planning authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

35. Contaminated Land – Watching Brief

Throughout the course of the development, a watching brief for the identification of unexpected contamination shall be undertaken by a suitably competent person. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2036.

Informatives

1. 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.
2. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
3. The archaeological investigation should consist of stage 1) trial trenching followed by stage 2) further mitigation as required (including open area excavation if appropriate). The archaeological investigation should be undertaken by a professionally qualified archaeologist working to a brief issued by ourselves.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point

where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

13. APPENDICES

- **Appendix 1 – Site 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.

Appendix 1 – Site Plan



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