

Oxford City Planning Committee

15th August 2023

Application number: 23/01046/FUL

Decision due by 10th July 2023

Extension of time TBA

Proposal Demolition of existing garage. Erection of a part single, part two storey side extension and front porch. Change of use from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (Sui Generis). Erection of bike storage. (Part retrospective). (Amended description and plans).

Site address 75 Langley Close, Oxford, Oxfordshire, OX3 7DB

Ward Headington Ward

Case officer Nia George

Agent: Jim Driscoll **Applicant:** Mr A Rehman

Reason at Committee The applicant Mr A Rehman is an elected Cabinet Member for Inclusive Communities and Councillor for the Lye Valley Ward.

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. **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 a proposal to demolish the existing garage, and to erect a part single, part two storey side extension and a front porch. Permission is also sought for the change of use of the property from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (sui generis use), and the erection of bicycle storage. The proposal is partly retrospective.

2.2. This report considers the following material considerations:

- Principle of development
- Design
- Neighbouring amenity
- Parking/highways safety
- Bin and bicycle storage
- Drainage
- Biodiversity
- Trees

2.3. The development is considered acceptable in principle, complying with the concentration of HMOs allowed in the local area, and would not result in a change to the character of the area or the community becoming unbalanced. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. The proposed development is acceptable in respect 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 respect of drainage, biodiversity and trees, subject to the recommended conditions. The development would be car free due to its sustainable location within a controlled parking zone and would be suitable to provide good quality bin storage and bicycle parking, subject to conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such, the proposals are considered to comply with the policies of the Oxford Local Plan, the Headington Neighbourhood Plan and the NPPF.

2.4. In conclusion, Officers consider that the proposals would be acceptable and that the development would accord with the policies of the development plan when considered as a whole and the range of material considerations and recommend the grant of planning permission.

3. LEGAL AGREEMENT

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

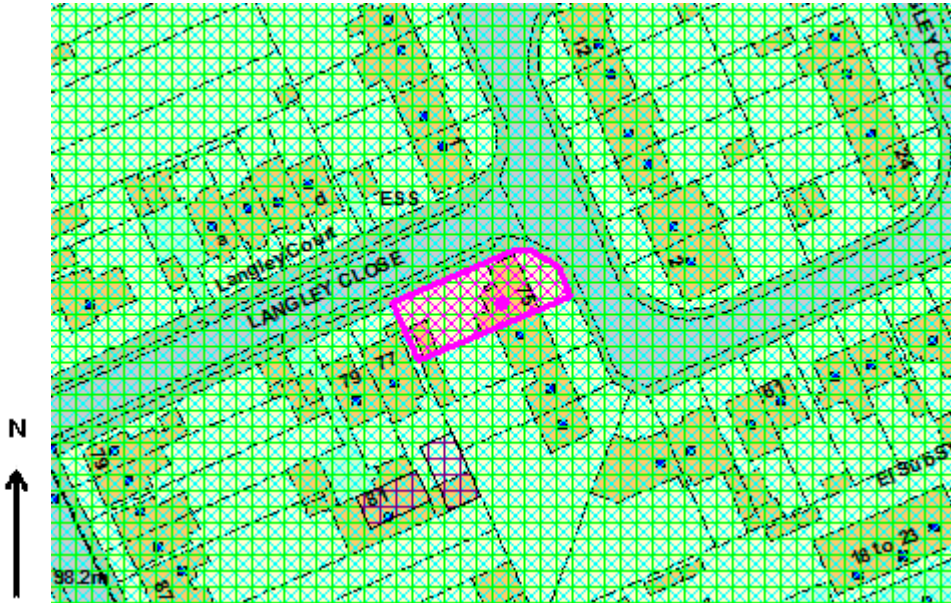
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

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 is considered to have a relatively uniform appearance.
- 5.3. The property has been previously extended 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.
- 5.4. The site already benefits from planning permission for the change of use from a dwellinghouse to a small HMO for up to 6 occupants under application reference 21/01989/FUL. It also benefits from planning permission under application reference 22/00289/FUL for a part single, part two storey side and rear extension.
- 5.5. The extension approved under application reference 22/00289/FUL has already been built at the site.
- 5.6. As noted within the description of the development, part of the development is retrospective as a porch has been erected on site which does not benefit from any planning permission. Also already on site, the extension approved under 22/00289/FUL has been built slightly differently to what was approved. As approved, the part single storey element at the front of the extension showed a flat roof. The extension has however been built with a lean-to roof instead. The single storey element at the front of the extension is also slightly wider than what was approved. The only other alteration compared to the previous permission is that the design of the front door has been altered.
- 5.7. See block plan below:



