

Application number:	22/01554/FUL		
Decision due by	26 th December 2022		
Extension of time	28 th July 2023		
Proposal	Closure of the vehicular access from Westlands Drive to Elizabeth Place. Erection of a three storey building to create 15no residential units. (Amended plans)		
Site address	Land at Elizabeth Place and Westlands Drive, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Headington Hill And Northway Ward		
Case officer	Michael Kemp		
Agent:	Ms Soraya Baharum	Applicant:	Oxford City Housing Limited
Reason at Committee	The application is for major development.		

1. RECOMMENDATION

1.1. The Oxford 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 subject to:

- 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. **Delegate authority** to the Head of Planning Services to:

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

Planning Services considers reasonably necessary; and

- Complete the section 106 legal agreement referred to above.

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application, which proposes the erection of a building, which would be three storeys in scale and contains 15 dwellings consisting of a mix of 8 houses and 7 apartments. The application site lies at the centre of Northway and occupies part of Elizabeth Place, which is a side road; as well as access pathways and an area of public open space. The proposals would involve the partial stopping up (closure) of Elizabeth Place for through traffic between Westlands Drive and Gorse Leas. New pedestrian and cycle accesses would be provided on either side of the development site retaining a through route for pedestrians and cyclists.
- 2.2. All of the proposed housing would be affordable accommodation and the quantity of affordable homes and socially rented accommodation would exceed the requirements set out in Policy H2 of the Oxford Local Plan. The proposals would provide the windfall delivery of much needed affordable housing to meet the Council's housing need, which should be viewed as a significant public benefit.
- 2.3. The proposals would result in the partial loss of an area of public open space in the adjoining square. The plans include improvements to the remaining space, including tree planting, ecological enhancements and other public realm improvements. Whilst there are other more substantial and higher quality areas of public open space in the immediate vicinity of the site (within 800 metres) the site would not be considered to be surplus to requirements as an area of public open space. Whilst the proposals provide the opportunity to enhance the remaining public realm, around 25% of the existing public open space would be lost and therefore the proposals would be contrary to Policy G5 of the Oxford Local Plan as the quantity of open space would be reduced overall. On this basis the proposals must be considered as a departure from the development plan. The departure is however considered justified on the basis that the proposals present the opportunity to enhance the remaining public realm through a public open space strategy that would be secured through the accompanying legal agreement and that the proposals would deliver 15 new affordable homes, which would provide an important contribution in meeting the Council's need for affordable housing.
- 2.4. The closure of Elizabeth Place to through traffic has been assessed as acceptable by the Local Highways Authority subject to the provision of on-site public rights of way, in the form of the proposed cycle and pedestrian accesses, which are considered acceptable in allowing permeability of movement between Gorse Leas and Westlands Drive. The development is located within an area, where occupiers would not be dependent on private car use and existing parking controls would serve to prevent accumulation of parking in the surrounding streets and therefore not providing parking for the flats, with the exception of two disabled parking spaces is considered acceptable and compliant with Policy M3 of the Oxford Local Plan. In respect of highway safety and amenity and

encouraging a modal shift towards sustainable travel, it is considered that the development would comply with Policies M1, M2, M3, and M5 of the Oxford Local Plan.

- 2.5. The design of the development is considered appropriate in terms of its form, scale and massing and the appearance of the housing would harmonise appropriately with the character of existing development within the area in accordance with Policy DH1 of the Oxford Local Plan. The design achieves high sustainability standards, significantly exceeding the carbon reduction requirements outlined under Policy RE1 of the Oxford Local Plan.
- 2.6. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.
- 2.7. For the reasons outlined in the report, officers recommend approval of the planning application subject of a completion of a Section 106 agreement to secure the measures listed below.

3. LEGAL AGREEMENT

3.1. This application would be subject to a legal agreement to cover the following matters:

- Provision of affordable housing.
- Requirement to enter into a Section 278 agreement to secure access improvements namely a dropped kerb crossing facility on Westlands Drive to facilitate access to the northbound bus stop adjacent to the development site. An obligation to provide an on-site public right of way through completion of a Section 38 agreement. This will identify the location of the right of way, timing of delivery and further facilities required.
- Financial contribution of £1409 towards upgrade and expansion of household waste and recycling centre capacity.
- On-site 5% Biodiversity Net Gain and Landscape and Ecological Management Plan (LEMP).
- Retention of public open space in perpetuity and public open space strategy to cover measures relating to the improvement and long term management and maintenance of the public realm.
- Provision and retention of footpath and cycle path.
- A financial contribution of £2290 to amend the Traffic Regulation Order.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal would be liable for a CIL contribution of £225,363.52.

5. SITE AND SURROUNDINGS

5.1. The site lies within the centre of Northway and comprises a section of Elizabeth Place, which is a public highway. The site also includes the adjoining square, which comprises a mix of soft landscaping, including hedges and trees, adjoining paths, amenity grass space pavements; and a hard surfaced area containing recycling bins.

5.2. The north western edge of the site forms a frontage to Westlands Drive and adjoins a three storey building containing a row of shops at ground floor level and maisonettes at first and second floor level, which are accessed to the rear of the block from Elizabeth Place. On the opposite side of Westlands Drive is a large sports field with a multi-use games area. To the north west of the site is Plowman Tower, a residential tower block. There is an existing bus stop and shelter immediately adjoining the site along the Westlands Drive frontage.

5.3. 10 Gorse Leas, a two storey residential property lies to the south east of the application site, with the side of the property and a single storey garage facing the site. The surrounding development to the south, north and west consists of small terraces and semi-detached pairs of two storey houses which feature a materials palette comprising red brick and render.

5.4. See block plan below:



6. PROPOSAL

6.1. The application proposes the erection of a building consisting of an L shaped plan form. The building would be three storeys in scale and would be faced with red brick materials. The western block of the building would contain five apartments, over three levels; whilst the adjoining section of the building consists of a terrace of eight houses. Four of the houses would be three storey houses, whilst four, two storey houses are proposed. Two maisonette flats are proposed above Houses 1 to 4. In total 15 dwellings are proposed on the site, all of which would be an affordable tenure, consisting of 6 x socially rented; 5 x affordable rent; and 4 x shared ownership homes.

