

Report of: Planning Services Business Manager

To: Executive Board

Date: 13th March 2006

Item No:

Title of Report : Car-free Developments – Council Motion



Summary and Recommendations



Purpose of report:

The report seeks to reassure Members that the existence of planning conditions, where relevant, that exclude residents from on-street parking permits are revealed as part of legal land charge search enquiries.



Key decision:

No

Portfolio Holder:

Councillor John Tanner



Scrutiny Responsibility: Environment

Ward(s) affected:

All

Report Approved by:



Councillor John Tanner - Portfolio Holder
Jeremy Thomas – Legal and Democratic Services
Emma Burson – Financial Services



Policy Framework:

Adopted Oxford Local Plan 2001 - 2016



Recommendation(s):

To accept that no enforcement or additional information provided by the City Council will be effective in mitigating the concerns raised in the Council Motion.

2. The issue of the car-free and low car parking developments will be considered further in the forthcoming Parking Supplementary Planning Document.



Council Motion

1. On 21st November 2005 the Council adopted un-amended and unopposed the following motion:

“This Council is committed to encouraging car-free developments, with new residents using the excellent public transport system that exists in parts of the City. However, the Council also recognises difficulties with ensuring developments are truly free of cars. Some housing units on car-free developments can be rented out without the eventual occupants being fully informed their new home will be car-free, without parking spaces available.

To ensure that future residents and the existing community do not suffer from lack of information or from inconvenience, Council urges the relevant officers to take action or otherwise report upon: -

- (i) complete information being made available by estate agents when housing units on car-free developments are being either sold or let;
- (ii) enforcement occurring rapidly after any breach of the car-free status happens,
- (iii) some simple mechanism being found to celebrate and advertise the car-free status of any development, for example, through a plaque or sign tastefully designed and obviously placed on the building.”

Discussion

2. The motion expresses the view that “housing units on car-free developments can be rented out without the eventual occupants being fully informed their new home will be car-free, without parking spaces available.”
3. In the officers view this is most unlikely, because it should be very clear to anyone visiting such a new development, with a view to purchase or lease, that there is no car parking available on site.
4. This leads the consideration on to another point. The City Council has no control over car ownership. Neither planning permission nor any other consent is required from the City Council before owning a car. In fact it is doubtful that the motion was seeking to influence this.

5. Nevertheless, Officers appreciate that it is possible that new owners of properties that have no on-site parking spaces available may nevertheless still own a car. Since cars cannot be parked on site such cars are then parked in the adjacent streets, possibly inconsiderately, much to the consternation of the established community.
6. In fact almost all car-free developments granted planning permission are only permitted within those parts of the City where on-street parking is limited by a controlled parking zone. In such instances the occupiers of the car-free developments are not allowed, though a planning condition, to receive a residents parking permit.
7. Officers are also aware that its possible that these prospective residents are not being advised early on that they are not entitled to a residents permit as the scheme has been removed from the cpz. This is something that the estate agent or vendor should be making the prospective occupier aware of. It is also be something that future residents may not be aware of just from visiting the site.
8. It is therefore presumed that it is this issue that the Council Motion is seeking to a response to, even though it has not been expressed in such terms. The Motion asks that estate agents should include information about the car-free status of such new developments in any sale or letting details. It is quite possible that most estate agents and landlords make this clear in any event. However, in truth the City Council has no control over the published or other information given out by estate agents or landlords. It would therefore not be able to enforce against information not being provided by them. Prospective purchasers of new properties may not therefore be advised early on by estate agents or landlords that the scheme has been removed from the cpz.
9. The LLC1 is the more basic search of two local authority searches that are normally carried out when someone buys a property. Where a site in Oxford upon which a search is carried out is subject to a planning permission which has planning conditions attached to it, there is a requirement upon this Council to reveal this permission as part of the search reply. The date and nature of such planning permissions which are relevant to the Property are set out in the reply to the search known as a LLC1 search. On the CON 29 form, which is the second and more detailed of the two search types, a guidance note points property advisors and other search applicants towards the Council's website to obtain copies of documents in which the detail of planning conditions are contained.
10. The CON 29 search reveals which oxford Local Plan Policies apply to the area in which the property is located and so the Property advisors and prospective purchasers are able to pick up on relevant issues from these policies also.

11. A planning application which has a planning condition attached is a land charge on the relevant property and property advisors may be failing in their responsibilities if they do not draw their clients' attention to all matters which are revealed in a local authority search on the purchase site.
12. It is suggested that Members can be reassured that the onus to inform prospective tenants falls as described and there is no need for the City Council to seek to replicate this responsibility. In fact it would be unadvisable for it to seek to do so.
13. As has been suggested above the lack of any parking on site will be a clear indication in itself of the car-free status of a development. So there should be no need to put up any signage to signal or celebrate this. In any event there is no planning mechanism to require a sign to be put up on a development.
14. There are no staff or any funding available for the City Council to take on the task of putting up such signs itself. That is even presuming that the owner of the property, where such a sign might be displayed, would be willing to grant permission.
15. Further it is considered that in most circumstances individuals are receiving the correct advice from the landlord, estate agent or their solicitor before they enter into a contract, namely that residents parking permits will not be issued for the property. However it is possible that a few are choosing to ignore this advice. In such instances it is considered most unlikely that any other measures will influence whether they occupy one of these properties while also owning a car.
16. The circumstances described above involve car-free developments within cpz areas. However officers are aware that comparable inconvenience may occur from low-car parking standard developments and in non-cpz areas. Officers are also aware that there are times when in a low-car development the landlord does not include a car parking spaces automatically with a residential unit but lets this separately, even to someone else.
17. There is a wider issue about levels of car ownership in the City, car parking standards and how these should be assessed on individual planning applications, even within Oxford where there is good public transport and support for non-car modes of travel. Lessons can be learnt from car-free and low-car parking standard developments that have been granted permission in recent years. The Planning Business Unit has embarked on a Parking Supplementary Planning Document that will address this and other related parking issues.

Conclusion

18. It is thought likely that new residents are aware that their new home is on a development that has no parking spaces. They are quite likely too to be fully aware whether there is likely to be parking space available for their use on street.
19. The City Council has no control over car ownership itself or over the information made available by estate agents. So it is not able either to require people not to own a car or to enforce against estate agents.
20. It is considered inappropriate, for the reasons explained, to put up a sign on car-free developments. So officers are of the view that it is not possible to undertake any of the measures sought by the Council motion.
21. Nevertheless officers are suggesting that the Members can be reassured that the existence of planning conditions, where relevant, that exclude residents from on-street parking permits are being revealed as part of legal land charge search enquiries. So where there is inconsiderate parking, that can be attributed to car-free or low-car developments, this is quite likely to be by individuals for whom no type of information would have been a deterrent.
22. The wider issue of car parking standards and car-free or low parking developments is to be addressed more fully in the forthcoming Parking Supplementary Planning Document.

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Background papers: None

