

East Area Planning Committee

7th September 2011

Application Number: 11/01275/VAR

Decision Due by: 5th July 2011

Proposal: Application for variation of conditions 3 (Materials), 4 (Landscaping), 6 (Sustainable Drainage), 8 (Vision Splay) 10 (Cycle Parking), and 12 (Engineers Report) attached to planning permission 09/02668/FUL for 4 houses with 6 parking spaces.

Site Address: 34 Cottesmore Road & 30 Wynbush Road, **Appendix 1**

Ward: Rose Hill And Iffley Ward

Agent: N/A

Applicant: Taylor Wimpey Oxfordshire

Recommendation: East Area Planning Committee is recommended to grant planning permission to vary the wording of the conditions to allow approval of the submitted details and implementation of the development in accordance with those details.

Reasons for Approval

- 1 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.
- 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.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plns
- 3 Materials as approved
- 4 Landscape plan in accordance with details submitted
- 5 Landscape carry out after completion
- 6 Sustainable drainage scheme in accordance with details submitted

- 7 Design - no additions to dwelling
- 8 Vision splays in accordance with details submitted
- 9 Parking provision prior to occupation
- 10 Cycle parking in accordance with details submitted
- 11 Contaminated Land
- 12 Engineers report in accordance with details submitted

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP2 - Planning Obligations
- 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
- CP13 - Accessibility
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- HS5 - Proportion/Mix of Affordable Dwellings Provided
- HS6 - On Site Provision of Affordable Housing
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space

Oxford Core Strategy 2026

- CS9 - Energy and natural resources
- CS18 - Urban design, townscape character and the historic env
- CS24 - Affordable housing

Relevant Site History:

05/00639/OUT: Demolition of 99 "Orlit" houses , Alice House and Margaret House. Outline application for residential development, notionally for the erection of 160x3 bed houses, 39x1 bed flats and 39x2 bed flats (All matters reserved)]

07/02094/RES: Erection of 238 houses and flats (37 X 1 bed flats, 37 x 2 bed flats, 39 x 2 bed houses, 100 x 3 bed houses, 25 x 4 bed houses), plus ancillary works and landscaping. (Reserved Matters of Outline Planning Permission 05/00639/OUT) (Amended plans).

09/02668/FUL: Demolition of 34 Cottesmore Road and 30 Wynbush Road. Erection of 4x2 and a half storey 3 bed houses. Provision of 6 car parking spaces. (Amended plan and description) (30A-D Wynbush Road)

Public Consultation

Highway Authority: No objections raised

Third Parties: One letter of comment has been received from 45 Rivermead Road:

- Applicant has paid no heed to conditions imposed and shown contempt towards authorities
- Covering letter not on file (Note: copy sent to resident)
- All conditions are pre-commencement and to give permission after works have reached roof level is a mockery of planning laws and act of legalising wrong doing.
- Without the covering letter details required of materials for footpaths and parking bays required; boundary fences (esp adjacent to footpaths); dropped kerbs; street lighting.

Officers Assessment:

Background.

1. The application seeks to vary the wording of conditions 3 (materials), 4 (landscape plan), 6 (sustainable drainage), 8 (Vision splays), 10 (Cycle Parking) and 12 (Engineers Report) attached to planning permission 09/02668/FUL which granted development of four houses with 6 car parking spaces on the corner of 30 Wynbush Road and 34 Cottesmore Road. These conditions required the submission of details to be approved by the Local Planning Authority prior to the commencement of development. However, development commenced without these conditions being complied with and therefore the applicant is seeking to vary the wording and approve the details in compliance now.
2. The application has been called in to Committee by Councillor Ed Turner due to concerns about highways and access issues. for the following reason:
3. It should be noted that this application is only to vary the wording of the conditions. The development itself has been approved, and in particular the layout and amount of car parking spaces. It is therefore not an opportunity to revisit these matters.
4. Officers therefore consider the main issue in this case is whether the details submitted are acceptable in compliance with the conditions and to vary the wording of the conditions accordingly to implement the development in accordance with those details.

Condition 3: Materials.

5. The conditions states:

Samples of the exterior materials to be used 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.

6. Construction of the buildings has already commenced and it is at an advanced stage. The materials being used are Wienerberger TERCA 'Kelmsley Yellow' main bricks, Wienerberger TERCA 'Cranbrook Red' feature bricks and Redland Beckland Brown Roof tiles. These materials are the same as previously approved and used elsewhere in the

redevelopment of Rosehill and therefore are considered acceptable in compliance. The wording of the condition should be varied accordingly.

Condition 4: Landscape Plan.

7. The condition states:

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.

8. A revised landscape plan has been submitted showing varied shrub planting, 0.6m high hedging along the northern boundary with the new public footpath and to the southeast along Cottesmore Road and elsewhere within the car parking area. A new tree is to be planted within the front garden of house No.61C, near to Cottesmore Road. This revised landscape plan TWO 17719-11 rev B is considered acceptable in compliance and the wording of the condition should be varied to ensure that the landscaping is implemented in accordance with that plan.

Condition 6: Sustainable Drainage.

