

**CABINET MEMBER FOR ENVIRONMENT – 14 FEBRUARY 2019**

**OXFORD: SOUTH OXFORD AND WALTON MANOR CONTROLLED  
PARKING ZONES – PROPOSED EXCLUSION AND AMENDMENTS  
TO PERMIT ELIGIBILITY**

**Report by Director for Infrastructure Delivery**

**Recommendation**

1. The Cabinet Member for the Environment is RECOMMENDED to approve the proposed exclusion of eligibility for 4a and 4c North Parade Avenue Oxford and eligibility for permits for the Garden Flat and Upper Flat at 84 Marlborough Road Oxford as advertised.

**Executive summary**

2. Eligibility for residents and visitor permits of properties within Controlled Parking Zones is reviewed in accordance with policies adopted by both Oxfordshire County Council and Oxford City Council. The proposals for permit eligibility for specific properties in North Parade Avenue and Marlborough Road take account of the planning consents granted for the development of these properties.

**Introduction**

3. Car free development is encouraged by policies adopted by both Oxfordshire County Council and Oxford City Council. Policy HP16 in the Sites and Housing Plan states 'Planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a controlled parking zone, and are within 800 metres of a local supermarket or equivalent facilities.'
4. The Oxford Transport Strategy which forms part of the Local Transport Plan states:

The county council will seek to restrict access to parking on the public highway for new developments and change of use developments, such as Houses in Multiple Occupation (HMOs), to protect existing residents' access to parking and reduce parking demand in Oxford

## Background

### 4A and 4C North Parade Avenue

5. Development of a former restaurant at 4 North Parade (planning application ref. 16/02894/FUL) to create two new residential flats was approved by Oxford City Council on the basis of the applicant proposing the new units to be car-free. The new flats are now occupied (and are numbered 4a and 4c, with the previously existing flat being numbered 4b) and to give effect to the planning consent, it is now required to amend the Walton Manor CPZ order to exclude 4a and 4c from permit eligibility, with flat 4b – as the previously existing residential unit – retaining permit eligibility.

### 84 Marlborough Road

6. Development at 84 Marlborough Road (planning application 05/00566/FUL) to split a single residential property into two flats (the Garden Flat and Upper Flat) was approved with a condition to exclude the site from eligibility for resident and visitor parking permits, and the South Oxford CPZ order therefore excludes this property from permit eligibility. However, it appears that following representations from the previous owners of the Garden Flat to Oxford City Council in 2008, it was jointly agreed by the then head of Oxford City Development at Oxford City Council and the then Parking Shop Manager at Oxfordshire County Council to facilitate (despite the exclusion of the property within the CPZ order) the issuing of up to 2 vehicle permits for the Garden Flat only but with no eligibility being granted for the Upper Flat.
7. Following an enquiry from the owner of the Upper Flat in the autumn of 2018 on the status of the property for permit eligibility, officers identified the need to address the above unsatisfactory informal application of permit eligibility and concluded that an equitable provision consistent with the original planning consent and taking account of the severe parking pressures in the area would be to promote a variation to the CPZ order that provided eligibility for one permit for each of the flats (noting that properties in this CPZ are only eligible for up to 2 permits).

## Consultation

8. Formal consultation on the proposal was carried out between 22 November and 21 December 2018. A public notice was placed in the Oxford Times newspaper and sent to statutory consultees, including Thames Valley Police, the Fire & Rescue Service, Ambulance service, Oxford City Council the local County & City Councillors with street notices placed near to the location of the proposed restrictions.
9. Nine responses were received as summarised in the table below. They are also included at Annex 1. Copies of the full responses are available for inspection by County Councillors.

Road Name	Support	Object	Neither
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North Parade Avenue	-	4	1
Marlborough Road	2	1	1
Not specified	1	-	-

### **Response to objections and other comments**

10. Thames Valley Police did not object to either of the proposals

#### **4A and 4C North Parade Avenue**

11. Four objections were received in respect of the proposal to exclude permit eligibility for 4a and 4c North Parade. County Councillor Emma Turnbull, the local member objected to the proposed exclusion and requested a review of the proposal. City Councillor Louise Upton also objected, expressing the view that there was typically good availability of resident parking spaces in the adjacent residential streets (noting that there is, however, no parking provided in North Parade itself due to the very narrow width of the road). Two objections were received from residents of the properties that are proposed to be excluded from permit eligibility stating the view that granting eligibility would not adversely affect other residents given the availability of resident parking places in the neighbouring streets and also the personal impacts of not having a parking permit, taking account of the need for a car for their employment and issues of personal security.
12. While noting the above representations the variation of the CPZ Order to afford the residents of this development parking permit eligibility could set a precedent and encourage residents at other properties of “car free development” – including other excluded properties within the Walton Manor CPZ - to seek a comparable variation to the parking order for their zone so that they too become eligible for parking permits. Each incremental increase in parking eligibility might have a limited effect but in aggregate would lead to greater parking stress, traffic generation and emissions contrary to the aims of the Local Transport Plan. It should also be noted that a similar case in Headington, where a car free development sought to reverse this condition of the consent and therefore have access to the CPZ; officers recommended that the proposal was not supported as it could undermine other car free developments and the officer recommendation was supported by full Cabinet.
13. It should also be noted that this specific area has good walking and cycling links and is served by frequent, reliable bus services. The area is also well-lit alleviating the concerns of personal security.

