

West Area Planning Committee

15th August 2012

Application Number: 12/01194/CT3

Decision Due by: 25th July 2012

Proposal: To install wood link fencing behind hedge line at same height as existing hedge. To install wood link gates at 5 access points from roadside onto external communal area of the flats.

Site Address: 410 To 448 Banbury Road. **Appendix 1.**

Ward: Summertown Ward

Agent: Mr Simon Warde

Applicant: Oxford City Council

Recommendation: West Area Planning Committee is recommended to grant planning permission for the above application.

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed wood link fencing and gates are considered to form an appropriate visual relationship with the existing building on the site and its surroundings. The proposal does not involve the loss of any trees and hedging vegetation. The major landscape trees standing along the Banbury Road boundary are unaffected by the proposal.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 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 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Materials as approved timber, C0535/01/02,

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- HS20 - Local Residential Environment

Core Strategy (OCS)

- CS18 - Urban design, town character, historic environment
- CS19 - Community safety

Other Material Considerations:

National Planning Policy Framework (NPPF)

Relevant Site History:

50/00930/A_H - 48 flats. Deemed consent. 01.01.1950.

Representations Received:

Flat 3, 440 Banbury Road – object on the grounds that it is out of character, too high, spoils the view, difficult to maintain, latch on the gates may break and then will slam in the wind and wake residents up, costly to maintain, residents were not consulted.

Statutory and Internal Consultees:

Highway Authority – No objections.

Officers Assessment:

Site Description

1. The application site comprises an area on the east side of Banbury Road just north of Wentworth Road junction containing 4 large blocks of two and three storey building buildings. Each large block contains several flats totalling between approximately 70 and 80 flats. The site is currently owned by Oxford City Council. **Appendix 1** refers. As a proposal by the Council, it falls outside officers' delegated powers to determine.

Proposal

- 2 The application seeks permission to install a timber link fencing behind the existing hedge line at the same height and to install wood link gates at 5 access points from the roadside onto the external communal area of the flats.

Issues:

3. Officers consider the principal determining issues in this case to be:

- Design
- Security
- Highways
- Trees

Assessment

Design

4. Policy CS18 of the Core Strategy (CS) states that planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the Oxford Local Plan (OLP). Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings.
5. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. It also stated building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design.
6. The proposed timber fence panels would be 1.55m in height and each 1.80m wide, and fixed to 1.0m x 1.0m timber posts. They would run the entire length of the block of flats along Banbury Road and round the junction with Wentworth Road. There would be five access consisting of two single gates of 1.55m high each 1.0m wide; and three double gates of 1.55m high by 0.9m wide.
7. The timber fencing would sit behind the existing hedgerow along Banbury Road and therefore only the proposed gates would be visible from public views along Banbury Road. The gates would also be constructed from matching softwood and would be fitted with self closing hinges.
8. The proposal is acceptable in design and scale. It is the officers' opinion that the proposed fencing and gates respects the character and appearance of the area and uses materials of an appropriate nature to the development, the site and its surroundings.

Security

9. Policy CS19 of the CS states that new developments are expected to promote safe and attractive environments, which reduce the opportunity for crime and the fear of crime. The proposal has come about from an open consultation meeting with the residents and the Tenants Involvement and Development Officer where the outcome was that fencing was the preferred option for additional security to the communal areas.

Highways

10. The Highway Authority has no objections to the proposal. The development is considered to create any highway safety issues and is therefore acceptable in this regard.

Trees

11. The site is outside of any conservation areas and there are currently no Tree Preservation Orders on any trees in the area involved in the application site. However, trees on the site are important where they contribute to the greenery of the Banbury Road, which is one of the main arterial routes into the city. The greenery along the road is particularly significant in terms of the appearance and character of Banbury Road and the wider city.
12. The proposal would be located behind the existing hedgerow and thus maintain the natural green appearance in front of the flats. Public views outside of the site would remain relatively unchanged with just the addition of the gates being visible. None of the existing trees would be affected by the proposal.

Conclusion:

The proposed wood link fencing and gates are considered to form an appropriate visual relationship with the existing building on the site and its surroundings. The proposal does not involve the loss of any trees and hedging vegetation. The major landscape trees standing along the Banbury Road boundary are unaffected by the proposal.

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 permission officers consider that the

proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/01194/CT4

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Date: 31st July 2012

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