

CABINET MEMBER FOR ENVIRONMENT– 12 OCTOBER 2017

PROPOSED DISABLED PERSONS PARKING PLACES IN CHERWELL DISTRICT & OXFORD, AND PROPOSED RESTORATION OF PARKING PERMITS TO WINGFIELD HOUSE, 2A GATHORNE ROAD, OXFORD

Report by Director for Infrastructure Delivery

Introduction

1. This report considers objections received as a result of a formal consultation on proposals to introduce new Disabled Persons' Parking Places (DPPP) at various locations in Cherwell District and Oxford City. The report also considers the proposed restoration of residents and visitors parking permits to Wingfield House, 2A Gathorne Road, Headington, Oxford, following a successful planning appeal.

Background

2. New DPPPs have been requested by a disabled resident near Gillett Close and in Ruscote Avenue, Banbury, and by disabled drivers visiting the shop and post office in High Street, Hook Norton. In addition, a new DPPP have been requested by a disabled resident in Oxford – Spindleberry Close Blackbird Leys. These locations are shown on plans at Annexes 1 – 4. The report considers the outcome of a formal consultation held on these proposals. Also, following a successful planning appeal by the owner of Wingfield House 2A Gathorne Road, Headington, involving the restoration of eligibility for parking permits, a formal consultation has been carried out proposing an amendment to the CPZ Traffic Regulation Order to restore permit eligibility in line with the Planning Inspector's decision.
3. Other proposals advertised at the same time were either unopposed, or had queries arising which have been resolved satisfactorily. These have therefore been dealt with under my delegated authority to avoid unnecessary delays to applicants.

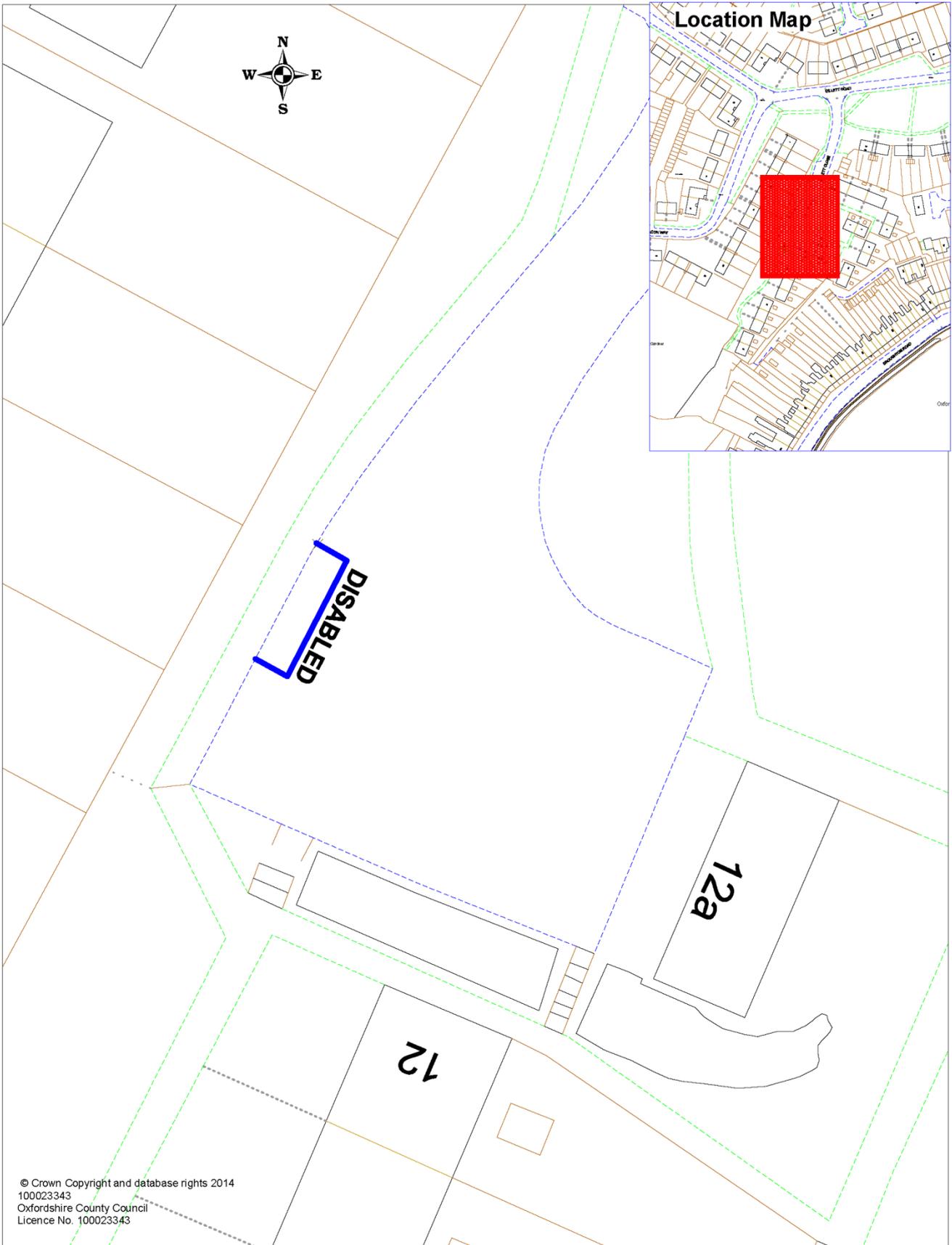
Formal Consultation

4. A copy of the draft Traffic Regulation Order, statement of reasons, and a copy of the public notice appearing in the local press, containing the proposed parking place changes were sent to formal consultees on 7 September 2017. These documents, together with supporting documentation as required and