9. The condition states:

Before development is commenced, a sustainable drainage scheme shall be implemented in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent the increased risk of surface water flooding and improve water quality in accordance with CS11 of the Adopted Core Strategy 2026.

10. Details submitted on plans 4152:21 rev A and 4152:02 rev F show the provision of a sustainable drainage system (SUDs) including an Aquacell attenuation tank under the car parking area. This will store surface water run off from the houses and also has capacity to deal with storm water events, holding the water and releasing it at a controlled rate to the existing storm sewer to prevent flooding. All houses will have rain water butts in the garden to catch water from the main rear roof. The car parking areas will be constructed using permeable pavers with aggregate joints and a permeable geotextile layer below to allow water to soak away in to the ground. This SUDs system has been previously approved elsewhere on the Rosehill redevelopment and is therefore considered acceptable in compliance. The wording of the condition should be varied to ensure that the SUDs is implemented in accordance with the detailed plans submitted.

Condition 8: Vision Splays.

11. The condition states:

Before the access is brought into use, vision splays shall be provided and the wall/fence lowered to 0.6 metre in height for 2.4 metres on either side of the proposed

access point, details of which shall be submitted to, and approved in writing by, the Local Planning Authority before the start of the development.

Reason: To provide and maintain adequate visibility in the interests of highway safety in accordance with policies CP1, CP9 and CP10 of the Adopted Oxford Local Plan 2001-2016

12. The revised plan submitted (plan TWO 17719-11 rev B refers) shows the vision splays at 2.4 metres on either side of the proposed car parking spaces and that within them the hedging would be maintained at 0.6m high. There will be no other front boundary treatment along Cottesmore Road/ Wynbush Road. The details are therefore considered acceptable in compliance with the condition and the wording of should be varied accordingly to ensure the vision splays are implemented in accordance with the revised plan.

Condition 10: Cycle Parking.

13. The condition states:

Before the development permitted is commenced details of 2 secure and sheltered cycle parking spaces per unit, 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 has 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.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

14. The applicant has stated that the rear garden sheds are sufficiently large enough to accommodate two cycles within them, therefore providing safe and sheltered cycle storage without the need to provide additional purpose built cycle storage elsewhere within the gardens. The sheds measure approximately 2.2m by 1.2m (plan P460/RP/02 rev H). Officers agree with this proposal as each house has its own rear garden access and it would avoid further structures in addition to the shed, compostor, water butt and clothes dryer within the garden, leaving remainder as grass or flower borders for the enjoyment of occupiers. It is considered that the sheds would be adequate in size to accommodate two bicycles plus other garden equipment. Officers therefore consider the details are acceptable in compliance and the wording of the condition be varied to ensure the cycle storage be implemented in accordance with the details submitted.

Condition 12: Engineers Report.

15. The condition states:

Prior to building works an Engineers report into the stability of the adjacent embankment and impact on the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the future stability of the development in accordance with CP1 of the Oxford Local Plan 2001-2016

16. The Engineers Report submitted states that the construction of house No.61C

(previously plot 257) at the top of the slope is not expected to have any significant adverse effect on the stability of the slope. The slope is believed to have been in place for at least 35 years, having been formed when the bypass at the base was constructed pre 1975. The presence of established vegetation on the slope helps to mitigate against surface slippage. Residents have been concerned that the cracks in the foot path were due to slippage of the bank and that there may be springs in the area that also would impact on the bank. However the report states that the cracks are most likely caused by vegetation on the bank and there was no sign of slumping or slipping ground caused by potential movement of the slope. In addition the geology of the land means that the springs present (approx 400m west of this section of slope) originate below the bank and therefore there is no reason to assume any connection with the bank.

17. In addition to the Engineers report, the Councils Building Control Officer also visited the site at the commencement of development to assess the slope in relation to the foundations being built. He was of the opinion that the angle of dispersion coming off the base of the concrete foundation of the closest house to the bank (NO61C) at 45 degrees and the angle of bank laying between 40 to 45 degrees would not coincide. Therefore the bank was considered to be stable. It was also noted that the pavement at the top of the bank showed some linear cracking but it was considered to have been there sometime and was not progressive. No new distress in the bank was seen. The Building Control Officer therefore considered that the development did not have an adverse impact on the bank and the bank was stable.

18. In light of the above and the Engineers report submitted it is considered that the adjacent embankment is stable and that the proposed development has not had any adverse impact on it. It is therefore considered that the condition has been complied with and the wording of the condition be varied accordingly.

Other Matters.

19. Comments received relating to dropped kerbs, materials of footpath and street lighting are not details required by conditions (pre-commencement or otherwise) of this permission. These details were conditioned under the outline and reserved matters permissions (05/00639/OUT & 07/02094/RES refer) and have already been approved with the Highways Authority under a Section 278/38 Agreement.

20. In relation to comments received about boundary details it should be noted that there is no condition attached to this permission requiring details of boundary treatments for this development. However, details are shown on plan P460/RP/02rev H which shows 1.8m high close boarded fencing adjacent to the public footpath to the north of house No.61. Elsewhere a mixture of 0.6m high hedging and 1.8m high larchlap and close boarded fencing is proposed.

