

APPLICATION NO.	P16/S0514/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.3.2016
PARISH	CHALGROVE
WARD MEMBER(S)	David Turner
APPLICANT	Mr Philip Cresswell
SITE	8 High Street Chalgrove Oxon, OX44 7SR
PROPOSAL	Removal of Condition 9 of P08/W0147 for the provision of a vehicular turntable.
OFFICER	Sharon Crawford

1.0 **INTRODUCTION**

- 1.1 The application has been referred to Planning Committee because the recommendation conflicts with the views of the Parish Council who object to the application.
- 1.2 8 High Street is a detached dwelling in an enclosed, backland site. Access to the site is from High Street adjacent to the memorial garden which abuts the site to the north. 6 High Street lies to the west of the access and the garden of 10 High Street lies to the east. No 19 Grays Close, a terraced property lies to the south. Appletree Cottage, a listed building, lies immediately east. The whole site lies within flood zones 2 and 3.
- 1.3 Following the grant of planning permission and the discharge of conditions construction of the new dwelling commenced. The property is now complete and it is understood that a sale has been agreed. The property has not been occupied to date.
- 1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 This is an application under Section 73 of the Town and Country Planning Act for the removal of condition 9 of P08/W0147. The original application gained planning permission on 12 May 2008 for a detached, two bedroom dwelling off the High Street in Chalgrove.
- 2.2 Condition 9 of the planning permission requires that:
9. Prior to first occupation of the development a turntable shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The turntable shall be maintained thereafter in working order.
- Reason: In the interests of highway safety and to ensure the provision of off-street car parking in accordance with Policies T1 and T2 and Appendix 5 (Car Parking Standards) of the South Oxfordshire Local Plan 2011.
- 2.3 Reduced copies of the plans accompanying the 2008 application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk under the application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full responses can be found on the Council's website

- 3.1 Chalgrove Parish Council Refuse. The original application for a building on this site was refused by Chalgrove Parish Council on the grounds of overdevelopment of the site. Planning permission was granted by SODC with condition 9 to be applied – what has changed? There is no turning space for this development, unlike the houses mentioned on the garage site where cars can back up in front of the houses and exit forward onto the High Street.

- 3.2 OCC (Highways) Objection. It is worth noting that from reviewing the information within the original application that no objection was made for the provision of a vehicular turntable for the proposal. It was in fact discussed with the Highway Officer at the time and agreed and subsequently implemented by the applicant/agent by way of revised plans.

Given the length and space available within the curtilage this does not allow for a two family sized vehicles to access the site and egress in a forward gear. This can only result in a significant reverse manoeuvre from the proposal onto a busy classified road and or indiscriminate/obstructive parking within the vicinity increasing the risk to highway safety and to users of the highway.

Neighbours - concerns raised by 2

If arrangements are altered this could impinge on our right of way agreement over the access. It could encourage users/future owners of no 8 to encroach on our property to facilitate turning onto or from the High Street.

We do not understand what a 'vehicular turntable' might be, BUT are concerned that the map showing the area affected marked in red exceeds the boundary of the property and if implemented as shown would demolish our fence and intrude onto our land. This may only mean inaccurate representation, but we need reassurance that there will be no damage to or intrusion into 10 High Street

Neighbour – support from 1

As a neighbour, I can see absolutely no justification for requiring a turntable at this address. There are many other property's in the village, with equally long driveways with no turntable, particularly those on the old garage site, which are new, not to mention many other previously existing driveways.

The drive at this property is also 3.6m. wide, while the others are only 2.4m. wide giving much more manoeuvring space.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P09/W1335/DIS](#) - Approved (29/03/2010)

New detached house. (As amended by letter dated 31 March 2008, letter dated 16 April 2008 and drawings 08/KC/1653.12 dated 21 April 2008).

Discharge of conditions 2, 3, 6, 7, 8 & 10 on application P08/W0147

[P08/W0147](#) - Approved (12/05/2008)

New detached house. (As amended by letter dated 31 March 2008, letter dated 16 April 2008 and drawings 08/KC/1653.12 dated 21 April 2008).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies
N/A

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

G2 - Protect district from adverse development

H4 - Housing sites in towns and larger villages outside Green Belt

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.3 Neighbourhood Plan policies;

The final version of the Chalgrove Neighbourhood Development Plan (NDP) has been submitted. The council will be launching the Reg 16 (submission) publicity period on 31 Jan (pre-submission consultation) which will last for 6 weeks. An Examiner will be appointed in consultation with Chalgrove Parish Council and, following the examination, the examiner's report will be considered and published. There are several more stages in the process with the final stage being the referendum which gives all residents the opportunity to vote on the plan.

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application

6.2 The main issues in this case are;

- To consider the reason for the condition
- Whether compliance with the condition can be achieved
- Consideration of a similar site in Chalgrove
- Other issues

6.3 **Reason for the condition.** The condition was attached in the interests of highway safety. The Highway Engineer's comments on the original application were as follows;

Visibility at the location of the existing access to serve the site meets the required standards; but is in need of remedial works.

