

West Area Planning Committee

11th July 2012

Application Number: 12/00541/VAR

Decision Due by: 21st May 2012

Proposal: Application to vary condition 4 (access), 5 (bin and cycle storage) and 7 (landscaping) of planning permission 10/02586/FUL to allow compliance after commencement of development.

Site Address: 48A Donnington Bridge Road, (**Appendix 1**)

Ward: Iffley Fields Ward

Agent: N/A

Applicant: Mr Lee Coombs

Application Called in – by Councillors – Tanner, Sinclair, Price and Coulter for the following reasons – local concern and out of keeping with the neighbourhood

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 Planning permission 10/02586/FUL has been implemented without pre-commencement conditions 4, 5 and 7 being complied with which is regretted. However there would be no material planning reason to refuse the variation of the conditions now to enable compliance following the commencement of the development approved under 10/02586/FUL. No third party objections have been received.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 In accordance with 10/02586/FUL
- 2 Materials

- 3 Car park within 3 months
- 4 Cycles/bins within 3 months
- 5 Landscaping first planting season
- 6 Boundaries/means of enclosure
- 7 SUDS
- 8 Design - no additions to dwelling

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- HS19** - Privacy & Amenity

Housing DPD – Proposed Submission

- HP13_** - Outdoor Space
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

NB: The City Council has recently approved the Sites and Housing Development Plan Document (SHDPD) for consultation prior to public examination by an Inspector later this year. It forms part of Oxford's Development Plan Framework and although not formally adopted it does carry weight as a material consideration in determining planning applications.

Other Material Considerations:

Transport for New Developments Parking Standards for all New Residential Developments (October 2011).

Supplementary Planning Document: Parking Standards, TAs and TPs Adopted Feb 2007.

National Planning Policy Framework March 2012 (NPPF)

NB: As of 27th March 2012 the National Planning Policy Framework replaced various Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) which are now withdrawn.

Relevant Site History:

10/02586/FUL - Erection of 2 bedroom end of terrace house provision of 2 car parking spaces for each of the existing and proposed houses (Amended plans). PER 8th December 2010.

Representations Received:

None

Statutory and Internal Consultees:

Highway Authority: no objection

Issues:

Vehicular Access
Cycle Parking
Bin Stores
Landscaping

Officers Assessment:

Site Description

1. The application site is located on the corner of Donnington Bridge Road and Arnold Road and comprises a new end of terrace 2 bed dwelling recently completed.

Proposal

2. Planning permission was granted in December 2010 for the erection of a 2 bedroom end of terrace house provision of 2 car parking spaces for each of the existing and proposed houses. The permission was implemented and subsequently completed. However there were various conditions attached to the approval which were required to be complied with prior to commencement on site. These are condition 4 (Revised plans - car parking), condition 5 (Cycles and Bins) and condition 7 (Landscape plan required). This application therefore seeks approval for the conditions retrospectively now that the development has been completed.

Assessment

- 3 Condition 4 reads:
Notwithstanding the approved plans a revised plan shall be submitted to and approved in writing prior to commencement on site showing the closure of the existing vehicular access to the site frontage and the approved car parking space at the rear reduced in length to 5.5 metres in length. The closure of the access shall be completed prior to commencement of any other works on site.

Reason: The proposal is using a dropped kerb designed for pedestrians

and is considered a significant safety risk for vehicles to use it to access the site frontage and to prevent a second driver from attempting to park in the rear space and potentially overhanging the highway in accordance with policy CP1, CP10 and TR3 of the Adopted Oxford Local Plan 2001-2016

4. The revised parking provision submitted under 10/02586/FUL was considered to be acceptable other than the length, which was requested to be shortened to approximately 5.5 metres or 4.8 metres minimum.
5. The application was originally seeking a shorter car parking space than required in the condition with overall length of 4.8m. Therefore the details submitted in accordance with condition 4 were not considered to be acceptable as they do not meet the requirement of the condition and they do not meet current car parking space length recommended by the Highway Authority.
6. As a result a revised car parking layout was submitted which is wholly within the rear amenity space of the new dwelling. It meets the size requirements and the amenity space is large enough to leave adequate space for the occupiers of the property. The existing vehicular access to the site frontage is shown as being closed off with the continuation of the boundary hedge. Therefore the requirements of the condition have now been met. A condition will be added to ensure the details as approved are implemented within 3 month of the granting of the permission. Officers feel this is a reasonable time scale.
7. Condition 5 reads:
Before the development permitted is commenced details of the cycle parking areas and bin storage areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and bin storage areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles and storage of bins.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to ensure adequate bin storage areas in accordance with policies CP1, CP10, TR4 and HS19 of the Adopted Oxford Local Plan 2001-2016.
8. As a result of the revised car parking layout the cycle parking area is to the front of the property behind the boundary hedge in the form of a “Sheffield” hoop. Given this area is no longer to be used as a car parking area there is enough room to house the cycle stand. The cycle stand is able to accommodate two cycles which meets the requirements of policy TR4 of the OLP. The cycle stand is secure behind the boundary hedge.
9. The bins are also to be located to the front of the property behind the

boundary hedge. They are in a convenient location off the public highway therefore the details submitted are considered acceptable.

10. Condition 7 reads:

A landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

11. Although the plans are simple in form they do demonstrated the requirements of the condition. There is a pear tree on site which is to be retained along with the existing hedge which is to be extended. Treatment of all areas has been demonstrated with the main areas being either laid to lawn, paved or gavel. Officers therefore consider the information acceptable and therefore in compliance with the condition.

Conclusion:

- 12 Planning permission 10/02586/FUL has been implemented without pre-commencement conditions 4, 5 and 7 being complied with which is regretted. However there would be no material planning reason to refuse the variation of the conditions now to enable compliance following the commencement of the development approved under 10/02586/FUL. No third party objections have been received.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

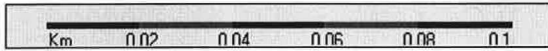
Date: 26th June 2012

Appendix 1

12/00541/VAR 48A Donnington Bridge Road



Scale : 1:1250



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Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	
Date	26 June 2012
SLA Number	LA100019348

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