

# Agenda Item 4

Oxford City Planning Committee

20th January 2026

**Application number:** 25/02277/FUL

**Decision due by** 29th October 2025

**Extension of time** To be confirmed

**Proposal** Demolition of existing lean-to garage, rear kitchen extension and partial demolition of the rear ground floor bathroom. Erection of a part single, part two storey side extension. Erection of a single storey rear extension. Installation of 1no. air source heat pump to side elevation. Installation of solar panels to front elevation. Replacement fenestration to front and rear elevations.

**Site address** 145 Howard Street, Oxford, Oxfordshire, OX4 3AZ – see **Appendix 1** for site plan

**Ward** Donnington Ward

**Case officer** Nia Baldwin

**Agent:** Mr Richard Prangle      **Applicant:** Ms Caroline Green

**Reason at Committee** The applicant is a member of staff.

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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 Director of Planning and Regulation to:

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

## 2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to demolish a garage and rear extension and the erection of a part single, part two storey side extension, and single storey rear extension. The proposal also includes the installation of PV panels and an air source heat pump, as well as alterations to fenestration.

2.2. The application site comprises of a dwellinghouse which is located on the northern side of Howard Street which is located within the Donnington Ward of Oxford City. The dwelling benefits from a garage and single and two storey rear projections. Immediately to the west of the dwelling lies locally listed Donnington Arms which is on the Oxford Heritage Asset Register for its historical and architectural qualities.

2.3. Planning permission has previously been granted at the site for similar alterations and extensions to the property under application reference 24/01356/FUL. The current application proposes to omit elements of the scheme which were previously proposed including a first floor rear extension, the raising of the ridgeline and formation of rear dormer in association with a loft conversion. Officers note however that the previous permission was approved on 16th October 2024 and therefore still remains an extant consent which the applicant could implement until 16th October 2027.

2.4. This report considers the following material considerations:

- Design and impact upon local heritage assets
- Neighbouring amenity
- Vehicle parking and highways safety
- Bicycle storage
- Drainage
- Ecology

2.5. The proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Howard Street, nor the setting of the locally listed Donnington Arms. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would the proposals cause any impacts in regards to drainage or ecology. In addition the proposal would not cause any detrimental impacts associated with vehicle and bicycle parking nor highways safety, subject to conditions. As such the proposals are considered to comply with the policies of the Oxford Local Plan, and the NPPF.

2.6. 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 consideration and support 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 site is a two storey dwelling located on the northern side of Howard Street. The property currently benefits from a lean-to single storey garage at the western side of the plot, and to the rear benefits from a part single, part two storey rear projection.

5.2. To the east of the application site lies the former Donnington Arms which is a local heritage asset; added to the Oxford Heritage Asset Register in 2015. Currently the building is in use as a restaurant, however the building was originally built for Halls' Brewery in 1935 as a public house. The building has both historic and architectural interest; it is an example of the 'improvement public houses' style produced in the inter-war years, which was intended to change the perception of public houses by making them more aspirational destinations.

5.3. See block plan below:



## 6. PROPOSAL

6.1. The application proposes to demolish a garage and rear extension and the erection of a part single, part two storey side extension, and single storey rear

extension. The proposal also includes the installation of PV panels and an air source heat pump, as well as alterations to fenestration.

## 7. RELEVANT PLANNING HISTORY

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

24/01356/FUL - Demolition of garage and rear extension. Erection of a part single, part two storey side and rear extension with integral garage. Formation of rear dormer and raising of existing ridgeline in association with a loft conversion. Insertion of rooflights and PV panels to front roof slope and an air source heat pump. Alterations to fenestration. (Amended description and plans). Approved. 16th October 2024.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	131-141	<b>DH1</b> – High quality design and placemaking	
Conservation/ Heritage	202-221	<b>DH5</b> – Local Heritage Assets	
Housing	61-84	<b>H14</b> – Privacy, daylight, and sunlight	
Natural environment	161-186, 187-201	<b>RE4</b> – Sustainable and foul drainage, surface and groundwater flow <b>G2</b> – Protection of biodiversity and geodiversity	
Transport	109-118	<b>M3</b> – Motor vehicle parking <b>M4</b> – Provision of electric charging points <b>M5</b> – Bicycle	Parking Standards SPD

		Parking	
<b>Environmental</b>	187-201	<b>RE7</b> – Managing the impact of development <b>RE8</b> – Noise and vibration	Energy Statement TAN
<b>Miscellaneous</b>	7-14	<b>S1</b> – Sustainable development	External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 18th September 2025.

### Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No comments received

### Public representations

9.3. No representations were received.

## 10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design and impact upon local heritage assets
- Neighbouring amenity
- Vehicle parking and highways safety
- Bicycle storage
- Drainage
- Ecology

#### a. Design and impact upon local heritage assets

10.2. 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.

10.3. Policy DH5 states that permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact upon the asset's significance and its setting and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.

10.4. Paragraph 216 of the NPPF also states that the effect of an application on the significance of a non-designated heritage asset should be taken in account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.5. Howard Street comprises predominantly of two storey residential dwellings. The dwellings are all slightly set back from the road behind small front gardens, and whilst primarily the dwellings are arranged in short and long rows of terraces, there are a few examples of semi-detached and detached dwellings along the road.

10.6. The application site is a two storey dwelling attached to the former Donnington Arms directly to the east. To the west there is a short terrace of two storey dwellings, in which currently the single storey garage at the application site is attached to and separates the dwelling itself from the rest of the terrace.

10.7. As noted previously in this report, the former Donnington Arms is a local heritage asset; added to the Oxford Heritage Register in 2015. Currently the building is in use as a restaurant, however the building was originally built for Halls' Brewery in 1935 as a public house. The building has both historic and architectural interest; it is an example of the 'improvement public houses' style produced in the inter-war years, which was intended to change the perception of public houses by making them more aspirational destinations.

#### *Demolition of garage and erection of two storey side extension*

10.8. Currently at the western side of the dwelling there is a single storey lean-to garage. It is proposed to demolish this existing garage and to replace it with a two storey side extension. This would infill the entire width between the host dwelling and 141 Howard Street to the west, and would feature a garage at ground floor level, with living accommodation above. At ground floor it is proposed for there to be a new garage door and at first floor level two new sash windows. The extension would be set back from the principal elevation of the dwelling by approximately 30cm, and would have a pitched roof set down from the ridgeline of the host dwelling by approximately 10cm. The two storey side extension would extend for approximately 7m in depth, in line with the original rear elevation of the host dwelling. These works have been previously granted permission under 24/01356/FUL.

10.9. It is considered that the existing garage is not of a high quality design and given that garages are not common within Howard Street nor contribute positively to the character of the street, that as such its demolition would be acceptable in principle.

10.10. As noted previously, the character of Howard Street is varied with some detached and semi-detached properties, however predominantly there are rows of terraced properties. It is considered that the proposed replacement of the single storey garage with a two storey infill extension would due to the site context not detrimentally impact upon the character or appearance of Howard

Street, as the existing gap between the host dwelling and 141 Howard Street is not an important feature of the streetscene. The infill extension would essentially join the host dwelling up with the rest of the terrace to the west, and as such would not be out of keeping. Whilst the dwelling would effectively have a frontage nearly twice the width of the other properties in the terrace, given that the terrace is not entirely uniform, it would not be highly prominent. The terrace to the west features varying materials, varied styles of openings particularly at ground floor level, and the property on the western end of the terrace has its frontage facing onto Golden Road. As such on this occasion due to the pattern and grain of development along Howard Street, it is considered that the removal of the gap between the site and 141 Howard Street would be acceptable; fitting comfortably into the streetscene.

10.11. The proposed extension would be set back and set down from the main dwelling which would ensure that it has a subservient relationship to the host dwelling. It is considered that the design of the fenestration would be acceptable, with the two sash windows proposed closely matching the scale of the existing windows with matching stone window headers and cills. The extension would be finished in brick and roof tiles to match the host dwelling, and as such the extension proposed would be considered overall to have a high quality design which would complement the host dwelling, and would not give rise to any harm to the setting of the locally listed building.

10.12. It is also proposed for the front roof slope of the extension to feature solar panels. Although solar panels are typically utilitarian additions, it is considered that given they would be arranged in a uniform layout in the centre of the roof, that these would not detract from the character or appearance of the dwelling, nor to the setting of the adjacent locally listed building.

#### *Single storey rear extension*

10.13. It is proposed to erect a single storey rear extension which would extend to the sides of the existing rear projection and increase the height of the existing extension. To the east of the existing extension it is proposed to infill the space so that the extension extends up to the eastern boundary. This extension would measure approximately 1.8m in width and 3.5m in depth. This would have a flat roof with a height of approximately 3m, in which the existing extension at 2.3m in height would be raised to match the 3m height of the new extension. To the west it is proposed to extend too with an extension measuring approximately 2.4m in width, 3.25m in depth, and would have a flat roof of 3m in height.

