

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 10th June 2024

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

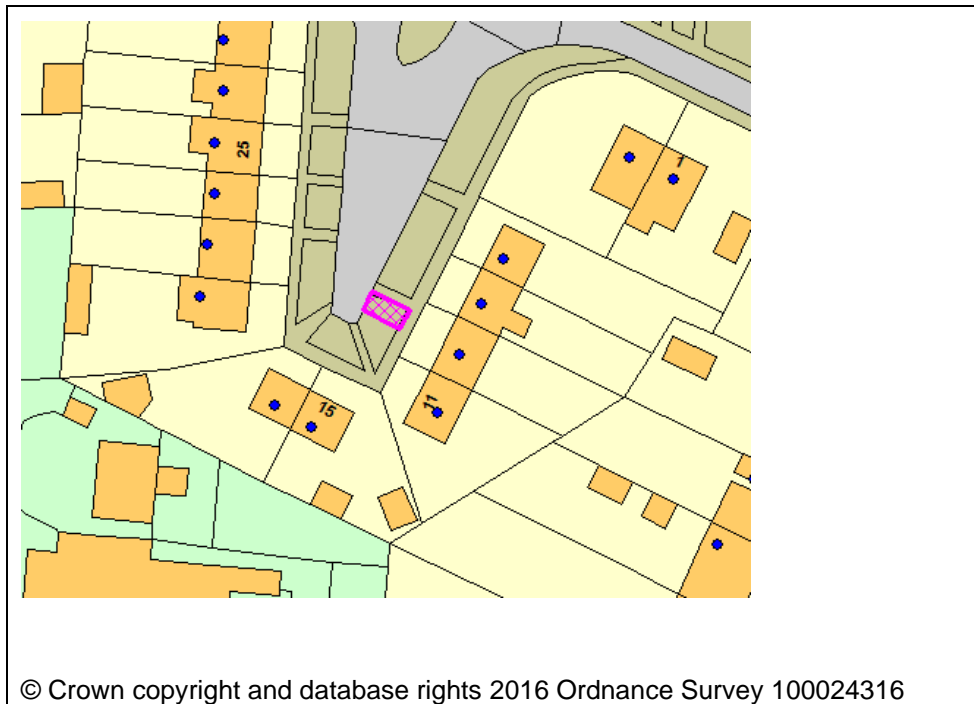
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Item	Application Number	Address	Officer
15-19	24/00115/FUL	9 Charterville Close Minster Lovell	Elloise Street
20-25	24/00596/S73	North Leigh Football Club Eynsham Park	Elloise Street
26-28	24/00601/PN56	Elmfield New Yatt Road	Elloise Street

Application Number	24/00115/FUL
Site Address	9 Charterville Close Minster Lovell Witney Oxfordshire OX29 0SL
Date	29th May 2024
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431307 E 210763 N
Committee Date	10th June 2024

Location Map



Application Details:

Proposed dropped kerb and hard standing for off street parking.

Applicant Details:

Mr Stephen Jones
9 Charterville Close
Minster Lovell
Witney
Oxfordshire OX29 0SL

I CONSULTATIONS

OCC Highways No Comment Received.

Parish Council No Comment Received.

OCC Highways 03.05
The proposed parking space is on public highway - should the proposal be permitted, the space cannot be reserved for the sole use of the applicant and may be used by other members of the public.

The proposal does not comply with OCC Dropped Kerb Guidance however I cannot demonstrate sufficient harm in terms of highway safety to warrant the refusal of the application as required by the NPPF.

The proposal will require a licence from OCC for the work on the highway - I cannot guarantee such a licence will be forthcoming.

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following condition.

- G11 access specification

Parish Council

01.05
The Parish Council objects to this application on the grounds that it would be difficult for other neighbours to exit their own properties. Parking would be partly on Oxfordshire County Council land and therefore the dropped kerb cannot be used solely by the applicant.