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Contact Officers: Mike Ruse (01865 815978)

September 2017



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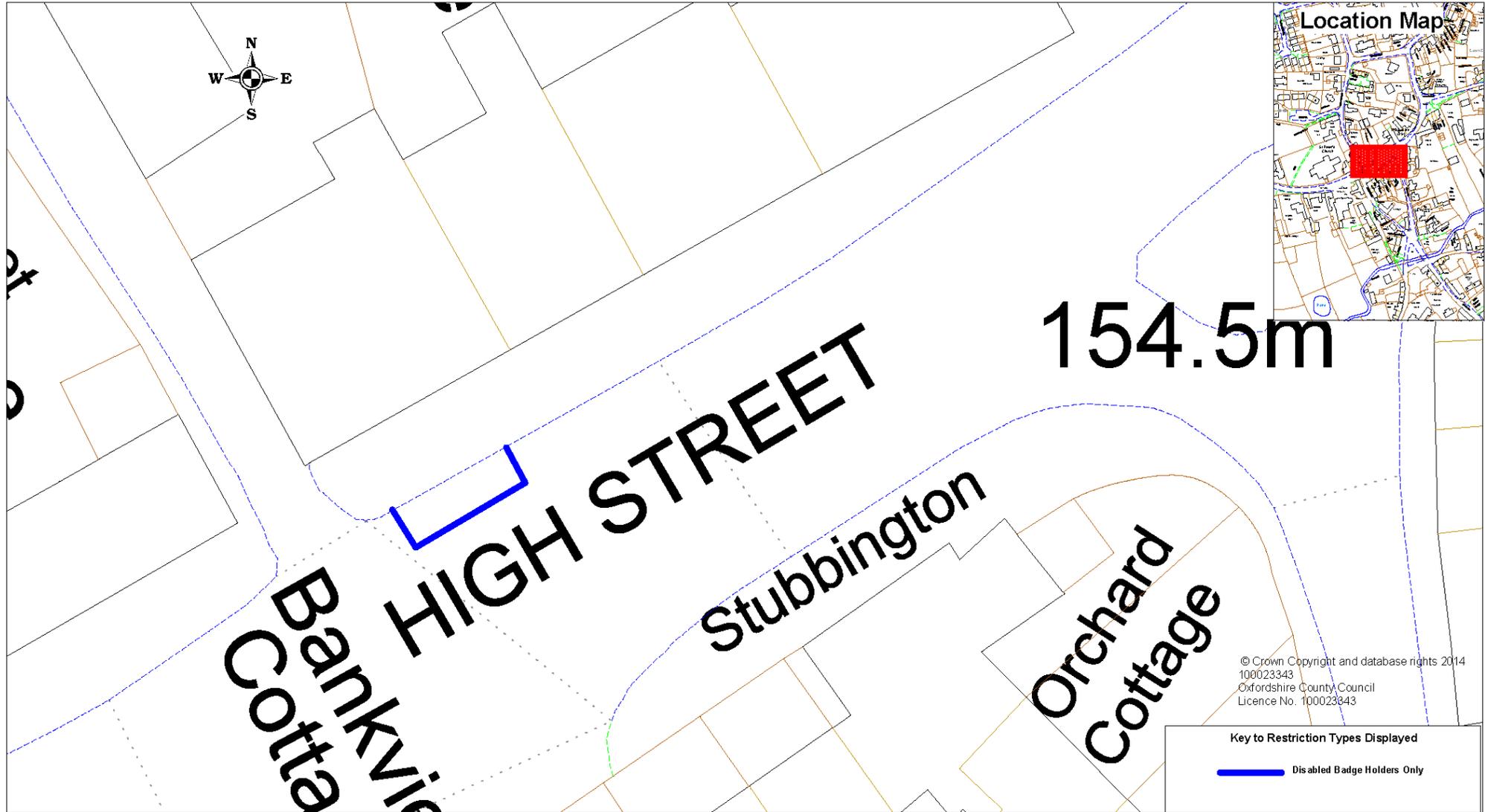


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Proposed DPPP Gillett Close, Banbury

SCALE	NTS
DATE	03/02/2017
DRAWING No.	
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Key to Restriction Types Displayed