6.2. Amendments have been made to the originally submitted drawings, which include:

- Amendments to the proposed pedestrian and cycle access to the north west of the building to increase the width of the shared access route.
- Increase in the width of access between the building and north elevation of the adjacent shops and maisonettes to 4 metres.
- Increase in cycle parking.
- Removal of 1 car parking space as this was not required for essential or operational use.
- Repositioning of building to provide larger rear gardens for the proposed houses.
- Amendments to the proposed landscaping, including increased soft landscaping and defensive planting.
- Amendments to boundary treatments and access gates to improve surveillance of public realm.
- Amendments to fenestration design, including addition of windows to the side elevation of house 8 facing Gorse Leas.

6.3. The frontage of the proposed flats would face Westlands Drive, whilst the houses would face the adjoining area of public open space. The houses would be set back from the adjoining access path behind a low brick wall and soft landscaping. Private rear gardens would be provided for each of the houses, which would be accessed via a retained section of Elizabeth Place. The proposed flats and maisonettes would be accessed from Westlands Drive.

6.4. The proposed building would be partially located on the route of Elizabeth Place and the proposals include the closure of Elizabeth Place to vehicular traffic from the junction of Westlands Drive to the end of the existing row of garages at Elizabeth Place. The road would no longer serve as a through route for vehicles, although access between Gorse Leas and Westlands Drive would be retained for cyclists and pedestrians between the south west side elevation of the proposed flats and the north side of the adjoining shops and maisonettes. The existing row of seven garages would be retained, along with the service access to the rear of the adjoining row of shops. An access path is proposed to the front of the proposed houses, adjoining the open area of green space to the north east of the site. This access pathway has been amended and increased to three metres in width and would function as a shared pedestrian and cycle route. Two car parking spaces are proposed for disabled occupiers, the remaining flats would not be provided with parking.

7. RELEVANT PLANNING HISTORY

7.1. There is no planning history on the site of material relevance to the proposed development.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	DH1 - High quality design and placemaking DH7 - External servicing features and stores
Conservation/ Heritage	184-202	DH4 - Archaeological remains
Housing	59-76	H1 - Scale of new housing provision H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H2 - Delivering affordable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G5 - Existing open space, indoor and outdoor G7 - Protection of existing Green Infrastructure
Transport	117-123	M1 - Prioritising walking, cycling+public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking
Environmental	117-121, 148-165, 170-183	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
Miscellaneous	7-12	S1 - Sustainable development

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th October 2022 and an advertisement was published in the Oxford Times newspaper on 6th October 2022. The application was advertised as a departure from the development plan.

9.2. Following receipt of amended plans, the application was re-advertised by site notice on 22nd March 2023 and in the Oxford Times newspaper on 23rd March 2023.

Statutory and non-statutory consultees

Oxfordshire County Council

Highways

9.3. The proposals are described as a low car development, employing two car parking spaces for disabled use and one for carer access. The principle of two car parking spaces on site is considered acceptable.

9.4. The applicant has demonstrated that the shops and garages will have private access rights. Based on this, the principle of stopping up Elizabeth Place is considered feasible.

9.5. The revised site layout has been improved since the first submission. A bollard or similar obstruction should be placed at the pedestrian entrance next to the allocated car parking spaces.

9.6. The shared pedestrian cycleway along the site frontage must be constructed to LTN1/20 standards. The width of the shared path should be increased to 5 metres, where possible. A planning condition requiring details of the shared pedestrian cycleway prior to the commencement of the development has been requested.

9.7. The County Council's parking standards document requires 1 cycle parking space per habitable room for new developments in Oxford City and the provision of further cycle parking has been requested by condition.

9.8. The proposed refuse collection arrangement is considered acceptable.

9.9. The traffic impact of the development is likely to be modest.

9.10. An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- Dropped kerb crossing facilities on Westlands Drive and Gorse Leas to facilitate pedestrian access to the northbound bus stop on Westlands Drive and Gorse Leas adjacent to the proposed development
- A bollard or similar obstruction at the northern pedestrian site access to prevent unwanted entry by vehicles

Drainage

9.11. No objection subject to conditions.

Waste Management

9.12. The development will increase domestic waste and the demand for all waste management services including Household Waste Recycling Centres (HWRCs). A financial contribution of £1409 is requested and should be secured through a Section 106 agreement.

Thames Water Utilities Limited

9.13. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection.

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

Thames Valley Police

9.15. Initial response dated 2nd December raised a number of concerns including the following matters:

- Isolation and enclosure of existing Westlands Drive garages and rear gardens backing onto this area providing no active surveillance.
- Provision of rear access arrangement would leave houses and gardens vulnerable to burglary.
- Request improved surveillance and provision of defensible planting.
- The building placement and requirement to provide access to the stairway for 43-61 Westlands Drive creates a narrow and isolated alleyway, which will be dark and devoid of surveillance.
- Plans indicate the walkway running along the rear of the houses will have a metal handrail due to the topography, which will provide a foothold for climbing over the rear boundary into gardens.
- There should be clear definition between the public and private realm with defensible space provided.
- Notes that windows and doors should be provided to a recognised security specification and standard.
- Corner plots such as house 8 must be exploited to maximise surveillance over the public realm, with dual aspect windows from active rooms (kitchens or living rooms) added to “turn the corner”.
- Clarity required in relation to access arrangements to flats.
- Decked access to maisonettes should be enclosed.
- Request details of lighting.

9.16. Following the provision of amended plans in March 2023 updated comments have been provided by Thames Valley Police, which outline that although some previous concerns have been addressed the proposals create opportunities for crime and disorder, namely;

- Creation of an alleyway for access to 43-61 Westlands Drive
- Compromised security of existing garages/service road

- Vulnerable accessible rear garden boundaries lacking defensible space and planting
- Still lacking details regarding design and specification of cycle stores.
- Unable to locate lighting proposals
- Bin collection point for houses 1-4 is located against a residential boundary meaning bins may be used as a climbing aid to gain entry to this dwellings garden.