#### **Garden Flat and Upper Flat 84 Marlborough Road**

14. An objection was received from the occupier of the Garden Flat on the grounds that the proposed eligibility for only one vehicle permit - from the current ‘de facto’ position of eligibility for two permits (despite neither flat being eligible for permits within the current CPZ order) - would result in significant inconvenience and reduce the value of this property, noting also

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that the occupiers of the Upper Flat who had initiated the query onto the status of permit eligibility for these flats had no intention of affecting the status quo in respect of the permit eligibility for the Garden Flat.

15. Two expressions of support for the proposal were received from occupiers of the Upper Flat which - while confirming that they had no issue with the Garden Flat continuing to be allocated up to two permits – also noted that they considered the proposed allocation of one vehicle permit per flat to be fair if the total allocation of vehicle permits for both properties was to be limited to two permits.
16. One expression of support for the proposal was received from a member of the public not resident in the area.
17. It is accepted that the current informal arrangements for eligibility for two permits for the Garden Flat have been in place for over ten years and pre-date the purchase of this property by the current owner, who has provided evidence of email exchanges between officers at Oxford City Council and Oxfordshire County Council as part of documentation relating to their purchase of the property. Notwithstanding this, Oxfordshire County Council as highway authority has power to promote proposals for new and amended traffic regulation orders including those which affect the parking provision, irrespective of past decisions by officers.
18. It is considered that the proposed division of permit eligibility between the two flats is equitable both for their occupiers and also for other residents of this area given the high demand for residents parking, and addresses for the benefit of the occupiers of both flats the current absence of any permit eligibility for these properties with the current CPZ order.

### **How the Project supports LTP4 Objectives**

19. The proposals would support LTP4 objectives as detailed in paragraph 4 above.

### **Financial and Staff Implications (including Revenue)**

20. Funding for the proposed measures has been provided from the County Councils revenue budget.

OWEN JENKINS  
Director for Infrastructure Delivery

Background papers:                      Consultation responses

Contact Officers:                      Hugh Potter 07766 998704

February 2019

RESPONDENT	SUMMARISED COMMENTS
(1) Traffic Management Officer, (Thames Valley Police)	<b>No objection</b>
(2) Oxford City Councillor Louise Upton, (North Ward)	<b>Object</b> - I would like to formally object to the exclusion of 4a and 4c North Parade from eligibility for parking permits. Please could your colleagues responsible for Oxford have a look at the nearby streets they will feel that the exclusion of eligibility isn't relevant or needed at this time. There is no parking on North Parade itself, but there is little parking pressure on the surrounding streets (Canterbury and Winchester Roads both have huge houses with large drives and few cars actually parked on the street).
(3) County Councillor, Emma Turnbull (University Parks, Oxford)	<b>Object</b> - I support the City Cllr in objecting to the exclusion of 4a and 4c North Parade from parking permit eligibility. Please could this decision be reviewed?
(4) Local Resident, (North Parade Avenue, Oxford)	<p><b>Object</b> - The main issue for the exclusion of the above property during planning permission was to manage heavy on-street parking pressures in the area but this isn't actually the case. There are always empty residents' parking bays on the streets within WM, e.g. Winchester and Bevington Road.</p> <p>After initially applying for residents' parking and being turned down, I sought the help of Councillor Upton who acknowledges that there is little pressure on the residents' parking bays in WM. She wrote to ask the Council if they would be willing to vary the condition (correspondence on file). Transport Planner, Will Madjwick, is familiar with the case.</p> <p>My neighbour (4C) was granted a parking permit earlier this year and parked for several weeks, with no adverse effects to highway safety, or causing parking stress in the immediate locality. Later it was discovered the Residential Parking Team had made an administrative error and they withdrew the permission. Team Leader, was involved in investigating the situation. In your document, 'Schedule 4 (Part IV of the Order) Postal Addresses from which residents are eligible to apply for permits' only 4A and 4C have been excluded, yet 4B is eligible. This seems inconsistent and I wonder why sections of the property have differing eligibility.</p>