 Disabled Badge Holders Only

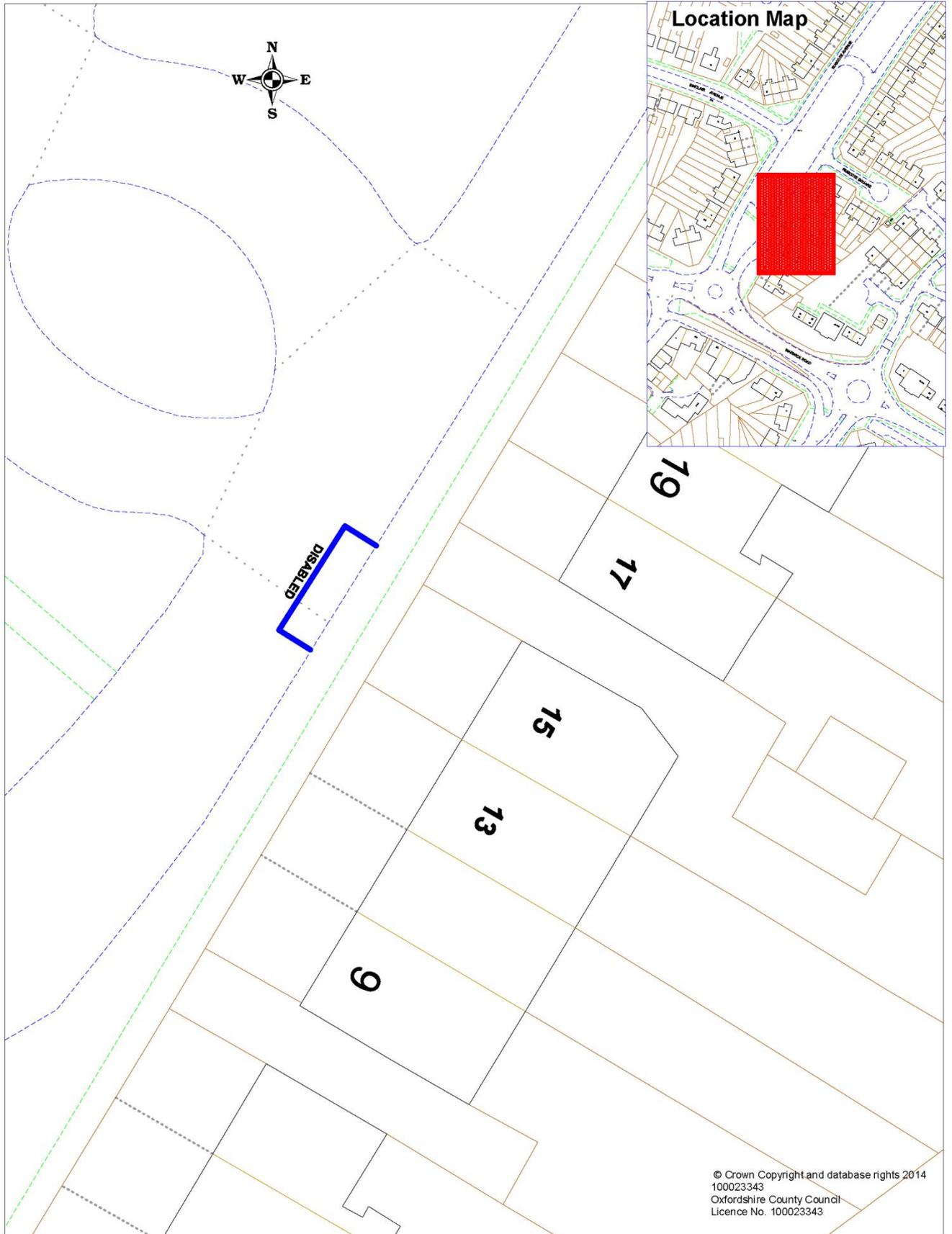


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**Proposed DPPP
 High Street, Hook Norton**