9.17. In relation to the above points, officers have discussed the concerns with Thames Valley Police and have suggested that the cycle parking specification and plans relating to lighting could be secured by condition, which has been agreed by the Police.

9.18. Officers consider that the proposed access between the flats and maisonettes is necessary for ease of movement and permeability and officers have outlined that they would not recommend the removal of this route through the site. In relation to surveillance of the garages and Elizabeth Place, officers note that there are no properties to the north of the garages at the present time and aside from some limited surveillance of the maisonettes, the garages are not extensively overlooked and the addition of housing would increase surveillance of the street and garages.

9.19. Thames Valley Police have since advised that they do not intend to object, subject to conditions to secure a lighting strategy, the provision of a specification for cycle parking and the requirement that the development achieves Secured by Design Accreditation.

Public representations

9.20. A total of 5 letters of objection were received in relation to the originally submitted plans. The main points of objection are summarised below:

- Concern regarding lack of parking provision and risk of overspill parking in surrounding streets.
- Criticism of applicant's public pre-application consultation in particular the focus on virtual consultation.
- Concern that the development would increase traffic on Gorse Leas including increased use by lorries and delivery vehicles.
- Increased traffic generation, on-street parking would present a risk to pedestrians.
- Concern that the development would increase strain on electrical services and drainage infrastructure.
- The development would impact on the privacy of existing occupiers including No.5 Gorse Leas.
- Development would impact on the outlook of properties including No.5 Gorse Leas.
- The scale of buildings is out of keeping with the character of the area.
- Safety has not been considered. There has been an increase in anti-social behaviour in the area recently.
- The development would impact on the outlook of residents in Halliday Hill, who currently overlook an area of green space.

- The park area is used by local residents for peaceful reflection and walking.
- Issues with bus infrastructure in the area and proposed implementation of LTN's/Bus gates means that further housing would put further pressure on the local road system.
- Inadequate service provision in the area including doctors, dentists and pharmacies and concern that schools in the area are oversubscribed. Development would place further pressure on these services.
- Car free development would not suit many occupiers who area dependent on car use.
- Concern regarding loss of open space and green infrastructure.

9.21. Following the period of re-consultation no further public comments were received in relation to the proposals.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Sustainability
- Neighbouring amenity
- Highways
- Ecology
- Drainage/Flood Risk
- Trees
- Land Quality

Principle of development

Provision of Housing

10.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

10.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.4. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan, however in addition to housing which would be delivered on allocated sites windfall delivery of housing on sites not specifically allocated within the Local Plan remains important in terms of meeting the Council's housing needs. The application site is not allocated within the local plan and would be classed as a windfall site. The proposals would deliver 15 new homes which would be classed as a significant public benefit in terms of meeting the Council's housing needs.

Affordable Housing

10.5. Policy H2 of the Oxford Local Plan states that on self-contained residential developments where sites have a capacity for 10 or more homes (gross) or exceed 0.5 ha, a minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market. At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings.

10.6. 100% of the proposed dwellings provided on the site would be affordable homes, this would consist of: 6 x socially rented; 5 x affordable rent; and 4 x shared ownership units. As a ratio of the total number of units provided on the site, 40% of the units (6 homes) would be socially rented. The quantity of affordable homes and proposed tenure mix would therefore meet the requirements of Policy H2 of the Oxford Local Plan.

Mix of Units

10.7. Policy H4 of the Oxford Local Plan states that planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities. Policy H4 provides a target mix for unit sizes, however this is applicable only to developments of 25 or more units, or on sites of 0.5ha or greater and is not therefore applicable to the proposed development. Policy H4 states that sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.

10.8. The following mix of units is proposed on the site:

- 1 x 1 bedroom units
- 8 x 2 bedroom units
- 5 x 3 bedroom units
- 1 x 4 bedroom units

10.9. Notwithstanding that less than 25 units would be provided on the site, the proposals would deliver a balanced mix of dwelling sizes consistent with Policy H4 of the Oxford Local Plan.

Loss of Public Open Space

- 10.10. Policy G5 of the Oxford Local Plan states that the City Council will seek to protect existing open space, sports and recreational buildings and land. The Policies map accompanying the local plan includes outdoor sports facilities, this includes the square area of public open space at Westlands Drive/Elizabeth Place. The site is not used for formal sports purposes and would not be suitable for formal sports use given its size, the number of paths through the site and the fact the site is surrounded on all sides by roads and residential properties. The site functions as an area of general amenity space for informal recreation and provides an open and green break in the surrounding street scene.
- 10.11. The land was purchased by the Council for housing purposes and is held within the Housing Revenue Account, it is not held as open space land under a statutory trust.
- 10.12. The site would be classed as an area of open space, which would be afforded protection under Policy G5 of the Oxford Local Plan, this policy reflects the requirements set out in Paragraph 99 of the NPPF. The Policy states that existing open space, indoor and outdoor sports and recreational facilities should not be lost unless:
- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 10.13. The section of the square that would be lost includes areas containing hedges, trees, pathways and small areas of grass amenity space. A section of the square is also used for the storage of public recycling bins. Approximately 25% of the existing public open space would be redeveloped, whilst the remaining area would be retained as public open space.
- 10.14. The local area is relatively well served by existing recreation land and parks, which are larger in size than the existing park area at Elizabeth Place and Westlands Drive. The following much larger open spaces/parks are located within a 10 minute walk of the site (or 800 metres distance):
- Playground and sports pitches at Westlands Drive (adjacent to site)
 - Peasmore Piece Nature Park
 - Court Place Farm Nature Park
 - Dunstan Park
 - Boults Lane Recreation Ground
 - Sandfield Road Park
- 10.15. The area is not underserved by parks and areas of open space and it could be argued that the partial loss of the area of public open space would not result in a deficiency in available open space within the area. It is also understood that the

square in its current form is underutilised as an area of public open space. Notwithstanding this, officers do not consider the open space to be surplus to requirements as it provides a benefit to the local community in amenity terms and provides value from a visual amenity perspective in terms of its contribution to the public realm.