10.14. It is considered that given the infill extension to the east would not extend in depth beyond the existing extension, coupled with the extension to the western side being modest in scale, alongside the fact that many of the neighbouring dwellings have large ground floor extensions, that the scale of the extension of the single storey extension would not be out of character with the surrounding area and would be acceptable in design terms. It is proposed to finish the extension in brick to match the existing dwelling, and there would be contemporary elements with a metal clad header above aluminium framed Crittall style sliding doors. Although the design of the extension would be contemporary in design and would deviate from the more traditional design elements of the

property, given the flat roofed form and the high quality choice of materials proposed, overall it is considered that the design would be appropriate and of a high quality. Given the single storey height of the rear extensions they would not be visible in the views from Silver Road and Officers therefore consider they would not detrimentally impact upon the setting of the locally listed building.

#### *Air source heat pump*

10.15. It is proposed to install an air source heat pump within the rear garden. This would measure approximately 1m in height, 1.3m in width, and 0.5m in depth. This would be a relatively small structure which would not be visible from the public realm, and as such although air source heat pumps can be rather utilitarian in their design, it is considered in this instance that the addition would not be harmful to character and appearance of the property. This addition would also not be sited within the setting of the Donnington Arms.

#### *Replacement fenestration*

10.16. It is proposed to replace all of the existing windows at the site including the sash windows to the front and rear. These would match the size and style of the existing windows and as such would be a minor element of the scheme which would not cause any detrimental impacts upon the character and appearance of the property, nor the setting of the Donnington Arms.

#### *Conclusion*

10.17. Officers consider that the proposals would not result in any harm to the setting of the locally listed Donnington Arms. Overall the proposals comply with Policies DH1 and DH5 of the Oxford Local Plan and the NPPF.

#### **b. Neighbouring amenity**

10.18. Policy H14 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes, and does not have an overbearing effect on existing homes. Appendix 3.6 of the Oxford Local Plan sets out guidelines for assessing the loss of sunlight and daylight using the 45/25 degree code.

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

10.20. Policy RE8 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts.

10.21. The site in question is located between 141 Howard Street and Everest Nepalese Restaurant; the former Donnington Arms.

#### *141 Howard Street*

10.22. 141 Howard Street is a two storey end of terrace property located to the west of the application site. It currently benefits from a part single, part two storey rear projection. The proposed two storey side extension would not extend beyond the front elevation of the neighbouring dwelling. As such the daylight and outlook afforded to the front facing openings would not be detrimentally impacted, nor would the neighbours privacy. There are also no openings located on the eastern side elevation of the neighbouring building which would be affected by the two storey extension.

10.23. At the rear of the property, there are glazed doors serving the kitchen/diner. The 45 degree angle test has been applied to these doors and the proposal would not contravene this angle. On the side of the neighbours ground floor extension there is a window serving a utility room, however given this is not a habitable room the 45 degree uplift angle test does not need to be applied to this opening.

10.24. There is also at ground floor level on the original rear elevation of the property a window serving a lounge. Officers have applied the 45 degree angle test to this opening and the proposed single storey rear extension would contravene this. The 25 degree uplift angle test has also been applied to this window and the proposed rear extension would also contravene this. Although the rear extension would not comply with the test, Officers note that the existing rear projections at the site already contravene both of the aforementioned angles too. As such this opening would receive at present limited light. It is also noted that the neighbouring lounge benefits from a second source of light from the front ground floor bay window; the lounge has an opening directly into the front sitting room. As a result, on balance, Officers considered that it would be unreasonable to refuse the application in this regard as the room would also still receive light from the opening to the front of the site which would not be impacted by the proposals.

10.25. The proposed single storey extension proposed to the western side of the property would extend for approximately 3.25m in depth along the boundary at a height of 3m, and would be situated 1m away from the shared boundary. It is also acknowledged that the height of the existing single storey rear extension would increase from approximately 2.3m in height to 3m. Officers note that the proposed extension to the west would be shorter than the existing rear projection at the application site, it would be off-set from the shared boundary by 1m and it would have a limited depth of 3.25m. In addition the existing extension which would be raised in height is located approximately over 3.25m away from the shared boundary. As such it is considered that on balance the rear extensions would not appear as an overbearing form of development and nor would they detrimentally impact the outlook from the neighbour or create a tunnelling effect.

