

## West Area Planning Committee

**Application Number:** 15/03633/FUL

**Decision Due by:** 12<sup>th</sup> February 2016

**Proposal:** Erection of 2 storey side extension to No. 30A Union Street to create 1 x 3-bed semi-detached dwellinghouse (Use Class C3). Provision of private amenity space, bin and cycle store.

**Site Address:** Land Adjacent 30A Union Street Oxford Oxfordshire

**Ward:** St Clement's Ward

**Agent:** Mrs Jayne Norris

**Applicant:** Mr Robin Popham

**Application Called in –** by Councillors Clack, Fry, Rowley and Hayes as they wished it to be considered by Committee.

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### Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 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.
- 3 The principle of a dwelling in this location has been accepted. The only outstanding issue relates to the enforceability of parking in the access road. This has now been resolved to Oxfordshire County Highways satisfaction. For these reasons it is considered that the proposal complies with the relevant policies of the Oxford Local Plan 2016, Core Strategy 2026 and Sites and Housing Plan 2026. As such it is recommended that the application is approved.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Bin details
- 5 Cycle parking
- 6 Boundary details before commencement
- 7 Ground resurfacing - SUDS compliant
- 8 Variation of road traffic order
- 9 Bollards
- 10 Construction Travel Plan
- 11 Street lighting
- 12 No additional windows

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs

#### **Core Strategy**

- CS9** - Energy and natural resources
- CS18** - Urban design, town character, historic environment
- CS23** - Mix of housing

#### **Sites and Housing Plan**

- HP2** - Accessible and Adaptable Homes
- HP9** - Design, Character and Context
- HP10** - Developing on residential gardens
- HP11** - Low Carbon Homes
- HP12** - Indoor Space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking

#### **Other Material Considerations:**

- National Planning Policy Framework
- Planning Practice Guidance

#### **Relevant Site History:**

12/03195/FUL - Erection of a two-storey extension to 30A Union Street to create a semi-detached dwelling (class C3) – Refused. Dismissed at appeal.

**Representations Received:**

8 objections relating to the following issues:

- Inadequate access
- Too many vehicles using the access road
- Neighbours will be negatively impacted during the construction period
- Impact on drainage/flooding
- The site is cramped
- Impact of short term lets
- Overshadowing of the gardens of numbers 20 and 21 Princes Street
- Overbearing impact and loss of privacy for number 21 Princes Street
- Inadequate garden area

**Statutory and Internal Consultees:**

Oxford Civic Society:

*'This proposal constitutes over-development, with inadequate provision for access. Although it is proposed that the development would be 'car free', this does not of course eliminate vehicular traffic generated by the construction, visitors to and the servicing of the property. The property would potentially accommodate 6 persons, generating significant traffic, and the configuration of the cul-de-sac access road would necessitate two trips for each visit. This level of traffic along the narrow access road, together with the parking for deliveries, loading and unloading etc. would have an unacceptable effect on the amenity of the existing properties lining the narrow access road. We would urge refusal of this application.'*

East Oxford Community Association – no comment

Jeune Street Residents' Association – no comment

Environmental Development – no objection

Natural England – no comment

Highways – no objection subject to conditions

**Issues:**

Principle

Highways

**Officers Assessment:**

The application site is on the western side of Union Street and relates to the side garden of one of three houses. These houses, along with the proposed site, are accessed from Union Street. The surrounding area is predominantly residential consisting mainly of terraced dwellings although opposite the access to the site is East Oxford Primary School.

**Proposed development**

The proposed development consists of the erection of a two storey side extension to number 30a Union Street to create a new, three bedroom dwelling. It is proposed to be a car free development.

## Principle

Planning permission for an identical scheme was refused in February 2013. There was one reason for refusal and this related to an unacceptable and dangerous intensification of the access road that could not be controlled by parking controls. This decision was then dismissed at appeal on the same basis.

