

APPLICATION NO.	P15/V2733/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	2.12.2015
PARISH	ABINGDON
WARD MEMBER(S)	Margaret Crick Sandy Lovatt
APPLICANT	Dr Sheng Yue
SITE	73 Oxford Road, Abingdon, OX14 2AB
PROPOSAL	Change of use application for area of highway verge/open space to domestic garden use.
AMENDMENTS	None
OFFICER	Kayleigh Mansfield

SUMMARY

- The application is referred to planning committee due to an objection from Abingdon Town Council
- The application is for the change of use from Highway verge to residential garden land.
- The main material planning issues are the impact upon visual amenity of the area and Highway safety
- The application is recommended for approval as the development is considered to be acceptable with appropriate conditions. The development would not represent adverse harm to the character and appearance of this location and does not have any implications on the Highway network.

1.0 INTRODUCTION

- 1.1 The application site is located in Abingdon, at the junction of Appleford Drive and Oxford Road. A site location plan is **attached** at Appendix 1.
- 1.2 The area of land subject of the application is public highway/verge under the remit of Oxford County Council, however the Vale District Council have subsoil here and therefore also hold an interest.
- 1.3 On the 17th November 2015, Certificate of Ownership – Certificate B was served upon the Vale of White Horse District Council as owners of the application site. This is in accordance with the Town & Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14,
- 1.4 The applicant has been in discussions with both aforementioned parties, however this application will solely respond to the material planning considerations applicable to the site. The determination of this application does not hold bearing over the acquisition of this land. Therefore permission may be granted which cannot be implemented.

2.0 PROPOSAL

- 2.1 This application is seeking full planning permission for the change of use of highway/verge public open space to residential use, and included within the residential curtilage of 73 Oxford Road.

2.2 The verge is presently approximately 150 square metres and it is proposed to retain approximately 88 square metres of this land. A public bench and significant maple tree exist on the site.

2.3 A proposed block plan is **attached** at Appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Abingdon Town Council: Objection	<i>“Recommend refusal: Members objected to the loss of public amenity space.”</i>
Highways Liaison Officer: No objection – subject to conditions	<ul style="list-style-type: none"> • No surface water drainage to the Highway • Details to be submitted: Sustainable drainage scheme • Use of land to remain as domestic garden to 73 Oxford Road • Details to be submitted: Relocation of the existing public bench • Details to be submitted: Boundary details
Forestry Team: No objection – subject to conditions	<ul style="list-style-type: none"> • Details to be submitted: Arboricultural method statement

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/V0342/HH](#) - Approved (27/05/2015)

First floor extensions to facilitate the creation of first floor accommodation. Single storey ground floor extension and associated internal and external alterations (Amended by drawings: 093.14.06A, 093.14.07B, 093.14.08B, 093.14.09B, 093.14.10B, 093.14.11B - Received 22/04/15: Design of extension altered to provide a two storey dwelling as opposed to a chalet bungalow as previously proposed).

[P93/V1115](#) - Approved (21/10/1993)

Demolish shed. Erection of single storey extension, with a new vehicular access and alterations to garage. 73 Oxford Road, Abingdon, Oxon. BR NO. 1190/93

[P78/V0983](#) - Approved (16/08/1978)

Erection of a garage. 73 Oxford Road, Abingdon, Oxon. BR No. 854/78

[P77/V1026](#) - Approved (09/12/1977)

Erection of new boundary fence. Wychwood, 73 Oxford Road, Abingdon, Oxon

5.0 **POLICY & GUIDANCE**

5.1 The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were ‘saved’ by direction on 1 July 2009.

Vale of White Horse Local Plan 2011 policies;

DC1 - Design

DC5 - Access

DC6 - Landscaping

Supplementary Planning Guidance

- Design Guide – March 2015

National Planning Policy Framework (NPPF) – March 2012

National Planning Practice Guidance 2014 (NPPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010

6.0 PLANNING CONSIDERATIONS

- 6.1 The main considerations in the determination of this planning application are the impact on the visual amenity of the area and highway safety.

Design and Landscape

- 6.2 Local Plan Policy DC1 ensures development within the district and materials used do not harm the character of the surroundings and where possible enhance the local area. Local Plan Policy DC6 ensures development enhances the visual amenity of sites and their surroundings, and where appropriate, existing important landscape features.
- 6.3 The site is located on a busy junction of Oxford Road, at a staggered cross road. To the south of the application site is a public house with generous green open space, fronting both Appleford Drive and Oxford Road. Both sides of the road have a number of mature maple trees contributing to the visual amenity of area.
- 6.4 The sense of open space at this junction, provided by the public house, is the main contributor to the character of this area. It is considered a reduction of open public space on the opposite side of the road would not constitute as harm to the visual appearance and the loss of this space is considered to have a negligible impact on the visual amenity of this area. A boundary treatment condition is recommended requiring the submission of details to ensure a suitable boundary is erected given the prominent location of the site.
- 6.5 Over half of this piece of land will be retained to contribute to the visual amenity of the area. The bench will be relocated to an area agreed with the Local Planning Authority prior to the commencement of any works and the consent will be subject to an arboricultural report to ensure the safeguarding of the mature tree on site.

Highway Considerations

Local Plan Policy DC5 pertains to the safe and convenient access of a proposed

development and its impact on the Highway network.

6.6

6.7 The proposal is subject of a Stopping-Up process with Oxfordshire County Council, this is to set aside this area of highway/verge, of which the outcome cannot be assured. Therefore an informative has been placed on this application to provide clarity for the applicant on this matter. This is not relevant to the planning merits of the application as it is a matter between the applicant and the County Council under separate legislation.

6.8

It is confirmed there are no highway safety implications related to this proposal. However a number of conditions have been placed on the application to satisfy the constraints on the site. As previously mentioned the bench on site is to be relocated and a condition has been placed on the application requesting the details of this relation for approval.

Trees

6.9

The trees within this site are not the subject of a tree preservation order and the site is not within a conservation area.

6.10

The construction of the fence will be in close proximity of two significant trees. A fence could be constructed but particular care will be needed in terms of the siting.

6.11

In addition, each post hole dug must be lined with a plastic non-permeable liner to prevent chemicals from the wet concrete contaminating the soil and poisoning the tree roots.

6.12

Therefore details are conditioned to be submitted and approved by the district with respect to the proposed boundary treatments prior to commencement.

7.0

CONCLUSION

7.1

The proposed development will not adversely harm the visual amenity of the area or Highway safety. As such, the proposal complies with the provisions of the Development Plan in particular with policies DC1, DC5 and DC6 of the adopted Vale of White Horse Local Plan. The development is also considered to comply with the provisions of the National Planning Policy Framework.

8.0

RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:

- 1. Three year commencement date.**
- 2. Development to accord with approved plans.**
- 3. Materials to accord with approved application.**
- 4. Details to be submitted: Arboricultural method statement.**
- 5. Use of land to remain as domestic garden to 73 Oxford Road.**
- 6. Details to be submitted: Relocation of the existing public bench.**
- 7. Details to be submitted: Boundary details.**
- 8. No surface water drainage to the Highway.**
- 9. Details to be submitted: Sustainable drainage scheme.**

Author: Kayleigh Mansfield

Contact: kayleigh.mansfield@southandvale.gov.uk