SCALE	NTS
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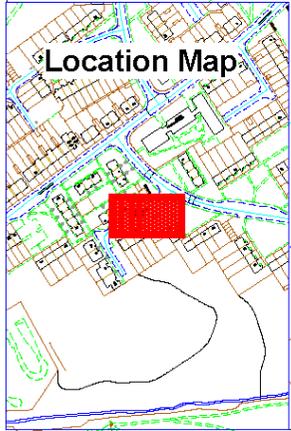
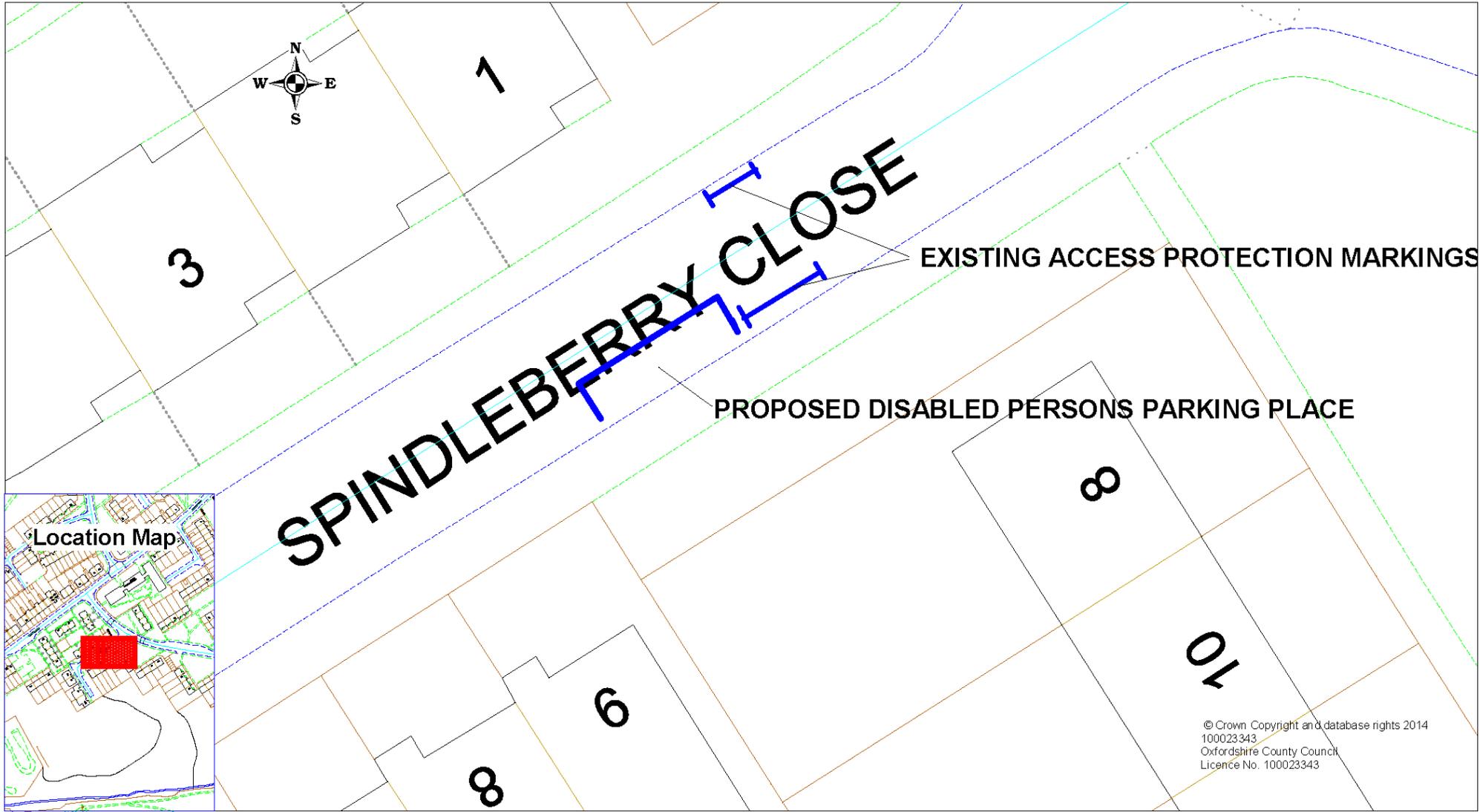


Proposed DPPP Ruscote Avenue, Banbury

SCALE	NTS
DATE	13/03/2017
DRAWING No.	
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EXISTING ACCESS PROTECTION MARKINGS

PROPOSED DISABLED PERSONS PARKING PLACE

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**Proposed DPPP
 Spindleberry Close, Oxford**

SCALE	NTS
DATE	12/09/2017
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RESPONSES TO CONSULTATION

RESPONDENT	COMMENT	RESPONSE
Proposed DPPP in Gillette Close, Banbury		
A resident, Gillett Close	Objects because the DPPP is for a resident at a Deacon Way address. There are already residents from Broughton Road and Deacon Way parking in the Close. Gillett Close residents need to park near their homes and this will make it more difficult.	The applicant finds it easier to get from the rear of the house on to Gillett Close. A garage exists but is too narrow to open the car doors and not wide enough to get in and out. Bay is planned in front of garage. The homes in Deacon Close are on the opposite side of the Close and have plenty of parking space, although non residents can park there.
Proposed DPPP in High Street, Hook Norton		
Two residents, High Street	Object to the proposal. They have their own garage and parking but are writing on behalf of the community. They believe the bay would have only limited use and suggest a limited time bay (say 30 minutes) instead, which would help all shoppers including elderly non-badge holders.	A limited time bay would not help badge holders and the proposal is supported by the shop. Apart from residents, most parking here is by shoppers and of limited duration.
Two residents, High Street	Object to the proposal. The proposed bay will cause considerable difficulties for them. They and their immediate neighbours have no off-street parking and this applies to houses beyond the shop, at the top of Bell Hill, and the cottages opposite. Because of the road layout, cars park where there is a space including their immediate frontage. Workers at the shop and dentist also park here. The shop is open 7 days a week, and for 6 days – 12 hours per day. There is constant	When there is pressure on parking, disabled people are at a greater disadvantage. While the proposed DPPP has been requested by 2 badge holders and has the support of the shop, as well as the Parish Council, one of the badge holders is moving away in a few months and no other badge holders in Hook Norton have come forward during Formal Consultation or before. Advisory DPPPs are no longer permissible under Department for Transport regulations. The OCC website gives particular information and guidance on locating DPPPs outside homes of those disabled residents who qualify but that doesn't

