

## Oxford City Planning Committee

19th July 2022

<b>Application number:</b>	22/00289/FUL		
<b>Decision due by</b>	4th April 2022		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Erection of a part single, part two storey side extension. (Amended plans).		
<b>Site address</b>	75 Langley Close, Oxford, Oxfordshire, OX3 7DB		
<b>Ward</b>	Headington Ward		
<b>Case officer</b>	Nia George		
<b>Agent:</b>	Jim Driscoll	<b>Applicant:</b>	Mr A Rehman
<b>Reason at Committee</b>	The applicant Mr A Rehman is an elected Councillor for the Lye Valley Ward.		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

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

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

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers the erection of a part single, part two storey side extension at 75 Langley Close. The property's lawful use is as a C4 house in multiple occupation, and the proposed extensions would create an additional three bedrooms and four en-suite bathrooms. The extension would be finished in matching materials to the host dwelling.

2.2. This report considers the following material considerations:

- Principle of development
- Design

- Neighbouring amenity
- Drainage
- Biodiversity
- Trees

2.3. Officers conclude that the proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of Langley Close nor the host dwelling. The extension would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would it cause any impacts in regards to drainage, biodiversity and trees, subject to the recommended conditions and informative. Overall the proposal is considered to accord with the policies of the Oxford Local Plan 2036, the Headington Neighbourhood Plan, and the NPPF.

### **3. LEGAL AGREEMENT**

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

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is not liable for CIL.

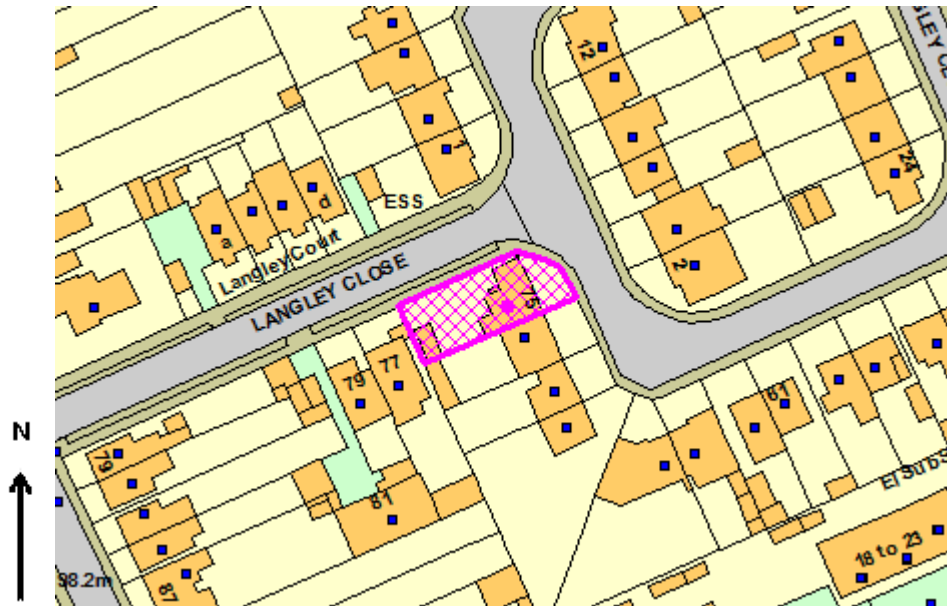
### **5. SITE AND SURROUNDINGS**

5.1. The application site is a two storey semi-detached property located on the south-western side of Langley Close. Langley Close is a cul-de-sac accessed from Windmill Road in the Headington area of Oxford City. The property is located on a corner plot at an opening in the close.

5.2. Langley Close primarily consists of two storey semi-detached, hipped roof properties which feature a two storey pitched roof bay front projection. Although properties within the close have undergone various alterations; including alterations to their roof forms and their scale, the close does have a relatively uniform appearance.

5.3. The site currently benefits from a single storey side extension and a garage sited within the rear garden. The property is also currently undergoing some further alterations using householder permitted development rights which the property benefits from under the Town and Country Planning (General Permitted Development) (England) Order 2015. A single storey rear extension, alterations to the former hipped roof to form a gable, two roof lights within the front roof slope, as well as a box dormer window situated on the rear roof slope in association with a loft conversion, have all been erected at the site and are nearing completion.