6. PROPOSAL

6.1. The application proposes to demolish the existing garage, and to erect a part single, part two storey side extension and a front porch. Permission is also sought for the change of use of the property from a house in multiple occupation (Use Class C4) to a larger house in multiple occupation (Sui Generis), and the erection of bicycle storage. The proposal is partly retrospective.

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.
57/06311/A_H - Erection of porch. Permitted development 10th September 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.
22/00289/FUL - Erection of a part single, part two storey side extension. (Amended plans). Approved 8th August 2022.
22/00289/CND - Details submitted in compliance with condition 5 (Foundation Design), condition 6 (Underground services -tree roots), condition 7(Arboricultural Method Statement (AMS) 2) and condition 8 (Arboricultural Monitoring Programme) of planning permission 22/00289/FUL. Approved 7th November 2022.
23/00036/FUL - Demolition of existing garage. Erection of a part single, part two storey side extension. Sub-division of dwelling to create a 1 x 5 bed House In Multiple Occupation (Use Class C4) and a 1 x 1-bed dwelling (Use Class C3) and associated landscaping. Alteration to 1no. window to front elevation. Provision of private amenity space, bin and cycle store and new boundary fence with access gates. (amended description and plans). Withdrawn 27th April 2023.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Neighbourhood Plans:
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Design	126-136	DH1 – High quality design and placemaking DH7 – External servicing features and stores	GSP4 - Protection of the setting of the site CIP1 - Development respect existing local character CIP3 - Innovative design
Housing	50-80	H6 – House in Multiple Occupation H14 – Privacy, daylight and sunlight	
Natural environment	174-188	G2 – Protection of biodiversity and geodiversity G7 – Protection of existing Green Infrastructure features	
Transport	104-113	M3 – Motor Vehicle Parking M5 – Bicycle Parking	
Environmental	174-188	RE4 – Sustainable and foul drainage RE7 – Managing the impact of development	
Miscellaneous	7-14	S1 – Sustainable development	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 25th May 2023. When the case officer originally received the application, they noted that the description of works and the plans were incorrect. The agent provided revised plans and agreed to a revised description. During the course of the application, the case officer became aware that the existing and proposed plans were still incorrect; when they visited the site they noticed that the property had been extended and altered differently to what the plans submitted with the application showed. Revised plans and a new description were agreed with the agent and it is this latest set of revised plans upon which the application is considered. These revised plans were re-advertised and site notices were displayed around the application site on 18th July 2023.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No objection

Internal HMO Enforcement

9.3. No objection

Public representations

9.4. 2no. representations were received on this application from one unknown address, and an address in Chiselhampton.

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

- Amount of development on site
- General dislike for proposal
- There is a covenant on the property that does not allow for the building to go beyond the front bay window and the proposed porch does.
- What this application is asking for is unclear as some of it appears to be approved so it may be an application for internal changes, though it also removes off-road parking for any future owner.
- This is significant overdevelopment and basically turns a semi-detached house into a 7 bed HMO which obviously has the potential to add significantly to any on-street parking pressure and, in any event HMOs are not entitled to inclusion in the CPZ scheme.
- Whether by virtue of it being an HMO or by this application, either way, it should be refused from inclusion in the resident and visitor CPZ.

Officer response

9.6. In relation to private covenants, these are not material planning considerations and do not restrict what can be granted planning permission. They constitute a civil matter between the parties involved and fall outside of the planning system.

