

WEST AREA PLANNING COMMITTEE

Application Number: 18/00933/VAR

Decision Due by: 6th June 2018

Extension of Time: To be agreed

Proposal: Variation of conditions 2 (approved plans) and 3 (materials) of planning permission 15/02352/FUL (Erection of 3 x 6 bedrooms dwellinghouses (Use Class C3). Provision of car parking spaces, private amenity space, bins and cycle stores (amended plans) to allow change of main roofing material to natural slate, change of the general finish to external walls, replacement of velux with dormer window on the front elevation, flat lead roof proposed to front porches and relocation of bin and cycle storage (amended description).

Site Address: 18 Hawkswell Gardens, Oxford, Oxfordshire, OX2 7EX

Ward: Summertown Ward

Case Officer Michael Kemp

Agent: Mr Kieron Roberts **Applicant:** Mr & Mrs Racy

Reason at Committee: Previous Planning Application (15/02352/FUL) was determined by the planning committee as it was called in. As this application is a significant variation of an application that was a committee decision it has to be determined by a planning committee.

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

(a) 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.

(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:

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

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application to vary conditions 2 (approved plans) and 3 (materials) of planning permission (15/02352/FUL). Planning permission 15/02352/FUL was refused by committee members in September 2015 on the grounds that the development site exceeded 0.25ha in area and failed to make provision for affordable housing; and additionally the density proposed would fail to make an efficient use of the site. A subsequent appeal against this refusal (APP/G3110/W/16/3162190) was considered by the appeal inspector who subsequently allowed the application and granted planning permission.
- 2.2. The principle of the development of three dwellings on the site has already been established; therefore the matters for consideration are whether the design alterations and the change in external materials are acceptable.
- 2.3. The key matters for assessment set out in this report include the following:
 - Design and intended use of materials;
 - Impact on Neighbour amenity

3. LEGAL AGREEMENT

- 3.1. This application would not be subject of a legal agreement.

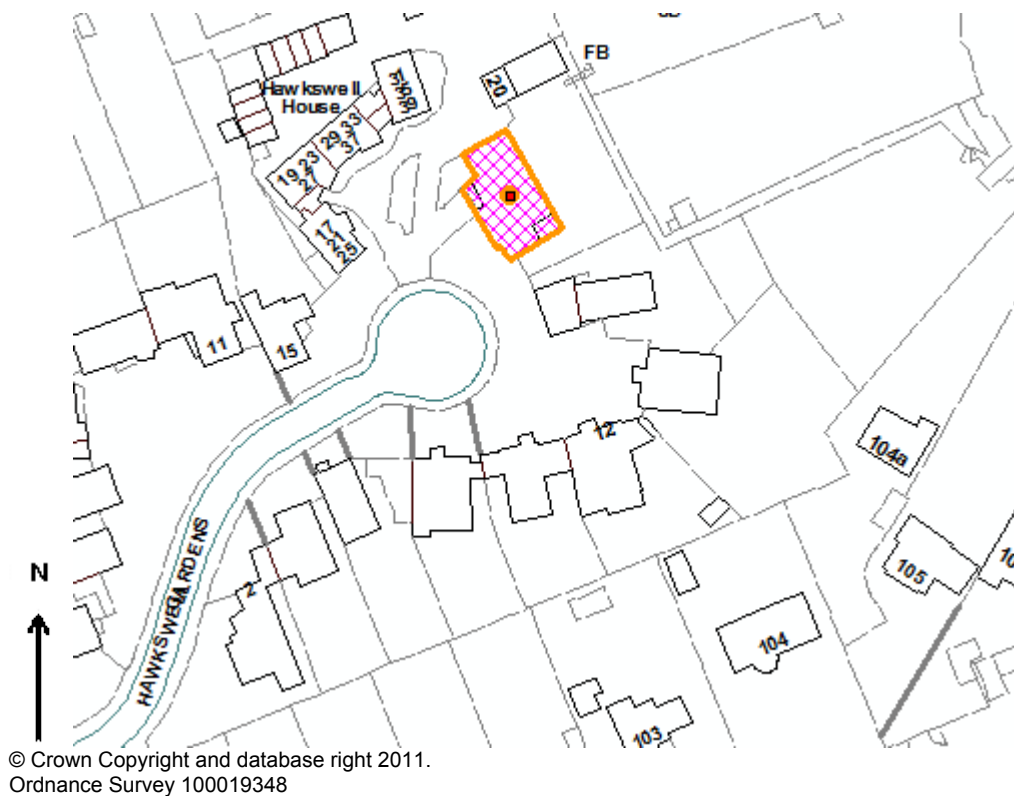
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The development would be liable for a CIL contribution.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within a residential area in Sunnymead, North Oxford and lies to the rear of No.18 Hawkswell Gardens a detached dwelling located at the end of a residential cul-de-sac. The site comprises of an extensive area of domestic curtilage associated with No.18 Hawkswell Gardens. The River Cherwell runs immediately adjacent to the East boundary of the site. Access to the site and approved development of three dwellings would be obtained via Hawkswell Gardens and a private access.
- 5.2. The site contains a number of trees, one of which is subject of a Tree Preservation Order (TPO). A number of trees are shown to be removed as part of an approved landscaping scheme, this approved landscaping scheme would be unaltered within this application.