2 REPRESENTATIONS

2.1 No third party consultee comments have been received since this application was made a FULL application.

3 APPLICANT'S CASE

3.1 No design and access statement was required for this application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places,
OS4NEW High quality design,
T4NEW Parking provision,
NPPF 2023,
DESGUI West Oxfordshire Design Guide,
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the proposed dropped kerb and hard standing for off street parking at 9 Charterville Close, Minster Lovell.
- 5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as Minster Lovell Parish Council have objected to the proposed scheme and their views are contrary to the Officers views.
- 5.3 The application site relates to an mid-terraced dwellinghouse within the residential area of Minster Lovell.
- 5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity, residential amenity, parking provision and highway safety.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 - Siting, Design and Visual Impact
 - Impact on Neighbouring amenity
 - Highways
 - Other Matters

Principle of Development

5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.7 The proposed dropped kerb and hard standing for off street parking are to be associated with the residential property of 9 Charterville Close. Therefore, the principle of development is considered acceptable following further assessment in regard to the impact on the design and siting, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Visual Impact

5.8 The proposed works are for a proposed dropped kerb and hard standing for off street parking. It is important to note that the proposed dropped kerb does not need planning permission as falls under the provisions of General Permitted Development (England) Order 2015 Schedule 2, Part 2, Class B as the access is not on a trunk road or a classified road. However, the proposed works are included as a whole for this application.

5.9 The proposed hardstanding is to be on an existing parcel of green space forward of the front elevation of the dwellinghouse outside of the residential curtilage. The hardstanding is to be 2.5m in width and 5m in length and the kerb is to be dropped the full 2.5m. The existing pathways are to remain as existing. The hard standing is to be a grass mat hard standing to replicate the existing grassed verge.

5.10 Policies OS2 and OS4 are relevant to be considered for the proposed application. Policy OS2 focusses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Similarly, Policy OS4 states that "new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings. This also links with Section 12 Paragraph 135 b which states policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.11 The proposed dropped kerb and hard standing for off street parking would be visible on the streetscene, however it has been considered that the proposed works would not give rise to adverse impacts in regard to visual amenity as there is still a softening between the verge and the dwellinghouse in form of the front garden. Therefore, it has been considered that the proposed would not give rise to any adverse impacts in regard to visual amenity.

Impact on Neighbouring amenity

5.12 Officers are of the opinion that the proposed would not give rise to any adverse impacts in regard to neighbouring amenity. There is no built form that would result in overshadowing, overlooking, loss of light or privacy.

5.13 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

5.14 OCC Highways have been consulted on the application due to the change in parking provision and the change of use of land. OCC Highways have stated that the proposed parking space is on a public highway and as a result cannot be reserved for the sole use of the applicant. They have also stated that the proposed doesn't comply with OCC dropped kerb guidance but would not demonstrate sufficient harm in terms of highway safety. As a result, OCC Highways have raised no objections in regard to highways safety and convenience subject to relevant conditions and informative.

5.15 Officers note the comments made by OCC Highways and note that as stated, planning permission is not required for the dropped kerb but in any event, falls under the agreement between the applicant and OCC Highways. The hardstanding proposed would alleviate an element of parking concerns in the locality and would not result in unacceptable highway safety harm. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Conclusion

5.16 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the car parking space hereby approved.

REASON: To ensure a safe and adequate access.