9.7. As noted in the description of works, the proposal is partly retrospective. The application is seeking approval for the existing extensions and alterations as built at the site however the sui generis HMO use has not started.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Neighbouring amenity
- Parking and highways safety
- Bin and bicycle storage

- Drainage
- Biodiversity
- Trees

a. Principle of development

- 10.2. As from 24th February 2012, planning permission has been required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4), due to the removal of permitted development rights under an Article 4 Direction.
- 10.3. Policy H6 of the Oxford Local Plan states that the change of use of a dwellinghouse to an HMO will only be granted where the proportion of building used in full or part as an HMO within 100m of street length either side of the application site, does not exceed 20%. This includes side roads and footpaths.
- 10.4. Within 100m either side of 75 Langley Close, there is a total of 45 buildings, including the host property. The proposal would result in 3 of these buildings being classed as a HMO. The HMO at 75 Langley Close would result in a total of 6.6%, well within the allowed 20%.
- 10.5. The proposal is therefore considered to comply with Policy H6 of the Oxford Local Plan and would maintain a balanced community.

b. Design

- 10.6. Policy DH1 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1. 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.
- 10.7. Langley Close is characterised by pairs of two storey semi-detached dwellings. The properties have hipped roofs, curved bay windows on the front elevations spanning both ground floor and first floor, and above these there are projecting pitched roof intrusions. The entrances to the dwellings are located on the front elevations next to the bay windows. Over time many of the dwellings have undertaken alterations, namely changing the hipped roofs to gables, and there are numerous extensions both at single storey and two storey scale. Nevertheless the original character of the close still prevails and the alterations undertaken to properties appear as ancillary and subservient additions to the host dwellings.
- 10.8. The extension proposed is very similar to what has already been granted planning permission under reference 22/00289/FUL. The only changes that are proposed to the built form in comparison to the previous approval is in relation to the single storey element to the front of the side extension. Under the previous application, this was approved with a flat roof with a height of 2.6m, however a

lean-to roof has been built at the site with a maximum height of 3m and eaves of 2.6m. Although this differs to what was originally approved, Officers consider the lean-to roof relates well to the property overall and is not out of character with the surroundings. Officers consider the lean-to roof is an improvement compared to the flat roof originally permitted, and overall this alteration is considered to be acceptable in design terms.

- 10.9. The other alteration is in relation to the width of the single storey element. It originally would have been 3.7m wide however it is now 4.2m. Although the property is located on a corner plot and in a prominent location in the close, given that the increase in width is fairly minor being 0.5m wider, coupled with the fact that it is at single storey scale only, Officers consider that the extension would not appear dominant in the streetscene and that it would still read as a subservient addition to the host dwelling. For reference, the host dwelling has a width of 6.3m and therefore the extension's width of 4.2m would not compete with it. Also a gap of 0.7m would be retained at ground floor between the side elevation of the single storey extension as built and the boundary of the site.
- 10.10. In relation to the porch, this is a new element that was not originally approved. Previously the property had an arched front entrance with the door inset from the front elevation. It is proposed to enclose this arched opening by installing a door flush with the front elevation and erecting a porch outside of this. This porch measures 2m in width, 0.6m in depth, and has a lean to roof with an eaves of 2.3m, and a maximum height of 2.9m. The porch does not have any walls, only two timber supports under the roof canopy. This is considered to appear as a subservient addition to the property and would not appear overly prominent when viewed from the street scene. The lean-to roof is considered to result in an appropriate visual relationship with the rest of the house, and also in particular with the side extension which has the same roof tiles for its roof. Many other properties within Langley Close benefit from front porches or arches that have been infilled and therefore this element of the scheme would not appear out of character with its surroundings.
- 10.11. The part two storey extension proposed remains as approved previously and as such is acceptable in design terms.
- 10.12. Overall the proposal as built is considered to be of an acceptable design and would not detract from the character and appearance of the host dwelling or area in general, in accordance with Policy DH1 of the Oxford Local Plan and Policies GSP3, CIP1 and CIP3 of the Headington Neighbourhood Plan.

c. Impact on neighbouring amenity

- 10.13. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Appendix 3.7 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