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	<p>Councillor Emma Turnbull has also offered support asking for the condition to be reconsidered and parking granted.</p> <p>I have provided photographs at different times of the day showing empty spaces in previous correspondence. I am happy to resubmit these if necessary.</p> <p>I would be very grateful if you could look into the case once again and grant 4A and 4C residents parking. I would be willing to pay the Council's administrative costs.</p>
<p>(5) Local Resident, (North Parade Avenue, Oxford)</p>	<p><b>Object</b> – I am writing to object to the 'ineligible' status currently associated with property 4 North Parade Avenue and residential parking permits of the area WM.</p> <p>I have grown up and lived in Oxford all my life and absolutely understand the want to reduce traffic in the city (hence why I have my bike for usage around the town) and the pressures Oxford streets face with regards to parking. However, if you would consider the below reasons, which I believe to be valid, I think there is a case to object for our location.</p> <p>I understand my neighbour of the same property has been in contact with various council members who also believe our case is valid - I'm sure names and their support could be provided upon request.</p> <ul style="list-style-type: none"><li>- I work outside of Oxford at a location not connected via public transport so I need a car for my job especially as I travel widely visiting clients. However, this also means that my car is not on the street Monday - Friday during working hours.</li><li>- I was granted a parking permit earlier this year as I was unaware of the ineligibility (subsequently contacted by the council to say they had made an error and were revoking it). The road I park on, Winchester Road, has always had spaces and there are many many bays empty outside the college buildings towards Bevington Road that during my time with the permit have never been adversely affected. I can provide photos showing the bays in question. I have always been able to find a space and not caused any parking issues for neighbours.</li><li>- I purchased the property because I love the city and intend on living here for many years and having my family here, and like the properties around us I pay the council tax rate for the location I'm in. The other properties get residential permits and I feel as part of the same community building 4C and 4A should be granted the same.</li><li>- Also as a single female having a car is also a comforting factor at certain times when travelling alone out of the city.</li></ul>

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	<p>I am more than happy to pay for any costs of covering the change in status and of course would continue to pay the rates for parking permits.</p> <p>As mentioned before having read the documents in relation to this case I understand and appreciate the perspective of the council but the reason the property was declined was because of "heavy street parking pressures" which in Jericho and Summertown yes are a big problem but on the roads Winchester/Canterbury/Bevington this is not the case. These roads are mainly flanked by college buildings and student housing which means the broad, long roads are not inundated with cars and which is why there are always rows of empty bays.</p>
<p>(6) Local Resident, (Marlborough Road, Oxford)</p>	<p><b>Object</b> - We are writing to object to the proposal made regarding eligibility for parking permits at No.84 Marlborough Road.</p> <p>We would like to object on the basis that we, as owners of the Garden Flat, freeholders at No.84, bought our flat in 2015 with two residents parking permits. This weighed significantly on our decision to purchase the property, given the difficulty of parking in central Oxford.</p> <p>Our understanding is that there is a complex set of circumstances and exceptions regarding this property and its parking situation. Specifically, when the house was split into two separate flats, the parking allocation was taken away, but this was contested by the original homeowner (and freeholder) to be retained by the Garden Flat, on the basis that the Garden Flat was the 'original' property and the Upper flat was a 'new' property and, therefore, not eligible for any permits. It is noted in the planning documents that there is no eligibility for parking unless otherwise agreed in writing by the local planning authority. We have an email trail from the Head of City Development and Parking Shop Manager at the time (2008) agreeing to honour residential permits for the Garden Flat moving forward (this can be provided on request).</p> <p>Having spoken with our neighbours in the Upper flat, it was not their intention to gain a resident's permit at a cost to the Garden Flat, and in fact the original query was raised to see if it was possible to gain visitors permits for the Upper Flat property. This is an issue we believe we could pursue separately if required and we would support this.</p> <p>Whilst we understand that clarity is required for ourselves and future owners of the flats, we feel we lose substantially from the new proposal. This is not what we paid for when making our purchase. We also understand that the previous and current owners of Upper Flat understood fully that there was no eligibility for permits when purchasing Upper Flat.</p> <p>We would like to retain the two permits currently allocated to Garden Flat (both of which, although not currently the case, have been granted simultaneously during our residence at the property).</p>

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<p>(7) Local Resident, (Fern Hill Road, Oxford)</p>	<p><b>Support</b> – <i>No comment or detail provided.</i></p>
<p>(8) Local Resident, (Marlborough Road, Oxford)</p>	<p><b>Support</b> - In addition to the parking permit for each the Upper Flat and the Garden Flat of 84 Marlborough Road, I would also support the Garden Flat receiving a second parking permit. I understand that this would take the overall number of parking permits for No. 84 to 3 but it would resolve confusion from all sides over the present situation and make everybody happy.</p> <p>However, if no more than two parking permits can be assigned to No. 84, we think a 1/1 split between the two flats is the only fair solution given that the Garden Flat is a 1-bedroom flat and the Upper Flat is a 2-bedroom property. We think that for some reason, 2 parking permits for No. 84 have been assigned to the Garden Flat erroneously. Whilst the Garden Flat is the freeholder of the property, we have been advised that it is prohibited for landlords to apply for parking permits over residents.</p>
<p>(9) Local Resident, (Marlborough Road, Oxford)</p>	<p><b>Support</b> - In addition to the parking permit for each of the Upper Flat and the Garden Flat of 84 Marlborough Road, I would also support the Garden Flat receiving a second parking permit. I understand that this would take the overall number of parking permits for No. 84 to 3 but it would resolve confusion from all sides over the present situation and make everybody happy.</p> <p>However, if no more than two parking permits can be assigned to No. 84, we think a 1/1 split between the two flats is the only fair solution. In the past it seems as if 2 permits were given to the Garden Flat erroneously, despite it being a 1-bedroom property and the Upper Flat having 2 bedrooms.</p>