The parking levels for the proposed unit are acceptable; however the turning area appears to be short. This is a concern as I do not wish to see vehicles reversing out of the site onto the High Street. To overcome this concern an acceptable turning area must be provided for the new dwelling i.e. generally minimum of 5.5m is required behind a parking space for manoeuvring.

Until an amended plan is submitted to SODC showing a suitable parking and turning area I recommend a "holding objection" is imposed.

The application was amended to include the provision of a double turntable to allow for two cars to enter and leave in a forward direction. The offer of a parking turntable overcame the highway objection and planning permission was granted.

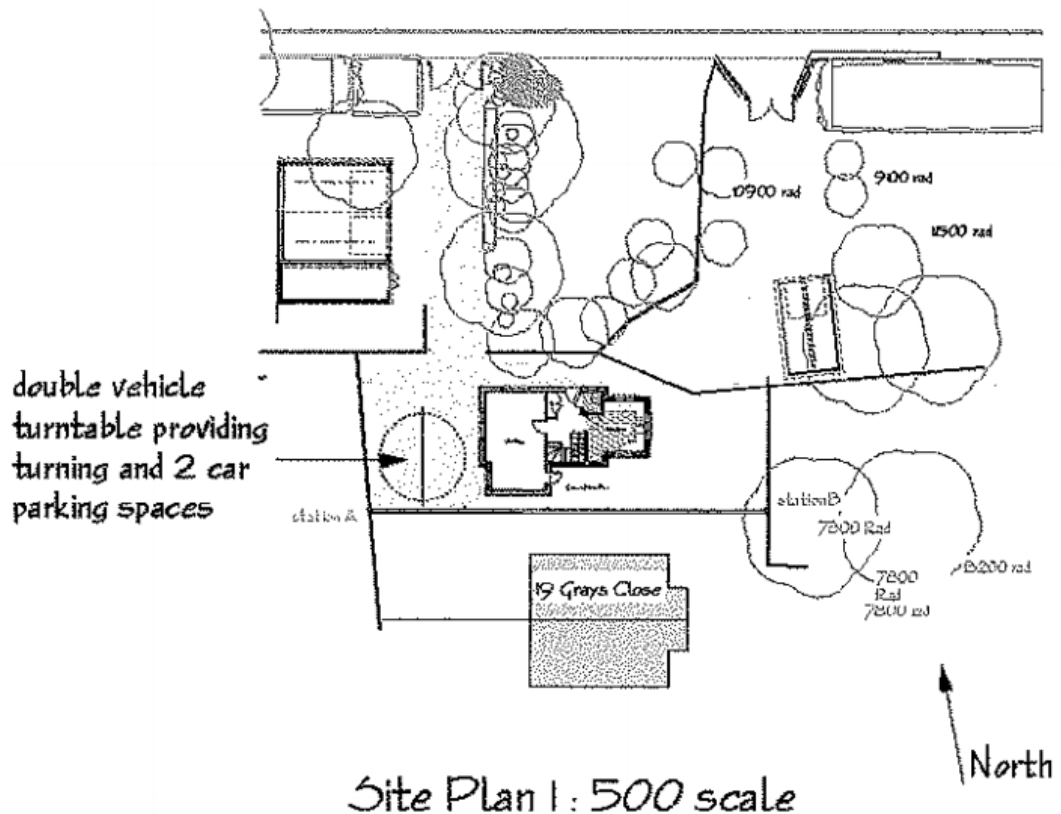


Figure 1 – Approved plan

- 6.4 **Whether compliance with the condition can be achieved.**
 Dimensions for parking spaces as set out in the Oxfordshire County Council Parking standards. A standard unobstructed parking space is 5m in length and 2.5 wide. Generally, a space of a further 5.5 metres is required behind a space for manoeuvring. The space available for parking on the site measures some 6.5 metres in width and some 9 metres in depth. There is sufficient space on the site for the required two parking spaces but only some 4 metres behind each space for manoeuvring. Whilst it is possible to turn cars in this space, the space available does not meet the standards. The highways engineer requires assurance that two family sized cars can be manoeuvred within the site.
- 6.5 The applicant maintains that given the size of the site and the position of the dwelling there is insufficient space to accommodate a two car turntable. Evidence demonstrates that a turntable of 6 metres in diameter is required for two family sized cars. However, a further 1m is required around the whole turntable for installation and to accommodate the motor i.e. a total diameter of 7 metres. A turntable of this size cannot be accommodated on the site. A turntable of a smaller diameter of 5 metres (6 metres in total) could be accommodated but this can only accommodate 2 smaller cars due to the specification of the turntable. Two smaller cars can be accommodated on the site without the need for a turntable but this would not meet the highways requirement that space for two family sized cars should be provided. In my view it is not possible to achieve compliance with condition 9 given the size constraints on the site.

