

EAST AREA PLANNING COMMITTEE

04.12.2019

Application number:	19/02210/CT3		
Decision due by	12th November 2019		
Extension of time	To Be Agreed		
Proposal	Erection of 2no. sheds and 5no. bin stores.		
Site address	Site Of 1 To 7, Birchfield Close, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Northfield Brook Ward		
Case officer	Alice Watkins		
Agent:	N/A	Applicant:	Mrs Susan Briscoe
Reason at Committee	The application is made on behalf of Oxford City Council		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **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.

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the erection of 5no. bin stores and 2no. sheds.

2.2. The development is considered to be appropriately designed and would not have a detrimental impact on neighbouring properties. Overall, the development is considered acceptable in accordance with the identified policies and approval is recommended.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

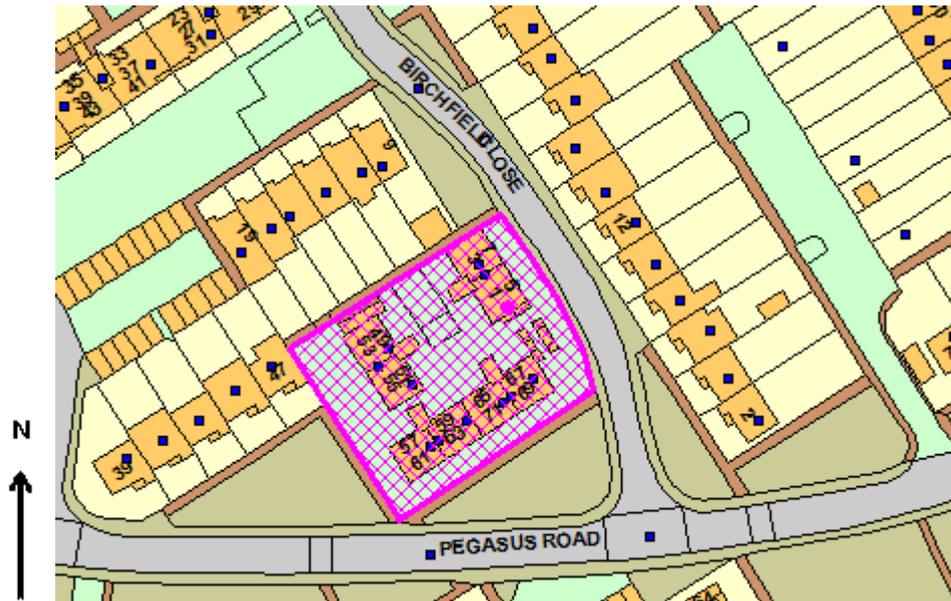
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. 1 to 7 Birchfield Close comprises of a two storey building and provides 4no. flats. It lies to the west side of Birchfield Close within the Blackbird Leys area of Oxford. The building is finished with buff brick. The flats are accessed through a central communal courtyard area, with the entrance door on the western side.

5.2. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application seeks planning permission for the erection of 5no. bin stores and 2no. sheds to serve the existing flats. The proposed sheds feature a flat sloping roof with a maximum height of 2.13m. The sheds feature a single door to the front elevation. The proposed bin stores are to be sited to the southern side of the block forming 1-7 Birchfield Close. The stores feature a sloping roof with a maximum height of 1.84m. One smaller store is to be provided which has a sloping roof with a maximum height of 1.49m.

7. RELEVANT PLANNING HISTORY

7.1. None

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Emerging Local Plan

12	12	CP1 Development Proposals CP6 Efficient Use of Land & Density CP8 Designing Development to Relate to its Context CP10 Siting Development to Meet Functional Needs	CS18 Urban design, townscape, character, histo ric environment,	HP9 Design, Character and Context	DH1
Housing	8			HP14 Privacy and Daylight	H14

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 1st October 2019 and an advertisement was published in The Oxford Times newspaper on 26th September 2019.

Statutory and non-statutory consultees

9.2. There are no statutory consultees.

Public representations

9.3. No public representations were received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Design
- Neighbouring amenity

a. Design

10.2. The proposal seeks full planning permission for the erection of 5no. bin stores and 2no. sheds. Two existing sheds at the site are to be demolished under Permitted Development and Officers are satisfied that planning permission is not required for the demolition.

- 10.3. The proposed works are required as part of the redevelopment of the communal area which has been targeted by vandals and which due to the position of the existing bin stores, suffers from odours as the garden is entered.
- 10.4. The proposed bin stores are to be sited to the southern elevation of the block forming 1-7 Birchfield Close. Whilst the stores will be easily visible from the public realm, it is considered that the development will not detract from the character and appearance of the area due to the single storey height, small scale and being 4.5m set back from the highway.
- 10.5. The proposed sheds are to be sited within the existing courtyard area, to the north east of the existing sheds. The proposed sheds given their positioning within the courtyard will not be visible from the public realm. The sheds are to be finished with a wood-effect wall and are small in scale. The proposed materials are considered acceptable and will relate appropriately to the wider surrounding area.
- 10.6. The development is considered acceptable in design terms and will not detract from the character and appearance of the area. As such, the development is considered to comply with CP1, CP8 and CP10 of the Local Plan, DH1 of the Emerging Local Plan, HP9 of the Sites and Housing Plan, CS18 of the Core Strategy and the NPPF.

b. Neighbouring Amenity

- 10.7. The proposed bin stores are to be provided to the southern elevation of the existing block. There are no windows serving the flats within this elevation and as such, the bin stores will not impact on the light or outlook afforded to the flats and nor will there be any impact of overbearing.
- 10.8. The proposed sheds will be located 5.3m from the front elevation of the ground floor flats. Due to the single storey height of the sheds and separation distance, it is considered that the development will not detrimentally impact the light or outlook afforded to the ground floor flats and nor will there be any impact of overbearing.
- 10.9. All other properties are a sufficient distance from the site so as to not be directly impacted by the proposals.
- 10.10. In terms of the existing sheds providing storage for the existing residents, the proposed sheds will be slightly bigger than the existing sheds so the amenities and facilities available for the existing occupants will not be affected. As set out above, the proposals are part of a wider redevelopment programme of the communal area which will be a significant benefit and improvement for existing residents and address issues with vandalism.
- 10.11. The development is considered to comply with HP14 of the Sites and Housing Plan, H14 of the Emerging Plan and the NPPF.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development proposals which accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. The proposed development is considered acceptable in design terms; it will not detract from the character and appearance of the area and the bin stores will not read as a prominent addition in the streetscene. The development will not detrimentally impact the light or outlook afforded to the surrounding residential properties or have any other impacts in amenity terms. Overall, the development is considered acceptable in accordance with the identified planning policies and in accordance with the NPPF.
- 11.4. It is recommended that the Committee resolve to grant planning permission for the development subject to the conditions below.

12. CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
- Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.
- 2 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.
- 3 The materials to be used in the development hereby approved shall be as set out in the application. There shall be no variation of these conditions without the prior written consent of the Local Planning Authority.
- Reason: To ensure satisfactory visual appearance in the interests of the character and appearance of the area and in accordance with CP1, CP8 and CP10 of the Local Plan and HP9 of the Sites and Housing Plan.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

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