

APPLICATION NO.	P16/V0982/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	29.4.2016
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Mr Mark Hilton
SITE	13 Cumnor Hill OXFORD, OX2 9EU
PROPOSAL	Variation of condition 15 on application ref P15/V2941/FUL

(Variation of condition 2 on application ref. P15/V0421/FUL: Demolition of existing dwelling and annex. Erection of a part two-storey, part one and a half storey principal building containing 6 x 2 and 1 x 1 bed flats and a one storey building containing 1 x 2 bed and 1 x 1 bed flats. Improvements to existing access and provision of 9 parking spaces. Cycle parking, bin storage and landscaping.)

AMENDMENTS	None
OFFICER	Sarah Green

1.0 INTRODUCTION

1.1 The site lies at the corner of Cumnor Hill and Hurst Rise Road. A location plan is **attached** at Appendix 1. Planning permission was granted last year for the demolition of the existing dwelling and the erection of nine flats contained within two buildings; a large one to the front and a smaller one to the rear.

1.2 Planning permission was granted earlier this year for minor changes to the smaller building to the rear which contains two flats (P15/V2941/FUL). A copy of the previously approved site plan is **attached** at Appendix 2 for reference for members.

2.0 PROPOSAL

2.1 This application seeks a variation of one of the conditions of the planning permission. This variation is to condition 15. This condition currently reads:

“Prior to the use or occupation of the new development, the car parking spaces and turning area shown on approved drawing number p601 shall be constructed, surfaced and marked out. The car park and turning area construction shall be permeable to enable surface water to drain. The car parking shall be un-allocated, and shall remain un-allocated at all times in the future. The parking spaces and turning area shall be kept permanently free of any obstruction to such use.

Reason: In the interest of highway safety and to avoid localised flooding (Policies DC5 and DC14 of the adopted Local Plan).”

2.2 The variation proposed is to change the requirement from unallocated parking to allocated parking for the development.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Below is a summary of the responses received to the application. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

3.1

North Hinksey Parish Council	Objection There is inadequate on-site car parking provision.
Cllr Debby Hallet – ward councillor	Unallocated provision allows for better use of the land for car parking. Existing on street parking causes congestion. Allocated parking has caused problems elsewhere
Neighbours	Seven letters of objection have been received. The grounds for objection can be summarised as follows: <ul style="list-style-type: none"> • Less flexibility in use of parking will lead to on street parking • Hurst Rise Road is already congested with commuter parking • Developments should include sufficient parking and not rely on overspill onto roads • Nine car spaces is not enough for development
County Highways Officer	No objection

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/V2941/FUL](#) - Approved (11/02/2016)

Variation of condition 2 on application ref. P15/V0421/FUL

Demolition of existing dwelling and annex. Erection of a part two-storey, part one and a half storey principal building containing 6 x 2 and 1 x 1 bed flats and a one storey building containing 1 x 2 bed and 1 x 1 bed flats. Improvements to existing access and provision of 9 parking spaces. Cycle parking, bin storage and landscaping.

[P15/V2940/NM](#) - Approved (07/01/2016)

Application for Non-Material Amendment to Planning Permission P15/V0421/FUL for Amendments to Building 1 (7 Flats) to include: Omission of 2 x dormer window elements, Addition of rooflights, Addition of Photo Voltaic panels to rear and side roof pitches, Internal changes to flat arrangements, Changes to windows to suit revised internal arrangements, Changing secondary balconies serving bedrooms to Juliet type

Demolition of existing dwelling and annex. Erection of a part two-storey, part one and a half storey principal building containing 6 x 2 and 1 x 1 bed flats and a one storey building containing 1 x 2 bed and 1 x 1 bed flats. Improvements to existing access and provision of 9 parking spaces. Cycle parking, bin storage and landscaping. (Re-submission of refused application P13/V1860/FUL)

[P15/V0421/FUL](#) - Approved (17/06/2015)

Demolition of existing dwelling and annex. Erection of a part two-storey, part one and a half storey principal building containing 6 x 2 and 1 x 1 bed flats and a one storey building containing 1 x 2 bed and 1 x 1 bed flats. Improvements to existing access and provision of 9 parking spaces. Cycle parking, bin storage and landscaping. (Re-submission of refused application P13/V1860/FUL)

[P13/V1860/FUL](#) - Refused (15/08/2014)

Application for the demolition of an existing dwelling and annex. Erection of a part three

storey and part two storey building containing 14 apartments. Alteration to existing vehicular access on Cumnor Hill and restriction of existing access to pedestrian only.(as amended by drawings acc email from agent dated 19 March 2014)

[P02/V2025](#) - Refused (27/05/2003) - Refused on appeal (03/11/2003)
Erection of a detached dwelling with new access to Hurst Rise.