	<p>traffic movement. They have no rear access and as there is no railing where the bay is planned, this is useful to them for deliveries etc. The shop also has deliveries and large lorries park along the frontage here. They believe the bay will be empty for most of the time. If proposal goes ahead they would consider applying for a residents parking area here. They believe the badge holder who asked for the bay is moving away from the village. They also consider OCC should have written to more residents than those along this frontage, although they acknowledge a number of street notices were put up, and the Council did more than the legal requirement. Could the bay be advisory only for more flexibility? They note that OCCs website only has information on disabled bays outside disabled resident's homes, and believe this is misleading. .</p>	<p>preclude the Council from considering DPPPs that are for general use by badge holders.</p>
<p>Two residents High Street</p>	<p>Object to the proposal. They believe the proposed DPPP would be inappropriate here. The shop have told them the three badge holders who would use it only use the shop for 5 minutes in any week and one has moved away. One of the shop managers has told them that they support the proposal because it is away from their immediate frontage and so won't interfere with their deliveries.</p>	<p>As above.</p>

A resident, Hook Norton	Supports the proposal and surprised that the residents here question the need as they are able to reach the shop with ease while disabled drivers cannot. The shop has seen people falling on the steps up to the footway nearer the shop. Hook Norton has a growing population of elderly people and the parking problem near the shop creates a real problem for disabled drivers visiting it so the proposed DPPP is essential. The residents here are a small proportion of the population of the village and nobody else has objected.	As above.
Hook Norton Parish Council	The Councillors were generally in favour of the proposal and there were no objections.	Noted.
Proposed DPPP in Ruscote Avenue, Banbury		
A resident Ruscote Avenue	Questions the need for the proposed DPPP as there are no disabled residents where space is proposed. The residents in this part of the Avenue either have dropped kerbs and off-street parking and where the space is proposed a drive and garage exists. Parking is limited on street for visitors and the proposal will add to the lack of space.	The DPPP is planned outside a current badge holder's home. Although a shared drive and a garage exist, the drive is on a slope, and is rough and uneven. The badge holder can't get in or out of the car when it is in the garage and can't get from there to the house. The garage itself is derelict and rickety. The property is rented.
Proposed DPPP in Spindleberry Close, Oxford		
A resident, Spindleberry Close	Objects to proposal. She is not aware of another disabled resident in the Close other than the resident who already has a DPPP and believes all other residents are sufficiently mobile. There is parking pressure here and as a home owner and parking permit holder she expects to be	The proposed DPPP is located near the home of a current badge holder. The grassed area in question is not publically adopted highway so OCC has no jurisdiction to consider parking. The City Council has installed parking areas in similar situations elsewhere in Blackbird Leys but currently there are no known plans in this vicinity. The allegations of misuse of visitor permits

	able to park outside or near her home. Currently when Oxford United are playing at home, supporters park here with visitor permits obtained from residents outside the Close or illegally. She suggests parking spaces for residents are instead provided on the “green space” at the Pegasus Road end of the Close. She strongly opposes the proposal.	have been passed to the Parking Team to investigate.
The daughter of a resident in Spindleberry Close	She objects to the proposal. There is already a DPPP nearby and one more would detrimental to the (other) residents and visitors to the Close. Five bungalows and four houses exist and there are only four spaces left for everybody else. Her 90 year old mother lives here, and while she is not a badge holder as she has no car, she cannot walk far so it would be more difficult for the daughter to take her out in the car. It will be more difficult for her carers and deliveries. Adjoining No 9 is a patch of waste ground with a shrubbery which could be allocated to parking. She believes the applicant has sufficient mobility to regularly walk, mow the lawns so why is a DPPP thought necessary?	Her mother could apply for a badge as car ownership is not required. The daughter could use the proposed DPPP to take her out and bring her back provided the mother’s badge was displayed. When parking is limited the disabled are at a disadvantage. The off-street area mentioned is not publically adopted land so OCC has no jurisdiction. As above.
Proposed restoration of full parking permit eligibility to flats at Wingfield House, 2A Gathorne Road, Headington, Oxford		
36 residents in Gathorne Road, St Anne’s Road, including the St Anne’s Gathorne Road & Margaret Road Residents Association, the	All object to the proposals. The developer chose not to provide off-road parking on site to maximise the number of flats possible and hence increase profits. The Development was therefore given planning permission by the City Council on the basis that the flats would be ineligible for parking permits in Headington Central CPZ. A subsequent appeal by the	As the objectors have noted the development was granted planning consent on the basis that it would be car-free. County officers supported this principle at the time of the initial application (2007) and objected to the subsequent planning application (in 2016) which sought to remove the condition preventing permits being issued to residents of this site. It remains officers’ view that the development should continue to