- 10.16. The red line area for the site includes the whole park and the proposed redevelopment of the site offers an opportunity to enhance the remaining area of public realm. This includes opportunities for further planting and soft landscaping, seating, public realm enhancement measures and/or public art which could improve the attractiveness of the open space for local residents, which in turn would lead to the space being better utilised.
- 10.17. The indicative proposals for this space include the planting of 6 additional trees, ecological enhancements and additional seating within the centre of the public open space which would enhance the remainder of the public realm. It is understood that public consultation undertaken by the applicants has not revealed any clear preference for how the remaining area of public open space could be better utilised. It is considered necessary that approval of the development is conditional on the submission of an appropriate enhancement and management scheme for the remaining area of public open space, as it is considered that the proposed development could enhance the quality and usability of this space. The proposals in their current form do not include sufficiently detailed plans for the design and management of the remaining park.
- 10.18. Where considering the loss of open space, criteria (b) of the Policy G5 of the Oxford Local Plan and Paragraph 99 (b) of the NPPF both require *equivalent or better provision in terms of quantity and quality*. Officers consider that through the provision of appropriate enhancement measures to the remaining open space, to be secured through the accompanying legal agreement, the proposals can deliver a better quality area of open space, notwithstanding the reduction in size of the space, though the quantity of public realm would be reduced. The development cannot therefore be considered to fully comply with Policy G5 of the Oxford Local Plan and would therefore need to be considered as a departure from the adopted local plan and has been advertised accordingly on this basis.
- 10.19. In accordance with Paragraph 12 of the NPPF, the Council must set out why material considerations justify a decision to depart from the provisions of the local plan. In this instance it is considered that the departure from Policy G5 is justified. Criteria (b) of the Policy G5 of the Oxford Local Plan would be partly met as the proposals offer the opportunity to provide a better quality area of open space for the remainder of the park, which in officers' view would constitute an enhancement of the public open space, notwithstanding the reduction in size. The proposals would deliver substantial public benefits through the provision of 15 new homes, all of which would be affordable housing, which would make a valued contribution towards meeting Oxford's housing need, in particular the need for affordable homes is considered to justify departure from the development plan in respect of Policy G5.

Design

- 10.20. Policy DH1 of the Oxford Local Plan states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.21. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF sets out that planning decisions should ensure that all developments:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.22. Paragraph 134 of the NPPF also sets out that development should take into account the principles set out within the National Design Guide and National Model Design Code.
- 10.23. The application proposes the erection of a building consisting of an L shaped plan form, which would be three storeys in scale. The western block of the building would contain five apartments, over three levels; whilst the adjoining section of the building comprises a terraced row of eight houses. Four of the houses would be three storey houses, whilst four, two storey houses are proposed. Two maisonette flats are proposed above Houses 1 to 4.
- 10.24. Development in the area is characterised by typically low rise, two storey housing, though there are buildings of more substantial scale along Westlands Drive, including the adjoining three storey parade of shops and Maisonettes, the Plowman Tower to the north west; and a more recent development of apartments located on the corner of Westlands Drive and Sutton Road. The existing palette of materials in the area consists of a mix of brick and render varying from buff brick used in the external elevation of the maisonette block to the north and darker red brick used for the housing at Gorse Leas and Halliday Hill.
- 10.25. Accounting for the context of the site and the character of the surrounding area, officers consider that the approach to the elevational treatment, scale and massing; and use of red brick materials would be appropriate. The development site is located at the centre of Northway and lies within the context of other larger

buildings and the scale of the building at three storeys would be considered appropriate. The building would sit alongside existing buildings in Westlands Drive of a similar or larger scale, including the adjacent row of maisonettes, Plowman Tower and the three storey apartment building on the corner of Westlands Drive and Sutton Road.

10.26. The north elevation of the housing would face the retained area of public open space and would provide surveillance over the retained area of public realm, whilst the setback position of the houses and the proposed boundary walls and proposed planting would provide defensible space to the front of the houses, which would be separated from the adjoining path by a low brick wall and a hedgerow and shrub planting. In response to comments from Thames Valley Police in their initial consultation response, further defensible planting is also proposed adjacent to the side elevation of house 8, which adjoins Gorse Leas. Low vertical bar fencing is also proposed to provide additional defensible space.

10.27. It is proposed that the retained section of Elizabeth Place would be resurfaced with block paving materials, this would be an enhancement of the existing tarmac surface and would provide an enhancement to the quality of the public realm. Whilst the backs of the houses and flats would face this retained section of the road, amendments have been made to improve surveillance of this area of the public realm, including the addition of metal grille gates to the rear gardens. The new section of street would also be overlooked by a series of first and second floor windows. It is noted that there is not significant surveillance of the public realm at present in Elizabeth Place. The Police, whilst expressing concern in respect of access to the rear of the houses have updated their response to raise no objection to the proposals subject to appropriate lighting being provided by condition, defensible planting to be proposed as part of a landscape strategy and the requirement to obtain Secured by Design accreditation. The proposal to retain pedestrian and cycle connections through the site to Westlands Drive via the new access road are considered appropriate in terms of ensuring that there is appropriate permeability and ease of movement through the site.

10.28. As noted in the above section of the report, the proposals include provision to enhance the remaining public realm in Westlands Drive, which subject to the provision of an appropriate scheme to be secured through the accompanying legal agreement would lead to the delivery of a more attractive area of public realm.

10.29. The proposals are considered therefore to be appropriately designed and would be in accordance with Policy DH1 of the Oxford Local Plan.

Sustainability

10.30. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. The Policy requires that planning permission will only be granted for development proposals for new build residential developments which achieve

at least a 40% reduction in the carbon emissions from code 2013 Building Regulations, which has now been superseded by the 2021 Part L Building Regulations. Given that the previous regulations have been superseded, it is a requirement that new planning applications are measured against the 2021 Part L standards for the purposes of considering carbon reduction against Policy RE1.

10.31. The submitted Energy Statement outlines that the following energy efficiency measures will be incorporated into the buildings in the development:

- Installation of air sources heat pumps (ASHP's)
- Mechanical extract ventilation
- Water efficiency to meet target of 110 litres per day
- High standards of air tightness.
- Use of recycled and recyclable materials in construction.