- 10.14. Policy RE7 states that planning permission will only be granted for development that ensures that the amenity of communities, occupiers and neighbours is protected.
- 10.15. 73 Langley Close is a two storey semi-detached property located to the south of the application site and adjoins 75 Langley Close.
- 10.16. The 45 degree angle test has been applied to the ground floor front fenestration serving the neighbouring property and the porch would not contravene this angle. The alterations to the extension do not result in extending beyond the existing front elevation of the host dwelling of the application site and as such the development would not detrimentally impact upon the daylight afforded to this property.
- 10.17. The porch would only extend beyond the bay window of the host dwelling by 0.25m, and as noted above, the alterations to the extension do not result in extending beyond the existing front elevation of the host dwelling of the application site. As such, the development would not detrimentally impact upon the outlook afforded to this property, nor would it be considered overbearing.
- 10.18. The porch does not have any openings facing the neighbouring property and therefore it is considered that the development would not detrimentally impact upon the privacy afforded to this property.
- 10.19. As the proposed extensions remain as previously approved in all other respects, the impact on amenity remains the same and would not adversely affect neighbouring or nearby properties.
- 10.20. All other properties are considered to be located at a sufficient distance away from the property so as not to be affected by the current proposals.
- 10.21. Overall the development would not harm residential amenity and is considered to comply with Policies H14 and RE7 of the Oxford Local Plan.

d. Parking and highways safety

- 10.22. Policy M3 states that in Controlled Parking Zones (CPZs) where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. Policy M3 also states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities.
- 10.23. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that does not have unacceptable transport impacts.
- 10.24. The application site is located within the Headington Central Controlled Parking Zone. The property is located within 800m of a shop and 400m of a frequent bus service and therefore is eligible to be a car-free development.

- 10.25. There is currently a garage located within the rear garden of the site and it is proposed for this to be demolished. Officers note that the existing garage at the site measures 5.6m in length, and 2.8m in width, and therefore does not meet the 6.0m x 3.0m minimum size requirements of a garage in current standards. Due to the garage not meeting this size requirement, Officers consider that this garage would not class as an existing parking space. With regard to the hardstanding in front of this garage, a standard parking space must have a minimum length of 5.0m to meet the minimum size requirement, and the hardstanding fails to meet this requirement at 4.8m in length. Therefore due to the hardstanding not meeting this size requirement, Officers consider that it would not be considered as an existing parking space.
- 10.26. No off-street parking is proposed as a result of the proposal. This is considered to be acceptable due to the property being located in a highly sustainable location, with good access to public transport and local amenities.
- 10.27. Due to the property being located within a CPZ and given the proposed use as a sui generis HMO, to ensure that the proposal does not result in demand for on-street parking, a condition has been recommended to prohibit occupation as a HMO until the Road Traffic Order has been varied to remove any eligibility for future parking permits for the HMO.
- 10.28. Subject to the recommended condition, the proposal would be considered to comply with Policies M3 and RE7 of the Oxford Local Plan 2036.

e. Bin and bicycle storage

- 10.29. Policy M5 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.3. For a HMO, at least 1 space per occupant is required. Policy M5 also states bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.
- 10.30. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.
- 10.31. Bicycle storage is proposed to be located in two stores; one in the rear garden and one in the front garden. The store in the rear garden is proposed to accommodate six bicycles and the store in the front garden is proposed to accommodate four bicycles. When the case officer visited the site, it was noted that the construction of the store in the front garden has already commenced with two Sheffield stands and four timber posts in situ. Officers consider that the front of the site would not be a suitable location for bicycle storage; the store proposed due to its height, width and depth would be a prominent addition in the streetscene. Although there is a hedge located at the front of the site, the height of the structure would be higher than this. As noted previously in this report, the application site sits in a prominent position in the close on a corner plot. Officers consider that the store proposed would be incongruous and would detract from the character and appearance of the property and the street scene. Officers

consider that there is sufficient space in the rear garden for a store to accommodate all 10 bicycles. As such, a condition has been recommended for the existing store at the front of the site to be removed, and for further details of a store to accommodate 10 bicycles in the rear garden to be submitted for approval. The condition would also ensure that the approved store would have to be installed on site prior to occupation of the HMO and be retained for bicycle storage thereafter.

10.32. No details have been submitted with the application in relation to bin storage. Officers consider however that there is sufficient space at the site, either within the front garden or the rear garden for a store. A condition has therefore been recommended for further details of a store to accommodate bins to be submitted for approval. The condition would also ensure that the approved store would have to be installed on site prior to occupation of the HMO and be retained for bin storage thereafter.