5.4. See block plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

6.1. Planning permission is sought for the erection of a part single, part two storey side extension. The ground floor element of the extension would have a width of 3.7m and would extend for 6.65m in depth. It would be sited behind the existing single storey side extension and to the side of the host dwelling and the existing single storey rear extension recently erected. The single storey element would feature a flat roof with a height of 2.7m. The single storey element would be inset from the widest part of the existing single storey side extension by 0.35m in its width. At first floor level the extension would sit above part of the existing side extension and part of the new extension. It would have a pitched roof form set down from the main roof slope of the host dwelling by 0.3m in height. The first floor element would also be set back from the principal elevation of the host dwelling by 0.9m in depth. The first floor element would therefore be set back from the existing single storey side extension by 0.45m in depth.

6.2. The existing host dwelling is currently finished in a light green pebble dash render with white fenestration, and red/brown roof tiles. The proposed extension would be finished in matching materials to the host dwelling.

6.3. The proposed extension would create a bedroom and two en-suites on the ground floor, and at first floor level the extension would create two bedrooms, each with their own en-suite.

## 7. RELEVANT PLANNING HISTORY

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

55/04328/A_H - Private garage. Permitted Development 17th April 1955.
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57/06311/A_H - Erection of porch. Permitted Development 10th September
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1957.

06/02358/FUL - Single storey extension to side. Approved 24th January 2007.

21/01989/FUL - Change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4). Provision of bin and bike stores. Approved 21st September 2021.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
Design	126-136	<b>DH1</b> – High quality design and placemaking	<b>GSP4</b> - Protection of the setting of the site <b>CIP1</b> - Development respect existing local character <b>CIP3</b> – Innovative design
Housing	50-80	<b>H14</b> – Privacy, daylight and sunlight	
Natural environment	174-188	<b>G2</b> – Protection of biodiversity and geodiversity <b>G7</b> – Protection of existing Green Infrastructure features	
Environmental	174-188	<b>RE4</b> – Sustainable and foul drainage <b>RE7</b> – Managing the impact of development	
Miscellaneous	7-14	<b>S1</b> – Sustainable development	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 16th February 2022. Amended plans were however submitted during the course of this application to address concerns raised by the case officer regarding the design of the proposal, and it is these revised plans upon which the application is considered. These revised plans were re-advertised and further site notices were therefore displayed around the application site on 7<sup>th</sup> April 2022. The description for the

application was therefore also amended to reflect that amended plans had been submitted, and this amended description was reflected on the site notices.

### **Statutory and non-statutory consultees**

#### Natural England

9.2. No objection

#### Internal - Biodiversity

9.3. No objection, subject to informative

#### Internal - Trees

9.4. No objection, subject to conditions

#### Barton Community Association

9.5. No comments received

#### Central North Headington Residents Association

9.6. No comments received

#### Headington Action

9.7. No comments received

#### St Anne's Road Residents Association

9.8. No comments received

### **Public representations**

9.9. 5no. people commented on this application from addresses in Langley Close and once comments was received from an unknown address.

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

- Amount of development on site
- On-street parking
- Parking provision
- Increased number of bedrooms for HMO
- Financial benefit for applicant
- Quiet family road
- Disruption from current construction works at the site
- Use of permitted development rights
- Rear garden should be used for parking

- Overdevelopment of site
- Effect on character of area
- Number of HMOs in Langley Close and Langley Court
- Design/proportion of proposed windows
- Sequential nature of planning applications
- Paving over gardens for parking should not occur to retain greenery in area
- Effect on adjoining properties
- Effect on traffic
- Noise and disturbance
- Condition should be attached to exclude from parking permits
- Changing a HMO back to a family dwelling seems irreversible
- Parking enforcement is not a deterrent to occupiers parking illegally
- Local ecology/biodiversity
- Trees
- Drainage
- Proximity to boundary
- Overbearing appearance
- Out of keeping in its appearance with the majority of other properties in Langley Close