10.32. The calculations provided in the energy statement indicate that the development would achieve a 66% reduction in carbon emissions compared to the part L regulations, this would significantly exceed the target requirement of a 40% reduction. Accounting for the sustainability measures outlined within the submitted Energy Statement, the development would comply with Policy RE1 of the Oxford Local Plan.

Impact on neighbouring amenity

Existing Occupiers and uses

10.33. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

10.34. The south elevation of the westernmost wing of the proposed flats would adjoin the existing maisonette block to the south. The north (side) elevation of the maisonette block adjoining the site features a blank façade at first and second floor level, whilst there is a corner window at ground floor level facing Elizabeth Place, which serves Quainton's, a shop located at the end of the shopping parade at Westlands Drive. There are east facing windows at first and second floor level serving the nearest maisonette flats (43 Westlands Drive), however the western block of the proposed development would extend only to a very minor degree beyond the rear elevation of the flats and would not result in any significant loss of light to these properties. It is considered that the siting of the proposed building would not impact detrimentally on the amenity of the adjoining flats through loss of light, or by reason of the scale of the development appearing overbearing in relation to these properties.

10.35. No.10 Gorse Leas is a two storey house located to the south east of the proposed flats, the building has been extended significantly to the side at two storeys. The side (north) elevation of No.10 Gorse Leas faces the site, this contains a habitable window at ground floor level. The side garden serving this property runs adjacent to the site. An existing row of garages to the south of the

site lie between the proposed building and the rear garden of this property. The rear elevation of two of the proposed houses (Houses 7 and 8) would face the side garden and side facing window of No.10. In respect of the garden this would be at a distance of 11.4 metres. There would be a distance of 18.2 metres between the rear facing windows of Houses 7 and 8 and the side facing window of No.10 Gorse Leas. It should be noted that the position of the two facing sets of windows are offset so there would not be direct overlooking into the facing sets of rooms, although there would be some degree of overlooking that would arise. Notwithstanding this, it is considered that an adequate distance is afforded to retain an acceptable degree of privacy for the occupiers of this property.

10.36. There are further properties to the east of the site on Gorse Leas, including Nos. 3 and 5 Gorse Leas. The front elevations of the houses would face the side elevation of House 8. There would be a distance of 20 metres between the side elevation of House 8 and the front elevation of these properties. The amendments to the proposed plans include the addition of side facing windows at ground and first floor level which have been added to improve surveillance of the street, particularly in response to comments from Thames Valley Police. The separation distance between the side elevation of the proposed houses and the existing properties in Gorse Leas would be significant and accounting for this, it is considered that the development would not have a significantly detrimental impact on the amenity of these properties by reason of overlooking, loss of light; or the scale of the built form and its siting.

10.37. Taking the above matters into consideration, it is considered that the development would appropriately preserve the amenity of existing occupiers comply with Policies H14 and RE7 of the Oxford Local Plan.

Future Occupiers

10.38. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 1. Each of the proposed units has been assessed as compliant with Nationally Described Housing standards and the development and internal spaces are considered to be of an appropriate standard, which would comply with Policy H15 of the Oxford Local Plan.

10.39. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. 1 or 2 bedroom flats should provide either a private balcony or terrace of usable level space, or direct access to a private or shared garden; for flats and maisonettes of 3 or more bedrooms a private balcony or terrace of useable level space with a minimum dimension of 1.5 metres depth by 3 metres length should be provided. 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.

- 10.40. Each of the proposed flats would be provided with external balcony spaces considered to be of an adequate size. In the case of the three bedroom maisonettes and four bedroom flat, each would meet the required dimensions set out in section (b) of Policy H16. The proposed houses would each be served by private rear gardens. Flat 1, which is located at ground level would be served by an area of private amenity space facing Westlands Drive. Although the gardens would be less than the footprint of the houses, the gardens are considered to be of an adequate size and are south east facing and would benefit from good standards of natural light. Each of the dwellings would also have ease of access to the retained, adjoining area of public open space.
- 10.41. The open deck access to the third floor maisonettes, which would be sited above houses 1 and 2 presented potential issues of overlooking, however this has since been amended to a semi-enclosed design, and featuring metal floor to ceiling fins angled in a way to avoid overlooking. To prevent direct overlooking of the gardens of houses 3 and 4 from the lobby and kitchen area serving the maisonettes, a condition is recommended to require fitting of obscured glazing to a height of 1.8 metres to the south east facing windows of the maisonettes.
- 10.42. It is considered that the proposed dwellings would be served by adequate external areas of amenity space and would comply with Policy H16 of the Oxford Local Plan.

Transport

Closure of Elizabeth Place

- 10.43. A large section of the development would be sited on Elizabeth Place, which is a public road linking Gorse Leas and Westlands Drive and is a through route for vehicles. This is one of three roads which provide access to Westlands Drive and Gorse Leas, with Saxon Way to the south and Halliday Hill to the north also linking the two roads.
- 10.44. As the development would be located on part of the route of Elizabeth Place adjoining the existing three storey block of flats, the street would cease to function as a through route for vehicles and road access would terminate to the north of the existing garages. Vehicular access would be retained to serve the garages, the existing lane to the rear of the shops on Westlands Drive and the two disabled parking spaces that are proposed within the development. The proposals involve the partial closure of the highway which would require a stopping up order, this would need to be agreed between the applicant and Local Highway Authority. It is not the applicant's intention for the section of road that would not be stopped up to be adopted by the County Council.
- 10.45. It is proposed that a route would be retained between the proposed block of flats and the adjoining, existing three storey block of flats in order to retain access for cyclists and pedestrians between Gorse Leas and Westlands Drive. The width of this route has been increased following amendments to the plans, as advised by the County Council. The County Council have requested that a bollard be provided along this access, adjacent to the parking bays to ensure that there is no attempt to use this access by vehicle users.