10.26. Given the proposed two storey side extension would not extend beyond the rear wall of the neighbouring property, there would be no detrimental impacts associated with this element of the proposals in relation to daylight access, outlook, and nor would it be overbearing.

10.27. There is one opening proposed to the side of the ground floor extension which would serve the utility/boot room and the W.C. Although located in close proximity to the neighbouring dwelling, given its siting at ground floor level and

the presence of a boundary treatment between the sites, it is considered that this opening would not overlook the neighbour. Although there would be an opening introduced at second floor level to the rear, it is considered that this opening would not create any new views into the neighbouring property when compared to the existing first floor rear projection widow.

*Everest Nepalese Restaurant*

10.28. Although at ground floor the neighbouring building comprises of a restaurant, at first floor level there is a flat used for residential accommodation.

10.29. Given that the proposed two storey side extension would not extend beyond the front elevation of the host dwelling, this element of the scheme would not detrimentally impact upon any openings to the front serving the neighbouring flat. For the same reasons it would not detrimentally impact upon the privacy or outlook afforded to the neighbouring flat, nor would it be considered overbearing.

10.30. Due to the flat being located at first floor level, the proposed ground floor rear extension would be considered not to detrimentally impact upon the daylight afforded to the openings to the rear serving the flat, nor would it be overbearing, detrimental upon their outlook, nor would it be harmful to the occupiers' privacy.

10.31. All other properties are considered to be located a sufficient distance away from the site and therefore there would likely be no impact upon their access to daylight, outlook or privacy.

10.32. An air source heat pump is proposed to be sited within the rear garden to the side of the single storey rear extension. Given its siting at ground level in the garden and its small size, it is considered that this element would not have any impact upon the neighbours in terms of loss of light, creating a sense of enclosure or loss of privacy.

10.33. The proposed air source heat pump would be sited generally in close proximity with other neighbouring dwellings, and it is noted that whilst air source heat pumps used for domestic premises usually have a low noise output, there is still however the potential for noise to be generated causing a nuisance to other occupiers. Officers note however that the proposed siting of the air source heat pump would be located in a position which would be acceptable using permitted development rights as it would be located over 1m away from the boundary and would have a cubic content of less than 1.5m. In addition the application site has been checked and there has been no removal of permitted development rights for this property based on conditions attached to any previous planning consents. As such a formal noise assessment was not required, however to control potential noise issues and to ensure there would not be an increase in noise that would be harmful to the amenity of neighbouring properties, two conditions have been recommended which would ensure the noise does not exceed background levels, and that the pump would be mounted on anti-vibration isolators.

10.34. Given that the proposal includes a flat roofed extension to the rear, a condition has been recommended which would prevent the proposed flat roof being used as a platform, terrace or balcony as this use would be considered unacceptable,

creating detrimental privacy impacts upon the neighbouring occupiers through direct/perception of overlooking, noise and disturbance.

10.35. Subject to the recommended conditions, the proposals comply with Policies H14, RE7 and RE8 of the Oxford Local Plan 2036.

**c. Vehicle parking and highways safety**

10.36. Policy M3 states that in CPZs where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission will only be granted for residential development that is car-free. It 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.

10.37. Policy M4 states that where additional parking is to be provided in accordance with Policy M3, planning permission will only be granted for new residential developments if:

- a) provision is made for electric charging points for each residential unit with an allocated parking space; and
- b) non-allocated spaces are provided with at least 25% (with a minimum of 2) having electric charging points installed.

10.38. 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.

10.39. The application site is located within the Magdalen South Controlled Parking Zone. The site is located within an 800m walk of a local supermarket and within an 400m walk to a frequent public transport service. As such the site is eligible to be a car-free development.

10.40. It is proposed to demolish the existing garage on the site and within the proposed two storey side extension incorporate a garage at ground floor level. Although the existing garage does not provide a compliant car parking space of 3m x 6m, evidence was provided within the Design and Access Statement submitted for the previous application under reference 24/01356/FUL which showed that the garage has been used historically as a parking space.