<p>local representative of Cyclox, and the Windmill Road Residents Action Group</p>	<p>developer against the planning condition was overruled at the time. Conversely the developer of 1A Gathorne Road, in recognition of the prevailing permit policy of both Authorities provided off-street parking understanding that permits would not be allowed. This area has good communication links and is ideal for car free development. The tenants in the flats at Wingfield House were aware that permits were not allowed when they took on their tenancies, and if parking on-street was an issue they could have rented elsewhere. The objectors believe the developer will increase the rent for the flats if permits are restored. This would also mean an increase of between 6 to 12 vehicles parking in the area.</p> <p>Parking is already congested in Gathorne Road and St Anne's Road with residents from Windmill Road parking here. While parking is more available during the working day when residents are at work, in evenings and weekends the parking is full, as evidenced in surveys carried out by the residents. Previous surveys have been carried out during the day when more parking spaces are available and as a result of the latest appeal the Government Inspector also inspected the road one week-day at lunchtime. The residents' surveys and pictures show that parking is full at night. The proposed reduction in spaces on Windmill Road as a result of Access to Headington will make the situation even worse. Gathorne Road</p>	<p>be car-free.</p> <p>However, there has now been an appeal against retention of the planning condition and the Planning Inspector's report is clear that in reaching a different conclusion, he has taken into account survey information from a number of sources. The Inspector's statement that "the evidence before me does not indicate that as a result of removal of the conditions, on street parking would occur to an extent that would harm highway safety" is very clear.</p>
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	<p>is near the edge of the Zone boundary, so residents unable to park here will have to park the other side of the busy Windmill Road which is undesirable for the elderly. While permits were restored to 9 & 9A Gathorne Road following a planning appeal, each property was only allowed 1 permit so this has not increased on-street parking pressure. If full eligibility to permits for Wingfield House were allowed, this would create a precedent and other developers would seek to overturn similar planning conditions on existing developments in order to obtain full eligibility.</p>	
<p>County Councillor for Headington & Quarry Roz Smith</p>	<p>Objects to the proposal. "With advice from Oxfordshire County Council, Oxford City Council planning committee put a condition on this property that it should be exempt from parking permits, i.e. a car free development. The condition was sensible given the proximity of regular public transport, local services within easy walking distance, (GP, Dental, library, schools etc.) plus an active car sharing scheme. The owner has now appealed this condition and it seems an ill-informed planning inspector found in his favour. This was a shock, given the pressure on the few residents parking spaces within Gathorne Road, nearby St Anne's and Margaret Roads. If allowed, we could see as many as 12 more vehicles competing for the 18 spaces in Gathorne Road and the few spaces in surrounding area. Many homes do not have off road parking and</p>	<p>As above</p>

the Access to Headington project will see even more pressure when residential spaces in Windmill Road are removed. The detailed work around removal of parking spaces in Windmill Road undertaken by county officers with consultation with residents and local councillors will be undermined by allowing parking eligibility for the Wingfield House development.

The stated aim of Access to Headington is to encourage use of sustainable means of transport. If this change to the eligibility for parking permits is allowed then I envisaged a raft of appeals for changes to parking conditions within the City's controlled parking zones.

I concur with my city councillor colleagues that if this change is approved then it will be more difficult for the local planning authority, (Oxford City Council), to turn down applications and for the County Council to further its aim of reducing the high volume of vehicle movements within the City.

I recognise it will be unusual, but not the first time, that a local authority to challenge an appeal decision by a planning inspector.

However, I feel the arguments for exempting these properties from the eligibility for parking permits in the Headington CPZ are overwhelming and I urge the Cabinet member to continue the exemption for this development".

<p>City Councillors M Altaf-Khan & Ruth Wilkinson</p>	<p>Both object to the proposal. "As city councillors for Headington Ward, we are writing to object most strongly to the proposed changes which seeks to restore the above Gathorne Road properties to full permit eligibility. We set out our concerns below.</p> <ul style="list-style-type: none"> • We believe that the County Council should not be encouraging the use of cars in areas that are excellently served by frequent public transport, especially at a time when the Access to Headington project is facilitating better space for cyclists, and when concerns from our residents about air quality in the area are increasing. The advent of Rapid Transit buses will improve travel for Headington residents still further, and there is a successful car-share scheme currently in operation in the area. • Applications to intensify or change the use of flats and HMOs in this area have been permitted by the planning authority including councillors on East Area Planning Committee <i>only on condition that these are car-free developments</i>. Gathorne Road is close to excellent public transport routes in and out of Oxford, the airports and London. • There are currently only 18 dwellings in Gathorne Road; on-road parking spaces are already under pressure both from existing permit-holders, and from hospital 	<p>As above</p>
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and care workers seeking to access the Nuffield Orthopaedic Centre and a Gathorne Road property for tenants with special needs. The removal of some on-road parking spaces in Windmill Road as part of the Access to Headington scheme is likely to shift parking to adjoining residential roads including Gathorne Road. The restoration of permit eligibility to tenants in these six properties would reduce on-road parking availability for current Gathorne Road permit-holders, and potentially shift parking pressure to St Anne's Road nearby, thus impacting negatively on permit-holders there too.

- We are anxious that this proposed change arising from what we feel to have been a questionable inspector decision does not serve as a precedent for the Headington area, which contains a very large number of shared houses, HMOs and flats which have only received permission for build or change of use on condition that they are car-free. We recognise that it is most unusual for a local authority to challenge an appeal decision by a planning inspector, but we feel that the arguments for exempting these properties from eligibility for the CPZ are overwhelming.