5.3. The site location plan is shown below:



6. PROPOSAL

6.1 This report considers an application to vary conditions 2 (approved plans) and 3 (materials) of planning permission (15/02352/FUL). Planning permission 15/02352/FUL was refused by committee members in September 2015 on the grounds that the development site exceeded 0.25ha in area and failed to make provision for affordable housing; and additionally the density proposed would fail to make an efficient use of the site. A subsequent appeal against this refusal (APP/G3110/W/16/3162190) was considered by the appeal inspector who subsequently allowed the application and granted planning permission.

6.2 No change is proposed to the position, the overall scale or footprint of the dwellings.

6.3 In terms of roof materials the use of natural slate is sought as a variance to the red clay tiles which were shown on the approved drawings. A variance is sought to alter the external wall materials, with natural lime render sought as an alternative to the previously proposed ashlar stone cladding. Dormer windows are sought as an alternative to the approved Velux windows on houses one and two, whilst flat lead roof porches are sought in place of the approved pitched roof porches. It is proposed that the bin and bike stores would be relocated.

7. RELEVANT PLANNING HISTORY

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

15/02352/FUL - Erection of 3 x 6 bedrooms dwellinghouses (Use Class C3). Provision of car parking spaces, private amenity space, bins and cycle stores.(amended plans). REF 16th August 2016.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	7	CP9, 10, 11	CS18	HP9	
Conservation/ Heritage	12				
Housing	6			HP10, HP14	
Commercial	1, 2				
Natural Environment	9, 11, 13			HP11	
Social and community	8				
Transport	4				Parking Standards SPD
Environmental	10				Energy Statement TAN
Misc	5	CP.13, CP.24, CP.25		MP1	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th May 2018 and an advertisement was published in The Oxford Times newspaper on 24th May

2018. The description of development was amended as the original description of development erroneously did not make reference to the variation of condition 3 (Materials). Further site notices were therefore posted on 1st June 2018 advertising the amended description of development.

Statutory and Non-Statutory Consultees

Oxford City Council Archaeology

- 9.2. Archaeological trial trenching has been undertaken at this site and no significant archaeological remains were recorded. Therefore I would not request any further archaeological work in relation to the application or variation.

Oxford City Council – Ecology

- 9.3. No comments on the variation

Public representations

- 9.4. No public comments have been received in relation to this application.