10.41. The Local Highways Authority were consulted on that application and they noted that given evidence has been provided of the garage fitting a car inside, that as a result they consider the new garage would not constitute an increase in off-street parking on the site, and as such would not be contrary to Policy M3 as not net gain in parking would result. Officers note that given the previous planning application could still be implemented at the site that it would be unreasonable to take a different opinion to that previously given for this application.

10.42. Officers also note that it is proposed to install an electric vehicle charging point inside the garage. Whilst this would not be strictly required in accordance with Policy M4 as the proposal is not creating a new dwelling, this would be welcomed as it would help encourage the use of electric vehicles in the city.

10.43. The Local Highways Authority did note on the previous application however that they had concerns regarding the construction phase of the project with Howard Street being an important two-way cycle route, having multiple parked cars on the carriageway and a high number of pedestrians using it at peak times. They noted that construction vehicles will need to be managed carefully to avoid peak times and park in appropriate locations without creating safety concerns to pedestrians and cyclists, with banksmen being present for any manoeuvring taking place. As such they raised no objection subject to a condition requiring a construction traffic management plan being submitted to and approved in writing prior to construction.

10.44. Subject to this condition, the proposals comply with Policies M3, M4 and RE7 of the Oxford Local Plan 2036.

#### **d. Bicycle parking**

10.45. 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. Appendix 7.3 states that for a house with 3 or more bedrooms, at least 3 spaces per dwelling would be required. It also states that bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street

10.46. It is proposed to accommodate bicycle storage within the garage. This would ensure that there is secure and covered space available for the occupiers to park any bicycles, and the location within the garage would provide level, well-located and convenient access to the road itself.

10.47. Although it has not been specified how many bicycles would be parked inside the garage, given that this is a householder application and the number of bicycles specified within Appendix 7.3 does not need to be strictly adhered to; rather being for new dwellings, it is considered that it would be unreasonable to refuse the application on this basis.

10.48. As such the proposals comply with Policy M5 of the Oxford Local Plan 2036.

#### **e. Drainage**

10.49. Policy RE4 of the Oxford Local Plan states that all development is required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off.

10.50. The site is located in Flood Zone 1 and is therefore not at significant risk of flooding. However in accordance with Policy RE4, the development should be drained using a sustainable drainage system (SuDS).

10.51. Subject to a condition which requires the proposal to be drained using SuDS, the proposals comply with Policy RE4 of the Oxford Local Plan 2036.

**f. Ecology**

10.52. Policy G2 of the Oxford Local Plan 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.

10.53. 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). These laws make it an 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.

10.54. A preliminary ecological appraisal dated 7 December 2025 was submitted with the application. This indicates no evidence of roosting bats was found during the Preliminary Roost Assessment. The existing building/garage was assessed to be of negligible suitability for roosting bats and no further surveys were recommended.

10.55. Officers are satisfied that a robust assessment was undertaken and the potential presence of protected habitats and species has been given due regard.

10.56. Additionally, however, the Local Planning Authority has an obligation under the Natural Environment and Rural Communities Act (NERC) 2006 as amended, and the National Planning Policy Framework (NPPF) to protect and enhance biodiversity; the Biodiversity Duty under Section 40 of NERC. The duty particularly applies to principal habitats and species of conservation importance under Section 41 of the Act. Species records for the local area indicate the presence of *common* and *soprano pipistrelle* bats within 500m of the site. There are also records of *house sparrow* and *swifts* within 500m of the site. It is therefore recommended that a device for crevice roosting bats, one nesting device for house sparrows and one for swifts are provided on the site.

10.57. The Local Planning Authority, in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies four main offences for development affecting European Protected Species (EPS):

1. Deliberate capture, injuring or killing of an EPS
2. 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.

3. Deliberate taking or destroying the eggs of an EPS

4. Damage or destruction of a breeding site or resting place of an EPS.

10.58. Officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

10.59. A condition has been recommended which places a time limit on development before further ecological surveys are required in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Advice Note on the Lifespan of Ecological Reports and Surveys. In addition, conditions have been recommended to deliver ecological enhancements and informatics to remind the applicant of their duties in relation to protected species.

10.60. Subject to conditions and informatics, the proposals accord with Policy G2 of the Oxford Local Plan, the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (as amended), and the NPPF.

## **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.

### *Compliance with development plan policies*

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.