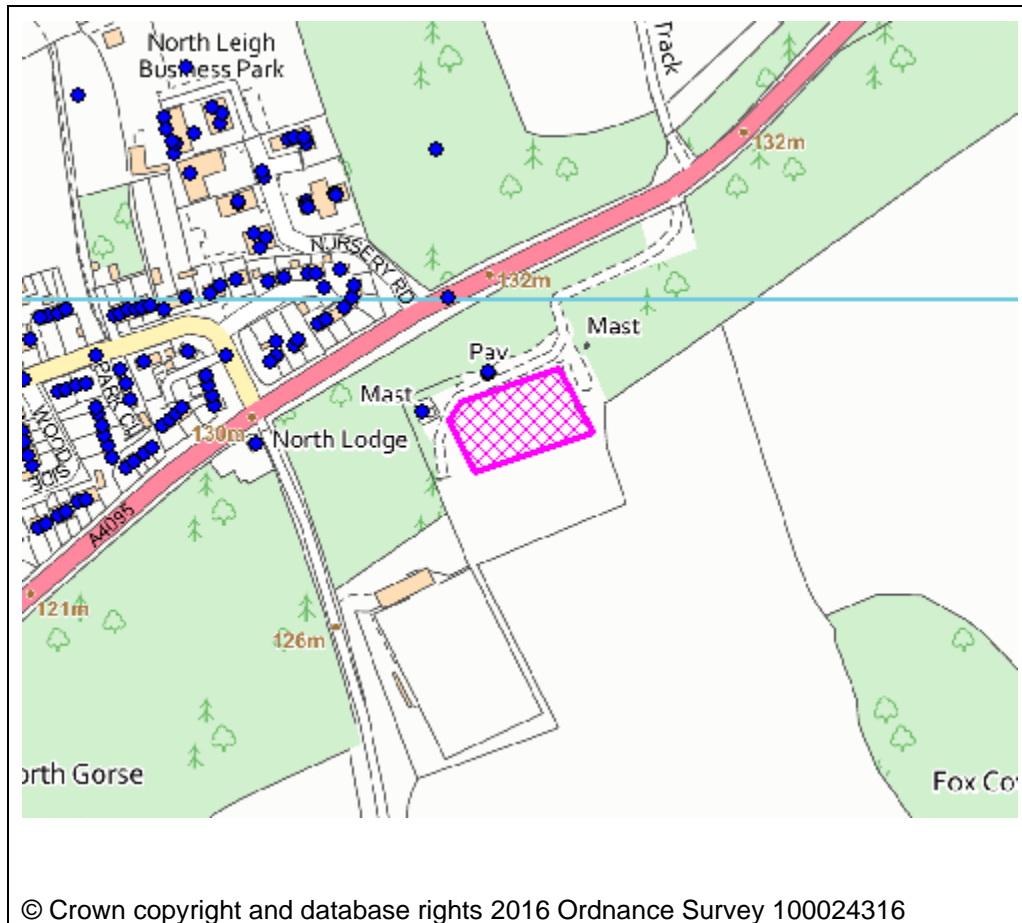
Contact Officer: Eloise Street

Telephone Number:

Date: 29th May 2024

Application Number	24/00596/S73
Site Address	North Leigh Football Club Eynsham Park North Leigh Witney Oxfordshire OX29 6SL
Date	29th May 2024
Officer	Elloise Street
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	439546 E 212950 N
Committee Date	10th June 2024

Location Map



Application Details:

Variation of condition 1 of permission 23/01778/FUL to extend the use of the temporary car park on the existing football pitch for a further 12 months until 31st March 2025

Applicant Details:

C/O Agent

I CONSULTATIONS

WODC - Sports	No Comment Received.
Sport England South East	<p>Thank you for consulting Sport England in respect of the details submitted under the above planning reference to vary condition 1 of permission 23/01778/FUL.</p> <p>We have reviewed the submitted documentation submitted.</p> <p>Sport England raises no objection to the Variation of condition 1 of permission 23/01778/FUL to extend the use of the temporary car park on the existing football pitch for a further 12 months until 31st March 2025 being granted.</p>
Parish Council	<p>As already detailed by North Leigh Ward District Councillor Harry St John, a number of issues have been raised regarding Eynsham Hall's non-compliance with the terms of their Interim Travel Plan. Councillor St John has requested that this application be brought to the WODC Lowlands Committee for further scrutiny as soon as possible and we fully support this request.</p>
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.</p> <p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.</p>

2 REPRESENTATIONS

2.1 8 Objection comments have been received as summarised below:

- Unsafe access.
- Facility is unsuitable for the volume of traffic.
- Concerns with lack of full travel plan.
- Helicopter trips and other modes of transport are unsustainable.
- Near misses of minibuses in North Leigh.

3 APPLICANT'S CASE

3.1 A full copy of the design and access statement and additional supporting information can be viewed on the online portal.

4 PLANNING POLICIES

OS2NEW Locating development in the right places.

OS4NEW High quality design.

EH5 Sport, recreation and children's play.

T4NEW Parking provision.

NPPF 2023.

DESGUI West Oxfordshire Design Guide.

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

5.1 This application is made under section 73 of the Town and Country Planning Act (1990) (as amended) for variation of condition 1 of permission 23/01778/FUL to extend the use of the temporary car park on the existing football pitch for a further 12 months until 31st March 2025 at North Leigh Football Club, Eynsham Park, North Leigh.

5.2 The application site relates to a current extant planning permission for a temporary change of use of land to provide a car park to serve Eynsham Hall.

5.3 The planning permission subject to this application is 23/01778/FUL was approved on 15th February 2024 with a time period extension until 30th April 2024. The change of use is now in breach of the previous condition.

5.4 This application is before the Lowlands Planning Committee as the application was called in by previous Councillor St John.

Principle of Development

5.5 The application seeks planning permission to vary condition 1 of permission 23/01778/FUL to extend the use of the temporary car park on the existing football pitch for a further 12 months until 31st March 2025.

5.6 Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications, it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be reconsidered under this application.

5.7 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application, Officers will consider the impact of the proposed changes on design and siting and residential amenity.

5.8 Following this it will also need to be considered if any further conditions need to be attached to any new consent.

Justification of Time Limit Extension

5.9 The subject of this application is for the variation of condition 1 of Planning Permission 23/01778/FUL to allow a change in the time limit. The original condition stated:

The use of the temporary car park hereby permitted shall cease, shown on the site plan edged red and shown on Drawing No. 20_089(CL) SK(90)01 on 30th April 2024. Within 3 months of removal of the temporary car park the playing field land shall be reinstated as per the White Horse Contractor's report dated the 1st February 2024.