[P75/V0999/O](#) - Refused (29/09/1975)
Two dwellings linked with garages (Land rear of 13 Cumnor Hill, but fronting Hurst Rise Road, Cumnor).

[P75/V0998/O](#) - Refused (18/08/1975)
Site for one unit housing 4 flats with garage and casual parking (Land at rear of 13 Cumnor Hill but fronting Hurst Rise Road, Cumnor).

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse District Council Local Plan 2011**

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.

- DC5 - Access

5.2 **Emerging Local Plan 2031 – Part 1**

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. Whilst the plan has been through Examination the Inspector's final report has not been received and there are outstanding issues to be resolved. At present it is officers' opinion that the emerging Local Plan policies carry limited weight for decision making. The relevant policies are as follows:-

- CP 33 – Promoting sustainable transport and accessibility
- CP 35 – Promoting public transport, cycling and walking

5.3 **Supplementary Planning Guidance**

- Design Guide – March 2015

5.4 **National Planning Policy Framework (NPPF) – March 2012**

Paragraph 39 of the NPPF states that, when setting parking standards for development local planning authorities should take account of:

- The accessibility of the development
- The type mix and use of development
- The availability and opportunities for public transport
- Local car ownership levels
- The overall need to reduce the use of high-emission vehicles

5.5 Paragraph 32 states that developments should only be refused on transport grounds if the impacts are severe.

5.6 Paragraph 206 sets out the legal tests for the use of a planning condition. To be legal a planning condition should be:

- Necessary – ie, planning permission would be refused without the condition

- Relevant to material planning considerations
- Related to the development under consideration
- Enforceable – that is, capable of being realistically enforced
- Precise
- Reasonable in all other respects

5.7 National Planning Practice Guidance 2014 (NPPG)

5.8 Neighbourhood Plan

An application has been received for a neighbourhood planning designation area but to date a neighbourhood plan has not been submitted to the Council. Consequently no weight can be given to any policies that may be emerging in any draft neighbourhood plan.

5.9 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.

5.10 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 sole consideration for this application is the impact of changing the parking from un-allocated to allocated for the development and whether the existing condition meets the relevant legal tests.

6.2 Local plan policy DC5 requires developments to provide adequate provision for parking. The number of car parking spaces provided for the development was assessed under the original application and was considered to be acceptable. This assessment was based on the issues contained in paragraph 39 of the NPPF and, in particular, took account of the easy access to a frequent public transport service, and cycle route, into Oxford. In the original application the county highways officer noted the intention for on-site parking to be unallocated and a condition to this effect was added to the permission (condition 15).

6.3 The number of car parking spaces will not change - there will still be nine spaces on the site, one space per flat. The county highways authority have been consulted on this new application and has no objection to the change from unallocated parking to allocated parking. The basis for this is the ease of access for future residents to alternative means of transport and the ability of residents and visitors to travel to and from the site without the need for a car. The county highways officer is well aware of the on-street parking that takes place in Hurst Rise Road, and of the concerns of local residents that the proposal could add to this parking. However the test for the county highways officer is to demonstrate "severe" harm under the NPPF. He considers he cannot demonstrate this and therefore does not object. As the requirement for unallocated parking is not necessary to make the development acceptable, officer consider that condition 15 of the original permission does not meet the relevant tests for a condition.

6.4 In terms of conditions, an application to discharge the pre-commencement conditions is currently under consideration. Therefore the conditions on this variation should be worded to be in accordance with the conditions to be approved on the previous permission.

7.0 **CONCLUSION**

7.1 The number of car spaces will remain the same for the development. There is no technical objection from the highway authority to the proposed variation to allocate the proposed parking. Therefore the application is recommended for approval.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. Commencement date as per the previous permission.
2. Approved plans.
3. Balcony and dormer window on building 2 to be obscured glazed.
4. Window details.
5. No drainage to highway.
6. Cycle parking as shown on plans.
7. Landscaping scheme.
8. Tree protection to be submitted and agreed.
9. Submission of material samples.
10. Drainage to be submitted.
11. Construction traffic management plan.
12. Slab levels to be submitted and approved.
13. Refuse storage as shown on plans.
14. Access to be provided.
15. Parking laid out as shown on plans and allocated.

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