### **Officer response**

9.11. Comments received in response to the public consultation address the property being used as a house in multiple occupation and issues which arise from this, including the character of the area, traffic, parking, noise and disturbance. This current planning application is for the erection of a part single, part two storey side extension, and not for the change of use from a dwellinghouse to a house in multiple occupation, which was already dealt with under application reference 21/01989/FUL. These matters relating to the HMO use are therefore not material considerations that Officers can have regard to when considering the proposed extension. Whilst Officers appreciate that as a result of the proposal there would be more bedrooms and therefore more availability for occupants, the C4 HMO use class which has been approved for this site is restricted for up to 6 occupants. Therefore if the applicant wished to accommodate more than 6, then a planning application would be required for the change of use to a Sui Generis larger HMO. As the use of the site as a C4 HMO has already been considered and granted permission prior to this application, the comments on those particular issues related to the HMO use cannot be taken into account.

9.12. In response to the comments which note that the applicant has developed the site using permitted development rights, Officers must emphasise that these

additions do not require planning permission to be sought from the Local Planning Authority and can be done at any time, subject to meeting the relevant requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The disruption associated with the current construction works at the site are also not material planning considerations.

9.13. Comments were also received expressing concerns over how the applicant has sequentially submitted planning applications and has undertaken alterations to the property in a piece meal way. This is not a matter which is a material planning consideration and each application must be considered upon its own merits.

9.14. The financial benefits of the proposal for the applicant are also not material planning considerations.

9.15. Comments relating to the design of the proposal, the amount of development at the site, the effect upon neighbouring occupiers, trees, drainage and biodiversity are material considerations, and are discussed in greater detail within the following section of the report.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Residential Amenity
- Drainage
- Biodiversity
- Trees

### **a. Principle of development**

10.2. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

10.3. Specifically, where this application is concerned, the Council shall support enhancements to people's homes where they accord with the identified

requirements of local and national planning policy, in addition to the legislative requirements the Council is required to undertake. In this case, planning permission would be granted without delay subject to the acceptability of the design of the proposal in relation to Policies DH1 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan. The proposal must also not be detrimental upon the amenity of neighbouring occupiers' in accordance with Policies H14 and RE7 of the Oxford Local Plan 2036. Finally this proposal must also not cause any detrimental impacts in regards to drainage, biodiversity, outlined within Policies RE4, G2 and G7 of the Oxford Local Plan 2036, in addition to the NPPF and the Conservation of Habitat and Species Regulations 2017 (as amended). These matters are addressed below.

## **b. Design**

- 10.4. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Policies CIP1, CIP3, and GSP4 of the Headington Neighbourhood Plan seek to ensure that development respects the local character, protects the site setting, and uses innovative design where possible.
- 10.5. It is considered that due to the subservient scale of the side extension, coupled with its set down from the main ridgeline of the host dwelling and its set back from the principal elevation of the host dwelling, that the proposal would be of an appropriate design and scale given the character and context of the site. The gable roof form proposed would form a good visual relationship and appearance to the roof line of the host dwelling which also has a gable roof form as recently altered, and overall the proposal is considered to be sufficiently subservient in its nature. The proposed extension would be finished in matching materials to the host dwelling; pebble dash render with white fenestration and therefore would be considered to form a good visual relationship to the host dwelling.
- 10.6. It is appreciated that the site sits on a corner plot and the extension would extend close up to the northern boundary. At ground floor level the proposed extension at its closest point to the boundary would retain a gap of 0.35m, and the first floor element would be further in set by a further 0.15m, totalling a gap of 0.5m from the boundary at first floor. The proposed extension would therefore be visible within the streetscene of Langley Close, and there would also be glimpsed views of the extension from Windmill Road to the west. However, given that the property already benefits from a wide single storey side extension which is close up to the corner of the plot, coupled with to the north of the site on the opposite corner of the close a two storey side extension has been erected at No. 1 Langley Close, Officers consider that the loss of this existing sense of space to the side of the property would not be detrimental upon the character of the streetscene. Whilst on some occasions the spacing at the side of properties on corner plots are important to be retained in terms of their positive influence on the character and appearance of an area, it is considered that the context of this site means this is not the case here. As noted, the corner plot to the north of the site has been extended at two storey scale in close proximity to the boundary. The extension only retains a gap of 0.4m between the boundary towards the



front of the plot. The proposed extension would result in a similar form of development however Officers consider that the amended design with the first floor element inset from the ground floor element, and indeed the proposed single storey element being inset from the existing single storey side extension, helps to ensure the proposal would not appear dominant or overbearing when experienced from the public realm.