Issues relating to design, residential amenity and impact on neighbouring dwellings was assessed at the time of the previous application and considered to be acceptable. When considering the appeal in November 2013 the Inspector considered that the site would be acceptable for car free housing. It is considered that the principle of development in this location is acceptable providing issues relating to highways and parking can be addressed.

## Highways

The only issue to be considered as a result of the previous refusal and dismissal at appeal relates to highways. In his conclusion the Inspector stated:

*'In conclusion, whilst the site would be suitable for car free housing, having regard to the criteria contained in policy HP16 of the adopted Sites and Housing Plan 2011-2026, the appellants have failed to provide a suitable and enforceable mechanism for preventing additional vehicular use of the private access road. Such additional use would inevitably follow if the development went ahead and this would be detrimental to highway safety, contrary to policy CP1 of the adopted Local Plan 2001-2016.'*

The main issue therefore is that although the proposed development is to be car free, it is also required that parking restrictions can be enforced.

In order to address this issue a Technical and Legal review under the current East Oxford Resident's Parking Zone order made under the Road Traffic Act 1984 was undertaken. Liaison has taken place between the applicants and Oxfordshire County Council and the Department for Transport.

Oxfordshire County Highways have made the following comments regarding the highways issues and enforceability.

- *'It is noted that a restricted parking zone sign has been erected and that the majority of the private access road is subject to parking enforcement.'*
- *There are no objections to car-free development for this proposed dwelling.*
- *The proposed dwelling is located within the East Oxford Controlled Parking Zone (CPZ) where on-street parking is currently over-subscribed. The applicant is advised that the LHA requests a condition to exclude a dwelling in the location from eligibility for resident and visitor parking permits in order to minimise the impact of this proposal on on-street parking and to encourage car-free development.*
- *The LHA seeks a condition requiring an improved scheme of bollards or other measures which could include planting to be submitted for review and approval by the Local Highway Authority (LHA), prior to any occupation of the dwelling.*

- *A Construction Traffic Management Plan is required in light of the proposed developments location;*
  - *Within close proximity to East Oxford Primary School,*
  - *Semi-permanent vehicle access restriction on Union Street (adjacent to public car park)*
  - *The narrow constrained nature of the private access road from which the proposed development would be accessed.*

**Observations;**

- *The development site is located in the corner of Union Street, a narrow unmade private road, where vehicular access is bounded by terrace residential properties.*
- *The proposed dwelling is in a sustainable location to the east of Oxford City Centre, where it is situated in a Transport District Area (TDA) with access to a wide range of shops and facilities and regular bus services to Oxford City Centre. The location of the proposed dwelling provides good opportunities for walking and cycling.'*

Oxfordshire County Highways are satisfied that any parking that takes place in the access road can be enforced against. There is an area of private parking to the front of 30a Union Street. Details of bollards will be required by condition to ensure that parking does not take place to the front of 30a or the new dwelling. The site is within the East Oxford CPZ and permits will be withheld from the new dwelling. A construction management plan will also be required in order to minimise disruption.

There are no objections from Oxfordshire County Highways and the proposal is therefore considered to comply with policy HP16 of the Sites and Housing Plan.

Other matters

It is recognised that there have been a number of objections to the scheme from local residents. A number of concerns are not planning matters (for example the use of the property for lets). Apart from the highways issues and impact on the access which has been addressed earlier in this report, it has been previously considered that the dwelling is acceptable and that there will not be any undue harm caused to neighbouring dwellings. There has been no change in planning policy since the Inspector's decision in November 2013. Where appropriate, conditions have been applied in order to protect the privacy of neighbours.

Conclusion

The principle of a dwelling in this location has been accepted. The only outstanding issue relates to the enforceability of parking in the access road. This has now been resolved to Oxfordshire County Highways satisfaction.

For these reasons it is considered that the proposal complies with the relevant policies of the Oxford Local Plan 2016, Core Strategy 2026 and Sites and Housing Plan 2026. As such it is recommended that the application is approved.

**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:**

**Contact Officer:** Caroline Longman

**Extension:** 2152

**Date:** 21<sup>st</sup> March 2016