- 10.46. The originally submitted proposals included a pedestrian path to the front of the proposed houses and apartments adjoining the retained area of public open space. The width of this route has also been increased to ensure that adequate access and permeability of movement is retained between Gorse Leas and Westlands Drive, accounting for the siting of the development and stopping up of the highway that would be required.
- 10.47. It is considered that closure of the through route to vehicles would be acceptable in highway amenity terms, as there are already two through routes between Gorse Leas and Westlands Drive and Elizabeth Place itself is not extensively used by vehicles. The County Council have raised no objection to the closure of Elizabeth Place, providing that the pedestrian and cycle links are secured as a right of way through a Section 278 agreement, this requirement would also be secured through the Section 106 agreement accompanying this application should planning permission be granted for the development.
- 10.48. The proposed plans show a 3 metre wide segregated cycle/pedestrian route, with a width of 1.5 metres each for cyclists and pedestrians. The County Council had commented regarding the proposed width of the cycle/pedestrian route, recommending that an LTN 1/20 compliant pedestrian/cycleway would need to be 5m wide in total. This is a desirable width for new cycle routes, however in this instance the site constraints mean that a wider route would result in the loss of existing trees, which are of a good quality, whilst a wider route would also result in further loss of useable open space. The route is not anticipated to be highly trafficked and visibility is good along all sections of the route, therefore officers consider a lesser width would be appropriate in this instance. The Local Highway Authority has accepted that the lesser width proposed would be appropriate accounting for the site specific constraints. The specific details of the route would be secured by planning condition.
- 10.49. It is therefore considered that the proposals make appropriate provision for access and movement and would not compromise highway amenity for all road users. The proposals are therefore considered to comply with Policies M1 and M2 of the Oxford Local Plan.

Car and Cycle Parking

- 10.50. Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. Disabled parking is considered permissible, where specifically justified.
- 10.51. The application site and surrounding streets fall within the Northway Controlled Parking Zone. There are two bus stops within 100 metres of the site, the bus stops are currently served by the number 14 service, which serves Oxford City

Centre and the John Radcliffe Hospital, with some services continuing to Risinghurst via Headington. This is a half hourly service and would not be classed as a 'frequent' service under the definitions set out in the Oxford Local Plan (15 minutes). Northway was until recently served by the 13 and X3 services to the JR Hospital, City Centre and Abingdon, which was a more frequent 20 minute service and 30 minutes in the evening, although not classed as 'frequent' in line with the Local Plan definition. The nearest bus stops served by frequent services would be on Cherwell Drive, located approximately 670 from the site. The site lies within 800 metres of food stores, which would be classed as a 'supermarket' as defined under Policy M3, this includes Rosie's supermarket (50 metres) and Thejus Foods (60 metres) both of which are on Westlands Drive; Co-op Cherwell Drive (700 metres); and Londis, Cherwell Drive (730 metres). The site is therefore considered to fall within a reasonably sustainable location in terms of accessibility by bus and access to essential local shopping facilities.

- 10.52. Two disabled parking spaces are proposed within the development, which is considered acceptable in line with Policy M3 of the Local Plan. A further parking space was previously proposed. The plans included a further parking space, which was suggested that this would be provided for use by carers, though this was not deemed necessary and has been excluded from the amended plans. The Council's parking standards are maximum standards and it is considered that not providing parking, with the exception of the disabled spaces, would be appropriate as residents would not be dependent on private car ownership to access key services, owing to the overall sustainability of the site.
- 10.53. The presence of parking controls in all of the streets surrounding the site also limits the likelihood of overspill parking. To further reduce the likelihood of overspill parking, approval would be subject to a planning condition that would secure the exclusion of residents from eligibility for parking permits. A cost of £2290 to amend the Traffic Regulation Order shall be met by the applicant through the accompanying legal agreement. Accounting for the low parking provision associated with the development and the overall quantum of development, overall traffic generation is anticipated to be low and would not have a severe impact on the surrounding road network contrary to Policy M1 of the Oxford Local Plan and Paragraph 111 of the NPPF.
- 10.54. In accordance with Policy M4 of the Oxford Local Plan, both disabled parking spaces shall be fitted with electric vehicle charging points. This requirement should be secured by planning condition.
- 10.55. Cycle parking will be required for all residential dwellings in accordance with the Council's minimum standards outlined under Policy M5 of the Oxford Local Plan. A total of 28 cycle parking spaces would be provided for the apartments, whilst 4 cycle parking spaces would be provided for each dwelling within the rear gardens of the houses. It is noted that the County Council within their response have made reference to *Parking Standards for New Developments – Oxfordshire County Council* and noted that the proposed cycle parking provision would fall short of these requirements and suggested the provision of further cycle parking to serve the development. It should however be noted that the County Council's standards have not been formally adopted but, notwithstanding this, the standards listed under Policy M3 of the Oxford Local Plan must be used where

calculating minimum cycle parking provision. For the 7 proposed flats there would be a requirement to provide 16 cycle parking spaces, with a minimum requirement to provide three cycle parking spaces for each of the houses, except for the two bedroom homes, where there would be a requirement to provide 2 spaces per dwelling. The proposals exceed the minimum requirements outlined under Policy M3 of the Oxford Local Plan and are considered to make adequate provision for cycle parking, subject to a design and specification of the cycle parking, which would be agreed by planning condition.

Flooding/Drainage

10.56. The application site is located in Flood Zone 1 and is considered to be at a low risk of flooding.

10.57. The drainage strategy utilises a flow control system to limit discharge into the public sewer. The small scale nature of the site does not allow for the ability to reduce flow rates to greenfield rates. Permeable paving and road surfacing (block paving) will be used to attenuate run off before discharging into the public sewer. A SuDS maintenance strategy has also been provided, which sets out measures for the ongoing management and maintenance of the drainage system that would be installed on site.

10.58. It is considered that the proposals make adequate provision for the management of surface water drainage and the proposals are considered to comply with Policies RE3 and RE4 of the Oxford Local Plan.

Ecology

10.59. 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 application site consists of a mix of road and hardstanding, which is of no ecological value and amenity grassland with trees. The submitted Preliminary Ecological Appraisal (PEA) identifies that the site habitats are of low ecological value. The site, including the trees and surrounding open space has been assessed as having negligible potential to support roosting bats and further surveys are not recommended. The PEA concludes that the site is unlikely to support any other protected species. Officers support these observations.