Conclusion.

21. Officers consider that the information submitted is acceptable in compliance with the various conditions above and therefore recommend that the wording of the conditions varied accordingly.

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: 11/0127/VAR

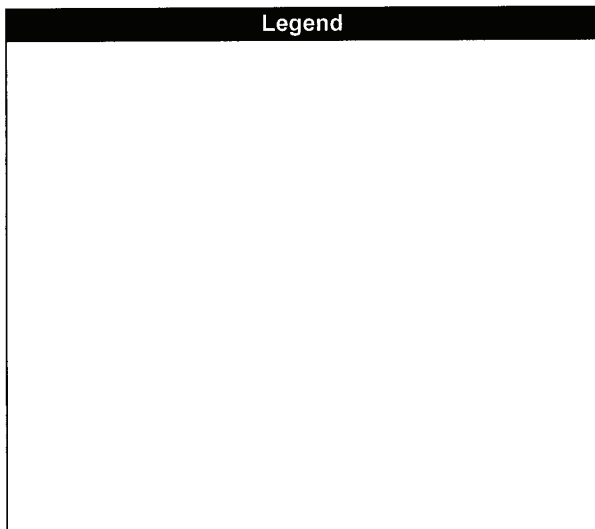
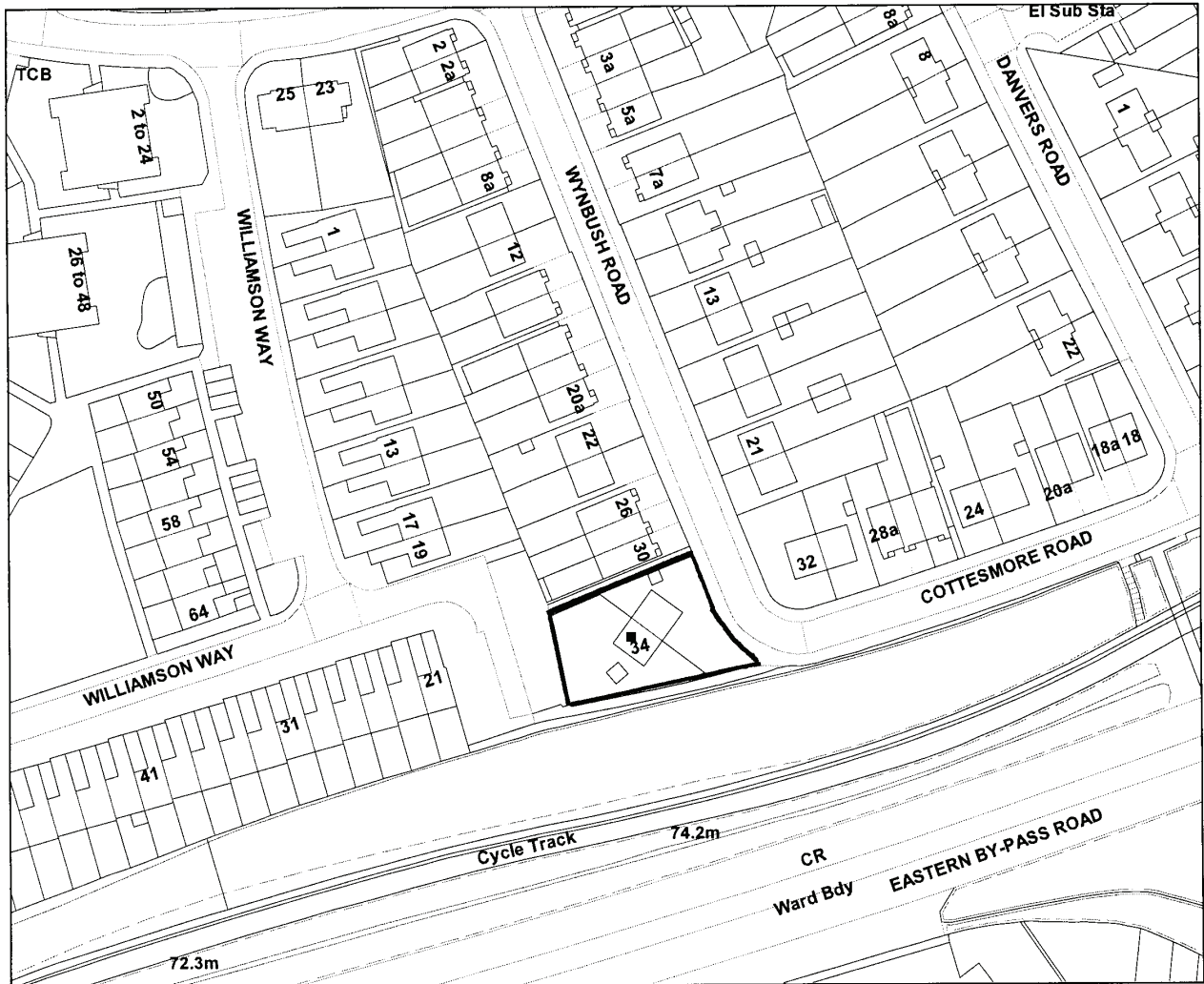
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