10. PLANNING MATERIAL CONSIDERATIONS

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;

i. Principle of Development

- 10.2. The principle of the siting of three dwellings on this site has been established by virtue of the permitted appeal on the site (APP/G3110/W/16/3162190). The proposals seek only to vary aspects of the design of the dwellings and the materials used within the external elevations. Matters considered previously such as affordable housing requirements, access, ecology and tree issues are not material to the determination of this application.

ii. Design and Impact on Character of Surrounding Area

- 10.3. Approval is sought to vary the use of roof materials from red clay tiles to natural slate. The use of red roof tiles is somewhat more prevalent within the immediate context, as most of the properties in Hawkswell Gardens feature red clay tiles, however a number of properties in the immediate area also feature natural slates, notably along Lucerne Road, adjacent to the site, this includes a number of newer build properties. Overall the use of natural slate is considered acceptable and would not be out of keeping with the character of the area.
- 10.4. The proposals include a variation in the use of the proposed external wall materials for the three proposed dwellings. The materials would be altered from Ashlar Stone cladding to a lime render. The properties in the immediate area

consist of a mix of brick and render. Whilst the use of Ashlar stone cladding is considered preferable in design terms, the use of lime render, subject to details of specification of colour and finish would be considered acceptable within the context of the design of the existing properties in the area. A specification and sample of the proposed render are requested by way of planning condition.

- 10.5. It is proposed that a dormer window would be added to each front facing gable of houses 1 and 2, the proposed dormers would be small in scale and would not in officers opinion be compromising of the front elevation of the proposed dwellings. The variation is therefore considered acceptable in design terms.
- 10.6. The variation to the porch design is considered acceptable in design terms and would not be compromising of the appearance of the front elevation of dwellings 1 and 2.
- 10.7. Overall it is considered that the proposed design alterations would be acceptable and would ensure that the new development retains an appropriate visual relationship with the character of the area. It is therefore considered that the development would comply with the provisions of Policy HP9 of the Sites and Housing Plan and Policy CS18 of the Core Strategy.

iii. Impact on Neighbouring Amenity

- 10.8. The variation sought to include the addition of the dormer windows to dwellings 1 and 2 would not significantly infringe on the amenity of adjacent occupiers by reason of overlooking and the proposed variation is considered acceptable.

iv. Planning Obligations

- 10.9. The appeal decision identified that there would no affordable housing requirement; therefore neither the original application nor this variation of conditions application would be subject of any planning obligations.

11. CONCLUSION

- 11.1. The variations sought are considered acceptable in design terms and would not impact detrimentally on the amenity of adjacent occupiers. The proposed variations would not impact materially on access arrangements, ecology or flood risk. The proposals are therefore considered acceptable and would comply with the provisions of the Sites and Housing Plan; Core Strategy and Local Plan.
- 11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

1. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless

otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

2. The materials to be used in the new development shall be; as shown on plan no. 1365_PR_105 and 1365_PR_106;. 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 policies CP1, CP7, CP8 and HE7 of the Adopted Oxford Local Plan 2001-2016 and policy CS18 of the Oxford Core Strategy 2026.

3. A specification of the colour and finish of the proposed lime render shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. The landscaping scheme approved under condition 4 of 15/02352/FUL shall be implemented and shall be completed within twelve months of the substantial completion of the approved development.

Reason: To maintain as far as possible the appearance of the area in accordance with policy CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

5. The development shall be implemented in accordance with the measures outlined in chapter 7 (7.1-7.6, 7.8-7.14) of the Extended Phase 1 and Preliminary Bat Survey (4Acre Ecology, July 2015).

To ensure the protection of protected species in accordance with Policy NE21 of the Oxford Local Plan

6. The written scheme of investigation approved under condition 6 of 15/02352/FUL shall be implemented in accordance with the approved details.

Reason: To accord with the provisions of Policy HE2 of the Oxford Local Plan

7. Prior to the commencement of development detailed plans relating to a scheme of surface water drainage shall be submitted to and approved in writing by the local planning authority. The approved drainage plans shall be completed prior to the first occupation of the approved development.

Reason: To prevent the increased risk of surface water flooding and improve water quality in accordance with Policy CS11 of the Oxford Core Strategy

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours.
- viii) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway amenity in accordance with Policy CS13 of the Oxford Core Strategy

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 approve planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.