10.60. The Local Planning Authority should have regard, in exercising its functions, to conserve, restore and enhance biodiversity (section 40 Natural Environment and Rural Communities Act 2006). A revised Defra 3.1 metric has been provided, which indicates that the development would deliver a biodiversity net gain of 0.12 habitat units (+6.21%) and 0.02 hedgerow units (+12.55%). Officers are satisfied with the habitat classifications and condition assessments as set out in the Ecological Impact Assessment provided in support of the planning application. The metric shows the proposals fail a metric trading rule, requiring the replacement of habitats lost with others of the same or higher distinctiveness, owing to a very minor change in the number of urban tree units, though this is considered acceptable, subject to a landscape plan being secured by planning condition. The requirement to deliver biodiversity net gain and secure

management of the site for a period of at least 30 years would need to be secured through an accompanying legal agreement. The management required to deliver the proposed habitats should be set out in a Landscape and Ecological Management Plan (LEMP), which would be included in the accompanying legal agreement.

10.61. The Local Planning Authority should have regard to the protection of wild birds under the Wildlife and Countryside Act 1981. Officers consider the addition of a condition will protect wild birds and their nests enabling the development to proceed.

10.62. Subject to securing the required net gain in biodiversity and ecological management measures, the development would comply with Policy G2 of the Oxford Local Plan.

Trees

10.63. The proposals would result in the removal of 8 individual trees of a moderate quality and one tree group of a low quality as a direct result of the footprint of the development and future landscaping proposals for the site.

10.64. Tree numbers T36, T37 and T39 are indicated to be retained, although their Root Protection Areas (RPA's) are encroached upon by the proposed access link cycle path; very significantly in regard to T36. It should however be feasible to limit the impact to RPAs through appropriate No-Dig hard surface design, subject to details, which due to the site being flat can be left to conditions. The remaining retained trees on the site can be adequately protected via a construction exclusion zone (CEZ) using protective barriers/hoarding in accordance with BS 5837: 2012.

10.65. A tree canopy cover assessment has been provided which concludes that new planting would result in a 7% increase in canopy cover over the next 25 years. Officers are satisfied that there would be no net-loss in canopy cover as a consequence of the proposed development subject to adequate replacement planting being secured through an acceptable landscaping plan. Officers therefore consider that the proposals would comply with Policy G7 of the Oxford Local Plan.

Land Quality

10.66. Historical documentation and plans indicate that the site has had a previous agricultural use prior to development of the adjacent housing estate in the 1950's. Therefore it is considered that the risk of significant contamination being identified on site is likely to be low.

10.67. The submitted Phase I and II report by Geo-Integrity documents investigation covers works carried out across the whole of the public open space square park area rather than being targeted specifically at the area proposed for the residential building works. One sample of below ground soils contained some asbestos contamination, although this area does not appear to coincide with the proposed residential development area so may not be relevant should the

location of contamination remain unchanged. Further confirmatory investigations and commentary should be provided in this regard.

10.68. One sample of shallow soil was sampled in the area of the proposed residential build (south of the current public open space area). This is considered inadequate to assess the overall potential ground contamination risk to future residents and construction workers at the proposed building site. It is therefore considered necessary that further intrusive investigative works are completed in the actual area of the proposed above ground building works to quantify ground contamination risks. The Council's Land Quality Officer has advised that these works are carried out and presented in a risk assessment which will be required under a pre-commencement planning condition. Subject to these details being secured, the proposals would comply with Policy RE9 of the Oxford Local Plan.

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. The proposals would provide the windfall delivery of 15 much needed affordable homes to meet the Council's housing need, which should be viewed as a significant public benefit of the development.

11.4. The proposals would result in the partial loss of an area of public open space in the adjoining square. The plans include improvements to the remaining space, including tree planting, ecological enhancements and other public realm improvements. Whilst there are other more substantial and higher quality areas of public open space in the immediate vicinity of the site (within 800 metres) the site would not be considered to be surplus to requirement as an area of public open space. Whilst the proposals provide the opportunity to enhance the remaining public realm, around 25% of the existing public open space would be lost and therefore the proposals would be contrary to Policy G5 of the Oxford Local Plan as the quantity of open space would be reduced overall. On this basis the proposals must be considered as a departure from the development plan. The departure is however considered justified on the basis that the proposals present the opportunity to enhance the remaining public realm through a public open space strategy that would be secured through the accompanying legal agreement and that the proposals would deliver 15 new affordable homes, which

would provide an important contribution in meeting the Council's need for affordable housing.

11.5. The closure of Elizabeth Place to through traffic has been assessed as acceptable by the Local Highway Authority subject to the provision of on-site public rights of way, in the form of the proposed cycle and pedestrian accesses, which are considered acceptable in allowing acceptable permeability of movement between Gorse Leas and Westlands Drive. It is considered that the development is located within an area, where occupiers would not be dependent on private car use and existing parking controls would serve to prevent accumulation of parking in the surrounding streets. It is considered that the proposals to not provide parking, with the exception of two disabled spaces is acceptable and would comply with Policy M3 of the Oxford Local Plan. In respect of highway safety and amenity and encouraging a modal shift towards sustainable travel, it is considered that the development would comply with Policies M1, M2, M3, and M5 of the Oxford Local Plan.

11.6. The design of the development is considered appropriate in terms of its form, scale and massing and the appearance of the housing would harmonise appropriately with the character of existing development within the area in accordance with Policy DH1 of the Oxford Local Plan. The design achieves high sustainability standards, significantly exceeding the carbon reduction requirements outlined under Policy RE1 of the Oxford Local Plan.

11.7. Each of the proposed homes would provide appropriate standards of indoor and outdoor amenity for future occupiers in accordance with Policies H14, H15 and H16 of the Oxford Local Plan. It is considered that the scale and siting of the development would not have a significantly detrimental impact on the amenity of existing occupiers by reason of overbearingness, loss of privacy and loss of light and the proposals are considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

11.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report and the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

12. CONDITIONS

Time Limit

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

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

Approved Plans

2. The development referred to shall be constructed strictly in complete

accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings in accordance with Policy S1 of the Oxford Local Plan.

Material Samples

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of above ground works on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan.

Land Contamination

4. Prior to the commencement of the development a further phase of contamination risk assessment 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. The phased risk assessment shall be submitted to and be approved in writing by the Local Planning Authority.

