

**East Area Parliament Committee**

16th April 2013

**Application Number:** 13/00308/VAR

**Decision Due by:** 3rd April 2013

**Proposal:** Variation of conditions 3 (hard and soft landscaping) and 4 (planting) of planning permission 00/01621/NF in order to allow the discharge of landscaping details post occupation of the property and discharge of planting after first season.

**Site Address:** Land adjacent 56 Ashhurst Way Oxford Oxfordshire

**Ward:** Rose Hill and Iffley Ward

**Agent:** Mr Robert Pope

**Applicant:** Sharp Properties

**Application Called in –** by Councillors – Turner, Van Nooijen, Lygo and Curran for the following reasons - prominence of site, and impact upon local environment.

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## APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to vary Conditions 3 and 4 of planning permission 00/01621/NF to allow discharge of these conditions post occupation of the property and post the first planting season following the completion of the development is considered to be acceptable given the details provided with the application. Officers are satisfied that the discharge of the above conditions will ensure a good quality form of development that complies with adopted policies contained in the Oxford Local Plan 2001 - 2016 and the Core Strategy 2026.
- 2 A letter of objection has been received from a local resident and the comments made have been carefully considered. Despite these concerns, officers consider 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. Landscaping to be implemented and retained as shown on submitted plan
2. Planting to be implemented and retained as shown (and replanted in five

- years if lost)
3. Boundary treatments to be installed and retained as shown.
  4. Permitted Development Rights Removed

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- 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
- HS21** - Private Open Space

#### **Core Strategy**

- CS2\_** - Previously developed and greenfield land
- CS18\_** - Urban design, town character, historic environment

#### **Sites and Housing Plan – Adopted 2013**

- HP9\_** - Design, Character and Context
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking

#### **Other Material Considerations:**

National Planning Policy Framework

#### **Relevant Site History:**

00/01621/NF - Two proposed two storey two bed dwellings. – Refused but ALLOWED (at appeal)

#### **Representations Received:**

Comments and objections – 45 Rivermead Road:

- Concerns regarding details of plans being unsatisfactory
- Drawings do not accurately reflect or show context of development
- Car parking spaces are not shown
- Wall and fencing are required
- Entrances to the houses are not shown on the plans
- Concerns about lack of bin storage
- Concerns about the use of the front garden area for the drying of clothes

## **Statutory and Internal Consultees:**

No comments received

## **Issues:**

- Trees and landscaping
- Boundary treatment

## **Officers Assessment:**

### Site description, location and proposals

1. The application site lies on the north side of Ashhurst Way and contains two dwellings that were granted planning permission following an appeal (00/01621/NF).
2. An area of amenity space extends around the front, side and rear of the dwellings which is partially vegetated. The area at the front is used as an informal parking area,
3. There were two conditions regarding landscaping of the Inspector's Appeal Decision that required discharging prior to the occupation of the dwellings. These conditions were partly discharged insofar as details were agreed but the approved schemes were not implemented and the conditions cannot therefore be lawfully complied with. This has led to the submission of this application which seeks to vary the conditions of the approval (00/01621/NF) and provide details of a scheme of landscaping.

### Landscaping and Planting (Conditions 3 and 4 of 00/01621/NF)

4. Condition 3 of 00/01621/NF required the submission and approval of hard and soft landscaping works. The Condition also requires the approved works to be carried out.
5. Condition 4 of 00/01621/NF required the planting works identified in the approved landscaping works to be implemented and retained.
6. Plans of landscaping works have been provided with the application that include a paved area, boundary wall at the front and planting around the edge of the site. Although other details provided originally in seeking to discharge the condition these have not been implemented – the new details are different insofar as they do not include the raised pool and extensive block paved area. However, these differences are immaterial and the important point for the Council in considering the merits of the scheme is to ensure that satisfactory hard and soft landscaping is fully implemented that allows off-street parking, fully surfaced pedestrian access to the properties, officers consider that the submitted scheme is acceptable and complies with the quality of landscaping required on the site to make it visually acceptable.

### Additional Conditions

7. Additional conditions have been added which reflect those applied to the original Inspector's Appeal Decision. These have been included to ensure that the development remains satisfactory and continues to meet the requirements of the planning approval.
8. It should be noted that boundary treatments have been slightly adjusted in relation to the front wall included in the submitted landscape plan; this is considered to be an amendment to the previously submitted boundary treatments which will remain as the approved boundaries elsewhere on the site.

### Other matters

9. Both new dwellings along with the original dwelling have been subdivided into flats. The original dwelling (56 Ashhurst Way) was subdivided many years ago and based on the length of time that this has existed for this subdivision is now lawful. The dwellings on the application site (56A and 56B Ashhurst Way) have been more recently subdivided into two flats at each property. Two enforcement notices have been served in relation to the unauthorised subdivision (at 56A and 56B Ashhurst Way); though this is not relevant to the determination of this application for the retrospective discharge of considerations indeed the intention of the applicant to regularise this matter is welcomed.

### **Conclusion:**

10. The proposal to vary conditions 3 and 4 of planning permission 00/01621/NF to allow discharge of these conditions post occupation of the development is considered to be acceptable given the details submitted with the application. The Council is satisfied that the discharge of these conditions will ensure a good quality form of development that will comply with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.

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

**Background Papers:** 13/00308/VAR and 00/01621/NF

**Contact Officer:** Robert Fowler

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**Date:** 28th March 2013

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