10.7. Representations have been made noting that the proposed extension would be out of character with other properties within Langley Close, and also that the fenestration detailing proposed appears to be out of proportion. Officers note that Langley Close primarily consists of two storey semi-detached properties which have hipped roofs and two storey front pitched roof bay projections at the front of the properties. Overall the close has a relatively uniform appearance and rhythm, with the exception of properties on the approach into the close from Windmill Road; where there is a stretch of four terraced properties and a set of two semi-detached properties. Although the close has a relatively uniform appearance, many properties within the close have however undertaken numerous alterations and extensions. This includes alterations to the hipped roofs to form gables, and many box dormers have been erected in association with loft conversions. There are also various extensions which have been undertaken including two storey side and or rear extensions, and single storey additions. It is considered that the property would still retain its original character and appearance given the subservient nature of the extension, and nevertheless the alterations proposed are in line with other properties within the close. The fenestration proposed would have a similar proportion and design to those contained with the host dwelling, and therefore Officers consider the fenestration proposed to be appropriate. The small openings are considered to help ensure the extension appears subservient to the host dwelling, and it is considered that the proposal would not visually compete with the principal elevation of the property, in which the dwelling itself with its pitched roof front gable projection remains the focal point.

10.8. It is acknowledged that there would be a considerable amount of development at the application site when considering the proposal together with the existing extensions and alterations to the property; the single storey side extension, rear extension and hip to gable and rear dormer cumulatively. However, in the context of the surroundings where houses vary in style and scale and numerous alterations have been made to properties within Langley Close, on this occasion it would not appear out of keeping. Nonetheless it does highly likely represent the maximum amount to which the property could be extended without tipping this balance.

10.9. Given the reasons above, overall the proposals are considered to be acceptable in design terms. The development is considered to comply with Policy DH1 of the Oxford Local Plan and Policies CIP1, CIP3, and GSP4 of the Headington Neighbourhood Plan.

### **c. Residential Amenity**

10.10. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for

occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.

#### *73 Langley Close*

10.11. 73 Langley Close is a two storey semi-detached property which adjoins the application site. The property is sited to the south of the application site and benefits from a rear dormer in association with a loft conversion, as well as a single storey side extension. Given that the proposed extension would not extend beyond the front of the neighbouring property, nor would it extend beyond the existing single storey rear extension at the application site, it is considered that the proposal would not cause any detrimental impacts in regards to access to daylight, outlook, and privacy, and would not be overbearing when experienced from the neighbouring occupiers.

#### *77 Langley Close*

10.12. 77 Langley Close is a two storey semi-detached property located to the south west of the application site. Given the proposal would not extend any closer to this neighboring property when compared to the existing host dwelling and rear extension, it is considered that the proposal would not result in any detrimental impacts in regards to daylight access, outlook and it would not be overbearing. Furthermore the fenestration proposed to the rear is of a small scale and proportionate to the host dwelling, and therefore officers are satisfied that when coupled with the distance separating the proposal from the neighbouring dwelling at over 12m, that the proposal would not result in any privacy concerns.

10.13. All other properties are a sufficient distance away from the application site so as not to be affected.

10.14. The proposals are considered acceptable in terms of their impacts on neighbouring properties and would not cause harm to amenity. In this respect the application complies with Policies H14 and RE7 of the Oxford Local Plan 2036.

#### **d. Drainage**

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

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

10.17. It is noted that a public representation was received in regards to the drainage system and that it would not be able to cope with the number of bathrooms proposed at the property. Officers must note that this is not a consideration

which the Local Planning Authority can have regard to for a development relating to domestic extensions. Internal alterations to the property do not require planning permission and therefore the number of bathrooms is not something which can be controlled by the planning system.

#### **e. Biodiversity**

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

10.19. 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.

10.20. 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.

10.21. The proposals include work to the roof structure of the building and therefore the potential presence of roosting bats, species of European importance, must be assessed. The Local Planning Authority can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of NPPF (2021) and the 2017 Regulations.