- 6.6 With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

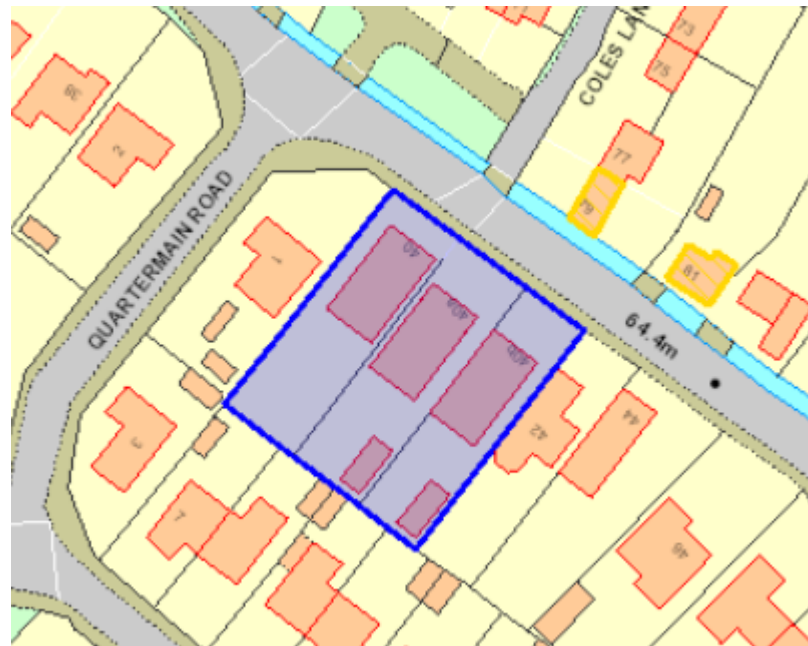
Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

In this case any reversing movements onto the highway will cause a danger to users of the highway. However, residents are unlikely to reverse out onto the highway due to the danger associated with this manoeuvre. Residents are more likely to enter the site forwards and turn in the restricted space or reverse into the site.

- 6.7 Notwithstanding the danger to highway safety, the scheme required by condition is not achievable and there are no other means of achieving parking to meet the OCC standards due to the size constraints of the site. On reflection, I now question whether the original condition meets the tests for conditions as it is not reasonable or enforceable because a turntable of an appropriate size could not be provided within the space available.
- 6.8 The only other potential option open to the council is to take discontinuance action to prevent the property from being used as a dwelling. However, such action would involve the council having to pay compensation for the loss in value of the site and any other costs incurred as a result of the action. In this case the costs could be quite significant.
- 6.9 Whilst far from ideal the scheme provides for a dwelling in a sustainable location where occupants can walk to facilities such as shops, the doctors surgery, the primary school and local pubs. In addition there is access to public transport and employment on the Monument Business Park. Whilst it is unlikely that the owner would not have car they would of course be aware of the issues with highway safety and the dangers associated with reversing out onto the highway. Given the constraints of the site a small car would be the most appropriate and practical choice.
- 6.10 **Consideration of a similar site in Chalgrove.**
Comparison has been made with a similar site in Chalgrove where another new dwelling, at 40 High Street, has been constructed without complying with a condition to provide parking and turning facilities on the site.

Application P17/S1466/FUL sought planning permission for the removal of Condition 7 (requirement to provide parking and turning facilities) of P13/S1850/FUL with respect to Plot 1, 40 High Street – site shown below.



6.11 Planning permission was refused for the following reason;

“P13/S1850/FUL requires parking and turning areas to be provided in accordance with the approved block plan. The proposal to have the condition removed in respect of Plot 1 would be prejudicial to highway safety as the non-provision of a turning/parking area would result in vehicles egressing/accessing the site in reverse gear. This would be contrary to Saved Policies T1 and T2 of the adopted South Oxfordshire Local Plan 2011 and the National Planning Policy Framework (NPPF).”

6.12 In the case of 40 High Street, planning permission was refused because there is an acceptable solution to the lack of a turning facility to the front of the dwelling. Space exists to the rear of the dwelling to provide the turning area. This is different to 8 High Street where there is no acceptable alternative to providing turning facilities and no likelihood that this can be resolved in any other way. In addition the parking area at 8 High Street does allow for some turning but the area is smaller than that recommended by OCC standards.

6.13 **Community Infrastructure Levy (CIL).** The council’s CIL charging schedule has been adopted and will apply to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

CIL is not liable on applications for the removal of conditions.

7.0 CONCLUSION

7.1 In this case, I recommend that planning permission is granted because the original condition was not reasonable or enforceable as a turntable of an appropriate size could not be provided within the space available on site. The parking area at 8 High Street does allow for some turning but the area is smaller than that recommended by OCC standards. There is no acceptable alternative to providing turning facilities and no likelihood that this can be resolved in any other way other than discontinuance action which is not considered reasonable given the compensation implications.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to**

No conditions

INFORMATIVES

- 1) **You are advised that the turning facilities on site are substandard; drivers of larger cars will find it difficult to enter the site, turn and exit in a forward direction. Any reversing movements onto the highway are likely to cause a danger to users of the highway and in these circumstances the use of smaller vehicles would be more practical.**
- 2) **You are reminded that the other conditions attached to planning permission P08/W0147 remain valid and in full force.**

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