We urge the Cabinet Member to oppose this change and ask her to continue to exempt these

	properties from full permit eligibility in the Headington Central CPZ”.	
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Appeal Decisions

Site visit made on 23 January 2017

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government
 Decision date: 10 February 2017

Appeal A Ref: APP/G3110/W/16/3160284

2A Wingfield House, Gathorne Road, Oxford, Oxfordshire OX3 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Harold Grant against the decision of Oxford City Council.
 - The application Ref 16/00342/VAR, dated 30 April 2015, was refused by notice dated 5 April 2016.
 - The application sought planning permission for the erection of one and a half storey rear extension (with accommodation in roof space) to provide 1-bed maisonette without complying with a condition attached to planning permission Ref 11/00875/FUL, dated 27 May 2011.
 - The condition in dispute is No 6 which states (sic) that:
The development hereby permitted shall not be occupied until the Order governing parking at has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and resident's visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.
 - The reason given for the condition is:
To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Oxford Local Plan 2001-2016.
-

Appeal B Ref: APP/G3110/W/16/3160286

2A Wingfield House, Gathorne Road, Oxford, Oxfordshire OX3 8NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Harold Grant against the decision of Oxford City Council.
 - The application Ref 16/00354/VAR, dated 3 February 2016, was refused by notice dated 5 April 2016.
 - The application sought planning permission for the erection of two storey building to provide 5 flats (3x1 bed, 2x2 bed) including accommodation in roof space without complying with a condition attached to planning permission Ref 07/00399/FUL, dated 23 May 2007.
 - The condition in dispute is No 6 which states that:
The development hereby permitted shall not be occupied until the Order governing parking at land on the plot referred to in this permission as the rear of 139, 141 and 143 Windmill Road, adjoining 2 Gathorne Road has been varied b the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and resident's visitors' parking permits.
-

- The reason given for the condition is:
To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety or cause parking stress in the immediate locality.
-

Applications for costs

1. Applications for costs have been made by Mr Harold Grant against the decision of Oxford City Council. Both applications are the subject of a separate Decision.

Decisions

Appeal A

2. The appeal is allowed and planning permission is granted for the erection of one and a half storey rear extension (with accommodation in roof space) to provide 1-bed maisonette, at 2A Wingfield House, Gathorne Road, Oxford, Oxfordshire OX3 8NF, in accordance with the application Ref 16/00342/VAR, dated 30 April 2015, without compliance with condition No 6 previously imposed on planning permission Ref 11/00875/FUL, dated 27 May 2011, but subject to the attached schedule of conditions, Schedule A.

Appeal B

3. The appeal is allowed and planning permission is granted for the erection of two storey building to provide 5 flats (3x1 bed, 2x2 bed) including accommodation in roof space, at 2A Wingfield House, Gathorne Road, Oxford, Oxfordshire OX3 8NF, in accordance with the application Ref 16/00354/VAR dated 3 February 2016, without compliance with condition No 6 previously imposed on planning permission Ref 07/00399/FUL, dated 23 May 2007, but subject to the attached schedule of conditions, Schedule B.

Background and Procedural Matters

4. The two appeals seek to remove conditions relating to two separate planning permissions at the same site. Despite being subject to separate decisions, both conditions sought to prevent future occupants of No2A Wingfield House from obtaining parking permits for the same reason; to prevent harm to highway safety. These conditions are reported to have been complied with and currently occupiers of the appeal site are not eligible to apply for parking permits.

5. The concerns of the Highway Authority do not relate to parking availability and highway safety and relate to the conditions being necessary based on the good levels of access the site has to sustainable forms of transport. Reference is also made to Policy HP16 of the Sites and Housing Plan (SHP). This policy states that permission will be granted for car free housing in locations that have excellent access to public transport, that are within a controlled parking zone and within 800 metres of a local supermarket. My site visit confirmed such circumstances apply to the development.

6. However, SHP Policy HP16 was adopted after the approval of the original planning permissions and does not alter the original reasons used to justify the conditions. Therefore, I must focus my determination of the appeals on the reason both conditions were imposed at the time; to preserve highway safety.

7. For similar reasons, concerns regarding the effect of the development on living conditions with reference to noise, disturbance and pollution do not form part of my consideration of the appeal. Accordingly, the main issue is as below.

Main Issue

8. The main issue is the whether the conditions are reasonable and necessary in the interests of highway safety.

Reasons

9. The appeal site is a two storey building comprising four flats each with one bedroom and two flats each with two bedrooms. The surrounding area is predominantly residential in use with Nuffield Orthopaedic Hospital to the south west and Windmill School to the north of the site. Roughly half of properties at Gathorne Road benefit from off street parking. Apart from properties along Windmill Road, the majority of properties in the surrounding area benefit from off street parking. The site is located within a Controlled Parking Zone.