10.22. The application site is located in a very urban location, approximately 325m from any suitable foraging or commuting bat habitat. In addition, there are no records of roosting bats in the immediate vicinity of the application site. In this

instance, the Councils' internal ecologist does not believe there is a reasonable likelihood of bats roosting within the building. The presence of roosting bats can never be entirely discounted however, and therefore an informative has been recommended.

10.23. Subject to this informative, the proposals are considered to comply with Policy G2 of the Oxford Local Plan 2036.

#### **f. Trees**

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

10.25. There is a cherry tree located near to the northern boundary of the site, within a small grass verge between the footpath which is adjacent to the site and the road. This tree is currently overhanging into the application site. After reviewing the proposed plans, Officers noted that there may be some impact upon the root protection area (RPA) of this tree, and some pruning may have been required, however there were no details provided with the application to be sure of this. The Council's internal tree officer was consulted on the application and requested for an arboricultural impact assessment to be submitted prior to determination, which the applicant subsequently provided.

10.26. The assessment concluded that there would be a small level of impact on the notional RPA of the identified tree, occupying less than 10% of the RPA. Due to this implication, special foundation design that effectively bridges over a portion of the RPA would be appropriate as this is likely to reduce the level of harm rather than avoid all harm completely. No detail of such a design has been included in the application details, however given the marginal level of potential impact, the Council's tree officer was satisfied that it is reasonable to allow for these to be made the subject of a condition.

10.27. Therefore subject to the recommended conditions suggested by the tree officer covering further details to be provided regarding the foundation design, underground services and monitoring programme, and compliance with the arboricultural method statement, Officers are satisfied that the proposal would comply with Policy G7 of the Oxford Local Plan 2036.

## **11. CONCLUSION**

- 11.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material consideration indicate otherwise.
- 11.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides clear reasons for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

#### *Compliance with development plan policies*

- 11.4. In summary the proposed development would enlarge and enhance a residential property and is supported by the overall objectives of the Oxford Local Plan 2036 and Policies S1. The development would not result in any harm to the character or appearance of the host dwelling, nor the surrounding area and is considered to accord with Policy DH1 of the Oxford Local Plan 2036, and Policies GSP4, CIP1 and CIP3 of the Headington Neighbourhood Plan. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14. The development would not have any unacceptable impacts in terms of drainage, biodiversity nor trees, and is considered to be compliant with Policies RE4, G2 and G7 of the Oxford Local Plan 2036, the NPPF, and the Conservation of Habitat and Species Regulations 2017 (as amended).
- 11.5. Therefore officers consider that the proposal would accord with the development plan as a whole.

#### *Material considerations*

- 11.6. The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.7. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.

11.8. Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, and that there are no material considerations that would outweigh these policies.

11.9. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **Time limit**

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

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

### **Development in accordance with approved plans**

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings and to comply with Policy DH1 of the Oxford Local Plan 2036.

### **Materials**

3. The materials to be used in the external elevations of the new development shall match those of the existing building.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with Policy DH1 of the Oxford Local Plan 2036.

### **SuDs**

4. All Impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably

practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development. Oxford City Council SuDS Design Guide can be found at [www.oxford.gov.uk/floodriskforplanning](http://www.oxford.gov.uk/floodriskforplanning)

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

### **Foundation design**

5. No development shall take place until technical details of the foundation design for the proposed extensions have been submitted to and approved in writing by the Local Planning Authority. The design shall take into account the need to avoid or minimise excavation and compaction within the Root Protection Area of the adjacent street tree, as identified by the application arboricultural report. Details shall include section drawings of the design showing measured ground levels before and after construction. 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.

### **Underground services and soakaways**

6. 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.

### **Tree Protection Measures**

7. The development shall be carried out in strict accordance with the approved methods of working and tree protection measures contained within the submitted arboricultural report dated 07.06.2022 by Sylva Consultancy (ref. 22124) 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**

8. 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. 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. The approved AMP will be adhered to at all times.

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

### **Informatives**

1. All species of bats and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended).

Please note that, among other activities, it is a criminal offence to deliberately kill, injure or capture a bat; to damage, destroy or obstruct access to a breeding or resting place; and to intentionally or recklessly disturb a bat while in a structure or place of shelter or protection.

Occasionally bats can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that work is stopped immediately and advice sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.

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

### **13. HUMAN RIGHTS ACT 1998**

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



#### **14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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

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