10.33. Based on the recommended conditions, the proposal would be considered to comply with Policies M5 and DH7 of the Oxford Local Plan.

f. Drainage

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

10.35. The development is located within flood zone 1 and is not at significant risk of flooding from any sources.

10.36. The previous application was subject to a condition requiring that the site should be drained by Sustainable Drainage Systems (SuDS).

10.37. Although the extension has already been completed at the site, it would be necessary to carry over the same condition onto this permission to ensure that the porch would not impact upon the drainage of the site.

10.38. Subject to condition, the proposal would comply with Policy RE4 of the Oxford Local Plan 2036.

g. Biodiversity

10.39. 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.

10.40. 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).

10.41. 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.

- 10.42. Oxford City Council, as the Local Planning Authority, can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on protected species and thus meet the requirements of the National Planning Policy Framework (July 2021) and the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.43. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. Paragraph 99 of the Circular states: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted.”
- 10.44. The Council’s internal biodiversity and ecology officer was consulted on the previous application and they did not believe there was a reasonable likelihood of bats roosting within the building. Therefore they did not request a preliminary roost assessment (PRA) in support of the planning application. Given the extension has already been erected on site, there is no need to consider the impact upon bats any further.
- 10.45. As such, the proposed development would comply with Policy G2 of the Oxford Local Plan 2036, the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017 (as amended).

h. Trees

- 10.46. 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.

- 10.47. 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.
- 10.48. The previous permission at the site for the extension approved under reference 22/00289/FUL was accompanied with an arboricultural impact assessment and the application was then approved subject to conditions relating to foundation design, underground services (tree roots), arboricultural method statement and an arboricultural monitoring programme. All four conditions were discharged and approved under reference 22/00289/CND.
- 10.49. Given that the extension and external alterations proposed have already been completed at the site, it would not be necessary to carry over these conditions onto this permission as the proposed change of use to a sui generis HMO would not impact upon the tree.
- 10.50. As such the proposal would be considered to comply with Policy G7 of the Oxford Local Plan.

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 decision apply a presumption in favour of sustainable development. This means approving development 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 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 make efficient use of an existing site to deliver multi-occupancy housing and is supported by the overall objectives of the Oxford Local Plan 2036. The development would not result in any harm to the character of the surrounding area and would be in accordance with Policy H6. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for

Houses in Multiple Occupation. The proposed development is acceptable in respect 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 with respect to drainage, biodiversity and trees, subject to the recommended conditions. The development would be car free due to its sustainable location within a controlled parking zone and would be suitable to provide good quality bin storage and bicycle parking, subject to conditions. The development would not give rise to any unacceptable impacts in respect of public highways. As such the proposals are considered to comply with the policies of the Oxford Local Plan, the Headington Neighbourhood Plan and the NPPF.

11.5. Therefore officers considered that the proposals 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 proposals are 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 - matching

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.

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.

Variation to Road Traffic Order

5. The development hereby permitted shall not be occupied until the Order governing parking at 75 Langley Close has been varied by the Oxfordshire County Council as highway authority to exclude the site, the subject of this permission, from eligibility for residents' and visitor parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the car free nature of the development and 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.

Bicycle storage

6. Notwithstanding the approved plans, the existing bicycle store located within the front garden shall be removed from the site within 3 months from the date of this

permission.

In addition, prior to the occupation of the HMO hereby approved, details of a covered, secure and convenient bicycle storage for at least one space per occupant within the rear garden, shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall then be provided on site prior to the first occupation of the HMO and retained thereafter for the purposes of cycle storage only.

Reason: In the interests of the character and appearance of the site and promotion of sustainable modes of transport in accordance with Policies M5 and DH7 of the Oxford Local Plan 2036.

Bin storage

7. Prior to occupation of the dwelling as an HMO, details of a covered and convenient bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall then be provided on site prior to the first occupation of the HMO and retained thereafter for the purposes of bin storage only.

Reason: In the interests of the character and appearance of the site in accordance with Policy DH7 of the Oxford Local Plan 2036.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.
- 2 This permission relates only to the granting of planning permission. The use of the property as an HMO also requires a separate Houses in Multiple Occupation Licence.
- 3 With respect to condition 4, Oxford City Council SuDS Design Guide can be found at www.oxford.gov.uk/floodriskforplanning.

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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