10. During my late morning site visit, albeit representing only a short period of time, I saw a number of vacant on street parking spaces at Gathorne Road and St. Anne's Road. In addition, whilst Windmill Road received a constant flow of traffic at a moderate speed, Gathorne Road was not particularly busy. I also saw that Gathorne Road is straight with a 20mph speed limit, double yellow lines at its junctions and thus offers highway users good levels of visibility. However, I appreciate that later in the day the availability of parking spaces in the immediate area is likely to reduce and that levels of traffic and pedestrian activity are likely to increase.

11. The appellant has undertaken a number of Parking Stress Surveys across a range of dates and times within 150 and 200 metres of the appeal site in accordance with the 'Lambeth' methodology. Concerns are raised regarding the accuracy, timings and methodology of the appellant's parking surveys. However, I understand that the dates and times were agreed with the Highway Authority. I consider that the range of dates, times and the survey area chosen are reasonable and up to date, with the latest survey undertaken in February 2016. However, as the appellant's Google Map based surveys do not include precise times, they are afforded limited weight.

12. Owing to the number of bedrooms per flat at No 2A, and taking into account potential visitors, the likely demand for parking spaces arising from the proposed change in the conditions would be modest. In this context, I consider that the appellant's surveys indicate that on street parking capacity exists in the surrounding area to accommodate the development.

13. To inform the 'Access to Headington' (ATH) initiative, Oxford County Council's undertook a parking assessment, which concluded that Windmill Road has a consistent underutilisation of on street parking. The assessment also involved side roads along Windmill Road including Gathorne Road. Part of the ATH initiative involves the removal of all 38 on street parking spaces along Windmill Road and the creation of 35 additional new spaces at adjoining side roads.

14. However, taking into account the length of Windmill Road and the number of adjoining side streets, the ATH's modest net loss of 3 on street parking spaces and the redirected parking demand would be met over an area larger than Gathorne Road. Moreover, the County Council's parking assessment concludes

that at least 40 parking spaces would remain vacant in the area after accounting for spaces removed at Windmill Road.

15. Whilst concern is raised regarding the ATH initiative and associated parking stress surveys, no substantive reasons are before me to discount its findings. The parking surveys undertaken by residents indicate a lower number of on street parking spaces than the appellant's surveys. However, as the higher figures in the appellant's and Council's respective surveys corroborate one another, I find them a more credible form of evidence for establishing parking availability in the area. Consequently, even taking into account the ATH initiative, the surrounding area would be able to meet the modest parking needs of the appeal site.

16. A number of appeal decisions have been brought to my attention including a decision¹ at Gathorne Road. The appellant and residents refer to the decision in support of their respective cases. Whilst I have not been provided with the full details of this case, I note that the decision was made over 5 years ago. Consequently the decision and underpinning evidence are unlikely to provide an up to date account of local parking capacity. Nor do I have full details of development proposals referred to in the surrounding area, such as the expansion of Windmill School. Moreover, I must determine the appeal based on the evidence before me.

17. In reaching my decision I have carefully considered objections from residents and Ward Councillors, which include concerns regarding precedent. However, this decision would not prevent the Council from resisting development in locations where additional on street parking would lead to an adverse effect on highway safety.

18. In summary, in this case, sufficient on street parking capacity exists to meet the needs of occupants at No 2A. Moreover, the evidence before me does not indicate that as a result of removal of the conditions, on street parking would occur to an extent that would harm highway safety.

19. Therefore, I conclude that the conditions are not reasonable or necessary in the interests of highway safety. Consequently, the proposed change to conditions would meet the requirements of Core Strategy Policies CP1, CP6, and CP10 which are of most relevance to this matter. Combined, insofar as they relate to this matter, these policies require parking levels to be appropriate for the use proposed and development to be acceptable in respect of highway safety.

Conclusion

20. The Planning Practice Guidance makes it clear that 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. As I have no information before me about the status of the other conditions imposed on the original planning permissions, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

21. For the reasons given above I conclude that the appeals should succeed. As a result I will vary the respective planning permissions by deleting the disputed conditions.

¹ APP/G3110/A/11/2143838

B Bowker

INSPECTOR

Attached – schedule of conditions.

Appeal A

Schedule A: Conditions

- 1) The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans: P2.15A proposed, P2.14A proposed, P2.13A plans - proposed, P2.12A plans - proposed.
- 2) The materials used in the external elevations of the new development shall match those of the existing building.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no additional windows shall be placed in the side and rear elevations without the prior written consent of the Local Planning Authority.

Appeal B

Schedule B: Conditions

- 1) Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the window(s) marked in green on the approved plan shall be glazed in obscure glass and thereafter retained.
- 3) That notwithstanding the details of the approved plans, the overall ridge height of the approved building shall not be any higher than 0.8 metres higher than the ridge height of number 2 Gathorne Road.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the window(s) marked green on the plan shall have a cill height not less than 1.6 metres above floor level.
- 5) Notwithstanding the provisions of Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) details of the means of enclosure along the highway frontage shall be submitted to and approved in writing by the LPA prior to the commencement of development and no residential unit shall be occupied until the approved means of enclosure have been fully implemented. No alterations shall be made to this means of enclosure unless otherwise agreed in writing by the LPA.