Phase 1 has been completed and approved. A further element of Phase 2 intrusive investigation shall be completed in the area of the proposed development in order to fully characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and be approved in writing by the Local Planning Authority to ensure the site will be suitable for its proposed use.

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 2016 - 2036.

5. 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 been approved in writing 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 2016 - 2036.

6. Any contamination that is found during the course of construction of the

approved development that was not previously identified 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 2016 - 2036.

Electric Vehicle Charging

7. Prior to the commencement of above ground works, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle infrastructure shall be formed, and laid out in accordance with the approved details before the development is first in operation and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the new Oxford Local Plan 2016- 2036.

CEMP – Dust Mitigation

8. No development shall take place until the complete list of site specific dust mitigation measures and recommendations that are identified on page 31 (for Earthworks, Construction and Trackout) and on Annex B (pages 44-44) of the Air Quality Assessment that was submitted with this application, are included within a Construction Environmental Management Plan (CEMP) that shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

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 2016- 2036.

Energy Statement Compliance

9. The development shall be carried out in accordance with the recommendations of the Energy and Sustainability Statement prepared by CBG Consultants dated 26th September 2022 accompanying this planning application.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

Landscaping Plan

10. A Landscape Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation 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.

Implement Landscaping

11. The Landscape Plan 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 2016-2036.

Landscaping Proposals – Reinstatement

12. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved Landscape Plan 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 2016-2036.

Tree Protection Plan

13. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) has been submitted to, and approved in writing by the Local Planning Authority. The TPP shall include such details as are appropriate for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: “Trees in Relation to Design, Demolition and Construction – Recommendations” unless otherwise agreed in writing by the Local Planning Authority.

The TPP shall include a scale plan indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of

retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. The approved physical protection measures shall be in place prior to the commencement of any development, including demolition or enabling works, and shall be retained for the duration of construction, unless otherwise agreed in writing beforehand by the Local Planning Authority.

The Local Planning Authority shall be informed in writing when physical measures are in place, in order to allow Officers to make an inspection prior to the commencement of development. No works or other activities including storage of materials shall take place within designated Construction Exclusion Zones and Root Protection Area's unless otherwise agreed in writing beforehand by the Local Planning Authority.

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

Landscape Surface Design

14. 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. The hard surfaces shall be constructed before first occupation of the development in accordance with the approved details unless otherwise agreed in writing beforehand by the Local Planning Authority.

The submitted 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 G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Underground Services – Tree Roots

15. 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 2016-2036.

Arboricultural Monitoring Programme (AMP)

16. The development hereby permitted, including any 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. 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, 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 Local Planning Authority at scheduled intervals in accordance with the approved AMP. The development shall be carried out 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 2016-2036

Protection of Breeding Birds – Construction

17. No removal of hedgerows, trees or shrubs that may be used by breeding birds 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 works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority before the removal of any hedgerows, trees or shrubs.

Reason: To protect all wild birds, their nests and young in accordance with The Wildlife and Countryside Act 1981 (as amended).

Ecological Enhancements

18. The development hereby approved shall be implemented in accordance with the measures stated in Section 6.3 of the report 'Ecological Impact Assessment' produced by Windrush Ecology and dated March 2023. The approved bird nesting devices shall be fully constructed prior to occupation of the approved dwellings and retained as such thereafter, unless otherwise approved in writing by the Local Planning Authority.

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.

Site Layout – Surfacing

19. Prior to the commencement of above ground works, full specification details (including construction, layout, surfacing and drainage) of the site layout, including the new bollard at the northern pedestrian access or similar such

feature, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

Cycle Parking

20. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority beforehand. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Parking Permits

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

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

Provision of Shared Pedestrian and Cycle Access

22. Prior to the commencement of above ground works, a detailed specification of the new shared pedestrian/cycle route shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle route shall be formed, constructed, surfaced, laid, marked out, drained and completed in accordance with the approved specification before first occupation of the development and shall be retained thereafter.

Reason: In the interests of highway safety and public amenity in accordance with Policy M1 of the Oxford Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

23. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods (07:30-09:30am, 15:00-15:30pm and 16:30-18:00pm). The approved CTMP shall be implemented and operated in accordance with the approved details during the construction phase of the development. The CTMP shall include the following details:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road

infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Secured by Design

24. Prior to commencement of development, an application shall be made for Secured by Design (SBD) silver accreditation. The development shall not be occupied or used until confirmation that SBD accreditation has been achieved has been received by the Local Planning Authority.

Reason: To create a safe environment for existing and future occupiers which reduces opportunities for crime in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

Lighting Plan

25. Prior to the first occupation of the development, details of a proposed external lighting scheme shall be submitted to the Local Planning Authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within parking courts promotes a secure environment and does not cause a nuisance to local residents. The lighting scheme shall be approved in writing by the Local Planning Authority and shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: In the interests of providing a safe and suitable public realm for occupiers and users of the site and to prevent opportunities for crime in accordance with Policy DH1 of the Oxford Local Plan.

Obscured Glazing

26. Prior to the first occupation of the development, the proposed south east facing windows serving flat number 7 shall be fitted with obscured glazing up to a minimum height of 1.8 metres and shall be retained in that condition thereafter.

Reason: In the interests of preserving the amenity of future occupiers in the adjoining houses, in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

Privacy Screen

27. A design and specification of privacy screening to be installed adjacent to the third floor south east facing walkway serving flats 6 and 7 shall be submitted to and shall be approved in writing by the Local Planning Authority before first occupation of the development. The approved screening shall be fitted in accordance with the approved specification prior to first occupation of the development and shall be retained thereafter.

Reason: In the interests of preserving the amenity of existing residential occupiers, in accordance with Policy H14 of the Oxford Local Plan. 2016-2031.

Drainage Scheme

28. Development shall not commence until a detailed surface water drainage scheme for the site, has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure the incorporation of adequate measures to manage surface water drainage and to prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

SuDS Details

29. Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and be approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason: To ensure the incorporation of adequate measures to manage surface water drainage and to prevent an increase in flood risk in accordance with Policies RE3 and RE4 of the Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.