

NHI/19742/1 – Saxonville Ltd

Construction of three-storey building comprising 10x 2-bedroom and 2x1 bedroom flats (amendment to previous permission). 29 West Way, Botley, OX2 0JE.

1.0 The Proposal

- 1.1 At the meeting of 27 November 2006, Committee granted planning permission on this site for the demolition of the existing house and the construction of 9x2-bedroom flats with no on-site parking (ref NHI/19742). This new application seeks to amend that permitted scheme by increasing the number of flats to 12, comprising 10x2-bedroom flats and 2x1-bedroom flats. The external height and design of the proposed building remains identical to that permitted. Extracts from the plans are in **Appendix 1**. The proposal includes a separate bicycle store, whereas in the permitted scheme the bicycle store was integrated into the main building.
- 1.2 As before, the applicants argue that the site is suitable for a “car-free” residential development for the following main reasons:-
- The site lies on a main bus route with buses passing every few minutes and on a dedicated cycle route into and out of Oxford, where there are significant employment opportunities
 - Botley Shopping Centre with around 40 shops lies only 250 metres away, within easy walking distance
 - The surrounding streets are almost entirely covered by on-street parking controls and it must be assumed that people will observe these controls

1.3 The application comes to Committee because North Hinksey Parish Council objects.

2.0 Planning History

2.1 As in Section 1 above

3.0 Planning Policies

3.1 Policies DC1, DC5 and DC9 of the adopted Vale of White Horse Local Plan require all new development to be acceptable in terms of design, impact on neighbours and highway safety. National guidance is provided by PPG13 “Transport”, which stresses that, in locations that are well served by alternative non-car means of transport, parking standards should be significantly reduced to encourage less use of the car, and that minimum parking standards should not be used. PPG13 states:-

“The availability of car parking has a major influence on the means of transport people choose for their journeys...Reducing the amount of parking in new development is essential, as part of a package of planning and transport measures to promote sustainable travel choices.” (Para 49).

“Local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include, for example, where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.” (Para 51)

4.0 Consultations

4.1 North Hinksey Parish Council – objects for the reasons in **Appendix 2**.

4.2 Local Residents – 2 letters have been submitted making the following objections

1. Lack of parking will cause on-street parking problems and highway danger in the vicinity
2. The proposal is far too dense

3. The design is out of keeping with buildings in the locality
4. Inappropriate type of housing for this area
5. Loss of a family home
6. Precedent
7. The developer is motivated by profit

4.3 County Engineer – no objection but requests a financial contribution to the Oxford Transport Strategy (see **Appendix 3**).

5.0 **Officer Comments**

- 5.1 The size and design of the proposed building is identical to the previously permitted scheme. As the number of proposed flats has increased, Officers consider the main issues to be the impact of the proposed change on future residents' amenity standards and the impact on highway safety.
- 5.2 It must be borne in mind that the permitted scheme represents the "fall-back" position against which the new proposal must be considered. The relevant consideration with each of the identified issues therefore is the impact arising from the relative change in the proposal compared to what has permission.
- 5.3 With regard to the first point, there would be approximately 220 sq.m of amenity space to the front and rear of the proposed building, which equates to 10 sq.m per bedroom. This compares to a provision of 12 sq.m per bedroom for the permitted scheme. If one adds the proposed balconies and terraces to the amenity area, Officers consider the level of amenity provision for the new scheme is acceptable.
- 5.4 The main concern with the application relates to the second issue, the highway implications of the intention for it to be car-free. The arguments put forward by the applicants are the same as in the previous application. However, in addition, they have submitted an extract from a recent Court case which includes the Court's interpretation of Government guidance on parking as expressed in PPG13. The report of the Court judgement is in **Appendix 4**.
- 5.5 Paragraph 13 and 14 of the report are particularly relevant. Here the Judge states he considers Government policy is designed to use the absence of parking as a means of driving down demand for travel by car and that parking provision is to be discouraged unless circumstances are exceptional, He goes on to suggest that the lack of parking provision might be outweighed in cases where harm to a conservation area or to the amenities of others could arise, but he states that such considerations must be exceptional to fit within the thrust of Government policy.
- 5.6 Members should also be aware of a recent appeal decision in Abingdon to allow a building containing 14 flats on the site next to Abingdon Motorcycles in Marcham Road. The appeal decision is in **Appendix 5**. Although the proposal was for 14 flats, only 12 parking spaces were allowed. Following Government guidance, the Inspector reasoned that the site was close to employment and shopping areas and was on a bus route. Therefore, there was no reason to assume that all residents would need to use a car (Paragraph 24 and 25 of the decision).
- 5.7 With regard to the current application, the streets around the site are almost entirely subject to on-street parking control, either double yellow lines or single yellow lines. It is clear from PPG13 that it must be assumed that this parking control is observed and enforced, There is a small area of street within Old Botley that is not controlled. However, from visits made to the area Officers have not been able to establish that this area is under severe pressure for parking by existing residents. These particular circumstances mean this proposal on this site has an unusual set of existing factors that distinguish it from many other sites.
- 5.8 Members need to consider this aspect of the proposal very carefully in light of Government guidance. Having regard to the fall-back position of 9x2-bedroom flats, and given the

circumstances of this particular site, Officers do not consider sufficient harm can be demonstrated from the difference in the two schemes to warrant refusal of the new application.

- 5.9 With regard to other objections made to the proposal, the principle of building flats on the site in place of the former house has already been agreed and is in accordance with the Government's aims to promote mixed communities living in different types of housing. The motivations of the developer are not material to the consideration of the application.
- 5.10 The County Engineer has requested a financial contribution towards the Oxford Transport Strategy, which would need to be secured via a Section 106 Obligation. Progress on this issue will be reported at the Meeting.

6.0 **Recommendation**

- 6.1 *It is recommended that authority to grant planning permission is delegated to the Deputy Director Planning & Community Strategy in consultation with the Chair and/or Vice-Chair subject to:-*
- i) The completion of a Section 106 Obligation to secure a financial contribution towards the Oxford Transport Strategy, and*
 - ii) Conditions to include materials, architectural details, closure of the existing access, a scheme of surface water drainage and landscaping.*