11.4. In summary the proposed development is acceptable in regards of its design and would not cause any detrimental harm upon the character and appearance of the dwelling itself or the streetscene of Howard Street, nor the setting of the

locally listed Donnington Arms. The proposals would not cause any detrimental impacts upon the amenity of any neighbouring dwellings, and nor would the proposals cause any impacts in regards to drainage or ecology. In addition the proposal would not cause any detrimental impacts associated with vehicle and bicycle parking nor highways safety, subject to conditions. As such the proposals are considered to comply with the policies of the Oxford Local 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 proposal 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 – as specified**

3. The materials to be used in the new development shall be those as specified on the approved plans. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development 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 2036.

## **Time limit on development before further surveys are required**

5. If the development hereby approved does not commence by May 2027, further ecological survey(s) shall be carried out in accordance with Chartered Institute of Ecology and Environmental Management (CIEEM) Advice Note on the Lifespan of Ecological Reports and Surveys to establish if there have been any changes in the presence of roosting bats and identify any likely new ecological impacts that might arise from any changes through professional validation or additional surveys. The results of professional validation and/ or the survey(s) shall be submitted to the local planning authority.

Where validation and/ or survey results indicate that changes have occurred that will result in impacts not previously addressed in the approved scheme, a mitigation and compensation scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works shall then be carried out in accordance with the approved scheme, under licence from Natural England.

Reason: To ensure bats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and The Wildlife and Countryside Act 1981 (as amended).

## **Ecological enhancement - bat box**

6. Prior to occupation of the development, at least one bat box suitable for cavity/crevice roosting bats shall be installed on the building by being positioned at a height of 3-6 metres in an open location with a clear flight path to and from the entrance away from and unlit by artificial light and not above any windows placed in a sunny position (6-8 hours of direct sunlight, or in a location where it receives the morning sun). If this is not possible, then close to the eaves or apex of a gable end on the building in a south- south westerly direction. The approved measures shall be incorporated into the scheme and shall be installed under the guidance of a suitably qualified ecologist prior to completion of the development and retained thereafter. Proof of installation (photo, site visit invitation, etc) shall be provided to the Local Planning Authority no later than 12 months following installation.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 187(d) of the National Planning Policy Framework and Policy G2 of the Oxford City Council Local Plan 2036 (2020).

#### **Ecological Enhancement - House Sparrow/ Swift feature and Hedgehog Highway**

7. Prior to occupation of the development, 2 x nest feature (box, shelf or terrace) suitable for house sparrow and swift shall be installed on the building by being placed as high as possible (under the eaves) with the entrance hole/ shelf pointing north-east but sheltered from prevailing wind and rain. Avoid obvious sun traps, such as south-facing walls. Purpose made bricks placed in the fabric of the property during renovations is recommended. The approved measures shall be incorporated into the scheme and shall be installed under the guidance of a suitably qualified ecologist prior to completion of the development and retained thereafter. Proof of installation (photo, site visit invitation, etc) shall be provided to the Local Planning Authority no later than 12 months following installation.

Reason: To enhance biodiversity in Oxford City in accordance with paragraph 187(d) of the National Planning Policy Framework and Policy G2 of the Oxford City Council Local Plan 2036 (2020).

#### **Construction Traffic Management Plan**

8. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This shall incorporate the following in detail:

- The routing of construction vehicles;
- Access arrangements for construction vehicles;
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

The approved CTMP shall be adhered to at all times during the construction of the development.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times in accordance with Policy RE7 of the Oxford Local Plan 2036.

### **Amenity – no balcony**

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or enacting that Order), no part(s) of the roof of the building(s) permitted shall be used as a balcony or terrace nor shall any access be formed to the roof.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with Policy H14 of the Oxford Local Plan 2036.

### **Noise**

10. The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity in order to maintain the existing noise climate and prevent 'ambient noise creep'.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from plant/mechanical installations/equipment in accordance with Policy RE8 of the Oxford Local Plan.

### **Noise vibration**

11. Prior to use, plant or equipment and associated ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with Policy RE8 of the Oxford Local Plan.

### **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 All species of bats and their roosts are protected under The Wildlife and Countryside Act 1981 (as amended) 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, work should stop immediately and advice should be sought from a suitably qualified ecologist. A European Protected Species Mitigation Licence (EPSML) may be required before works can resume.
- 3 All wild birds, their nests and young are protected under The Wildlife and Countryside Act 1981 (as amended). Occasionally nesting birds can be found during the course of development even when the site appears unlikely to support them. If any nesting birds are present then the buildings works should stop immediately and advice should be sought from a suitably qualified ecologist.

### **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.

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