

<b>APPLICATION NO.</b>	<a href="#">P22/S0023/HH</a>
<b>APPLICATION TYPE</b>	HOUSEHOLDER
<b>REGISTERED</b>	24.3.2022
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBER(S)</b>	Ken Arlett Kellie Hinton Stefan Gawrysiak
<b>APPLICANT</b>	Mrs Catherine Notaras
<b>SITE</b>	Pantiles, Elizabeth Road, Henley-on-Thames, RG9 1RA
<b>PROPOSAL</b>	Variation of conditions 3 (Plan of Car Parking Provision) and 5 (Drainage) on application P20/S4111/HH. Parking changed to 2 parking spaces on existing drive and submitting the details as shown on drawing CN30 drainage plan.
<b>OFFICER</b>	(Proposed two storey side/rear extension and two new front dormer windows) Davina Sarac

1.0 **INTRODUCTION AND PROPOSAL**

1.1 This application is referred to the Planning Committee as the applicant's partner is District Councillor Stefan Gawrysiak who lives at the property also. The officer's recommendation is for approval as set below in this report.

1.2 The application site, which is shown on the plan **attached** as Appendix A, is occupied by a detached, two-storey red brick and brown tiled dwelling, located within the built-up limits of Henley-on-Thames. The site does not lie within any designated area.

1.3 This application is made under Section 73 of the Town and Country Planning Act 1990 to vary conditions 3 (parking provision) and 5 (drainage) of application P20/S4111/FUL, following unacceptable details being submitted as part of the discharge of condition application (P21/S2621/DIS) and in order to regularise the development in order to allow the following changes:

Condition 3 changes:

Change from providing 4 car parking spaces on site to 2.

Condition 5 details:

Showing details of new drainage retrospectively that were not provided under the P21/S2621/DIS application.

A copy of the proposed plans are **attached** as Appendix B and other documentation associated with the application can be viewed on the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Henley-on-Thames Town Council – No comments received.

South -Highways Liaison Officer (Oxfordshire County Council) – No objection.

Neighbour Representations – letters received from 3 neighbouring properties objecting to the reduction of the off-street parking with the following comments:

- For many years the occupiers of the application site park at least one car on the road always. Reducing the parking from 4 to 2 will make this worse with the increase in number of bedrooms.
- The lime trees seem be unaffected by the road, so it does not seem logical that the trees are used as an excuse to create additional off-street parking.
- It seems reasonable to provide at least one more space which would be a 'safe' distance from the nearest tree and would hopefully lead to parking on the property rather than the road.
- The garden of the property is large enough to accommodate 4 parking spaces without damaging the trees. Adjacent properties who have multiple parking spaces even closer to the trees have done no damage to them whatsoever.
- It must be recognised that the arboricultural report was carried out in July 2021, long after building work commenced at Pantiles and no parking plan agreement had been reached as requested in the pre commencement conditions.

### 3.0 RELEVANT PLANNING HISTORY

#### 3.1 [P21/S2621/DIS](#) – Refused (14/12/2021)

Discharge of conditions 3 (Plan of Car Parking), 4 (Tree Protection) & 5 (Drainage) on planning application P20/S4111/HH.

Proposed two storey side/rear extension and two new front dormer windows

#### [P20/S4111/HH](#) - Approved (05/02/2021)

Proposed two storey side/rear extension and two new front dormer windows. (Amended Plans received 18 December 2020, showing removal of new entrance gates, detached garage and carport, the front dormers windows have been reduced in size, and the side extension changed from gable end to a hipped roof).

### 4.0 ENVIRONMENTAL IMPACT ASSESSMENT

#### 4.1 Not applicable.

### 5.0 POLICY & GUIDANCE

#### 5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

H21 - Loss of Existing Residential Accommodation in Town Centres

TRANS2 - Promoting Sustainable Transport and Accessibility

TRANS5 - Consideration of Development Proposals

#### 5.2 Joint Henley and Harpsden Neighbourhood Plan

DQS1 - Local Character

#### 5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

#### 5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 **Other Relevant Legislation**

Human Rights Act 1998

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.

Equality Act 2010

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 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 Paragraph 015 of NPPG notes where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact. It further advises that to assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

6.3 It is not intended to go through all of the planning issues that were assessed in connection with the principle of development at the site given that this has recently been considered and determined to be acceptable. The planning report setting out all of those issues and the appropriate assessments can be found under reference number P20/S4111/FUL.

6.4 The main issues to consider in relation to this proposal are:

- Whether there has been any material change in site circumstances or planning policy in the intervening time between the previous planning permission and now.
- Conditions.
- Community Infrastructure Levy (CIL)

**Whether there has been any material change in site circumstances or planning policy in the intervening time between the previous planning permission and now.**

6.5 Since Planning permission was granted, the development has been completed and this application seeks retrospective permission to vary the conditions that were not complied with prior to the commencement to development.

The submitted parking plan that was submitted as part of the discharge of condition application was not acceptable from an arboricultural perspective and therefore this condition could not be discharged and agreed to at the time of the discharge of condition application. The submitted Arboricultural Report (ref: BS/473 Date: 16/12/2021) shows the root protection areas (RPA) for trees T001 and T002 as shown on the Tree Protection Plan. Tree T002 lies opposite Pantiles and the majority of the tree roots are located with the grassed area in front of Pantiles. The hard surfacing of the road on the west of the tree has influenced root growth further to the east within the front grassed area of Pantiles. Having discussed the proposal with the Council's Forestry Officer, it is concluded that no additional hard surfacing within the existing grassed area should be allowed as this contains the rooting system for the lime tree.

This has led to a conflict between protecting the existing tree and providing additional off street parking.

- 6.6 The Local Highway Authority has assessed the proposal to reduce the number of off-street parking from 4 spaces to 2. It is concluded that the revised parking plan subject to this application meets parking guidance and is considered acceptable, despite the previous application seeking additional parking.

It is considered that should any displaced vehicles as a result of the development be located onto the public highway, this is unlikely to significantly increase the risk to highway safety in this location. Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low. After investigation and reviewing the supplied documents, the Highway Authority has raised no objection to this application.

- 6.7 Therefore, whilst it is regrettable that the development provides less parking than previously had been sought, the conflict with the protection of the existing tree leads Officers to consider that, on balance, the existing driveway which provides parking for 2 vehicles is considered to be acceptable in relation to the extended dwelling. .
- 6.8 The location of the new drainage is under the existing driveway and away from the roots of the lime tree and therefore is considered acceptable.

**Conditions**

- 6.9 There are no new conditions considered necessary as the development is already complete.

**Community Infrastructure Levy (CIL)**

- 6.10 There are no changes to the floorspace for the approved scheme which was not CIL liable.

**7.0 CONCLUSION**

- 7.1 Planning permission is granted because the proposed changes to the number of parking spaces is unlikely to significantly increase the risk to Highway Safety in this location and will therefore accord with development plan policies.

**8.0 RECOMMENDATION**

- 8.1 **To grant planning permission subject to the following condition**

**1. Development in accordance with the approved plans**

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