REASON: The use is only justified by the special and temporary need for the development.

5.10 Officers consider that there will be no physical changes to the temporary car park. The only change is the temporary use date to end until 31st March 2025. Officers have consulted both Sport England and OCC Highways for their comments on the revised timeline to which they had no objections on highway safety grounds nor the impact on the football pitches. This is subject to the relevant conditions placed on the application.

5.11 Officers note that the need for the extended timeline has been queried by 3rd party consultees in which the applicants have responded in such that some of the on-site parking areas are unavailable for use at present due to the fit-out and construction works still ongoing due to delays on site. They have confirmed that the car park is solely to be used by hotel staff and Officers have deemed it appropriate to add an additional condition to secure that the temporary car park is only used by hotel staff members.

5.12 Officers note that in the previous permission, the car park was permitted to subject the land being reinstated back to its original condition and this was subject to adhering to exception 4 of the Sport England Playing Field Policy in such that the playing field will be replaced by a new area of playing field. As the use is temporary it still accords with NPPF 103 however a full assessment would have to be made should the use be not temporary.

5.13 The proposal still accords with policies OS2 and OS4 in such that Policy OS2 focusses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Similarly, Policy OS4 states that "new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings.

5.14 As there are no proposed design changes officers have considered that the car park would still be commensurate with the locality and Officers believe that the proposed additions would not cause a detriment to the street scene and as a result would be considered to comply with Policies OS2 and OS4 of the WOLP 2031.

Impact on Neighbouring amenity

5.15 Given the nature of the temporary car park even with the extended timeline, officers are of the opinion that the proposed would not give rise to any adverse impacts in regard to neighbouring amenity. The car park is to be a sufficient distance away from neighbouring properties in which the effects of comings and goings would not have a detrimental impact on neighbouring properties.

5.16 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Conditions

5.17 Decision ref. 23/01778/FUL was subject to a total of 3 conditions. The effect of an application under Section 73 of the Act is to grant a wholly new planning permission. Therefore, the conditions attached to the original consent should be replicated on the new permission, reviewed or removed. This section will assess the conditions attached to 23/01778/FUL for relevance on this decision and shall address any further conditions to be applied.

5.18 Officers note that there have been no discharge of conditions and the development has commenced. As a result, condition 1 is to be varied and reviewed to add the new time limit of 31st March 2025 on the basis that this is a temporary solution and would not be acceptable in the long term.

Other Matters

5.19 Officers note that there have been third party objection comments noting the unsafe access, however OCC Highways have been consulted fully on the application and was considered acceptable in the first instance and also in this application. It was considered that the intensified use would not warrant a detrimental harm to highway safety whilst also considering its initial use of a football club.

5.20 8 Objection comments have been received as summarised below:

- Unsafe access.
- Facility is unsuitable for the volume of traffic.
- Concerns with lack of full travel plan.
- Helicopter trips and other modes of transport are unsustainable.
- Near misses of minibuses in North Leigh.

5.21 Officers note that some of the comments are in relation the development of Estelle Manor as a whole and this application is for a temporary planning consent for a car park in relation to the overall development. As such, many of the comments are not directly linked to the temporary car park and cannot be considered as part of this application.

Conclusion

5.22 It is considered that the variation of condition 1 of 23/01778/FUL to allow a time limit change is acceptable, and in accordance with the policies in the Development Plan and the NPPF, which are not outweighed by other material planning considerations. It is therefore recommended that the variation of condition 1 of Planning Permission 23/01778/FUL be granted.

6 CONDITIONS

- I. The use of the temporary car park hereby permitted shall cease, shown on the site plan edged red and shown on Drawing No. 20_089(CL) SK(90)01 on 31st March 2025. Within 3 months of

removal of the temporary car park the playing field land shall be reinstated as per the White Horse Contractor's report dated the 1st February 2024.

REASON: The use is only justified by the special and temporary need for the development

2. That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. The temporary car park hereby permitted shall only be used by members of staff employed at Estelle Manor.

REASON: To ensure a safe and adequate parking provision.

INFORMATIVES :-

- Officers would like to advise the applicants that this application tests the suitability of a temporary car park. Should the car park be sought to be permanent, this would require a full new application and that it is likely that it would not accord with Policy EH5 of the WOLP and NPPF 2023 paragraph 103.

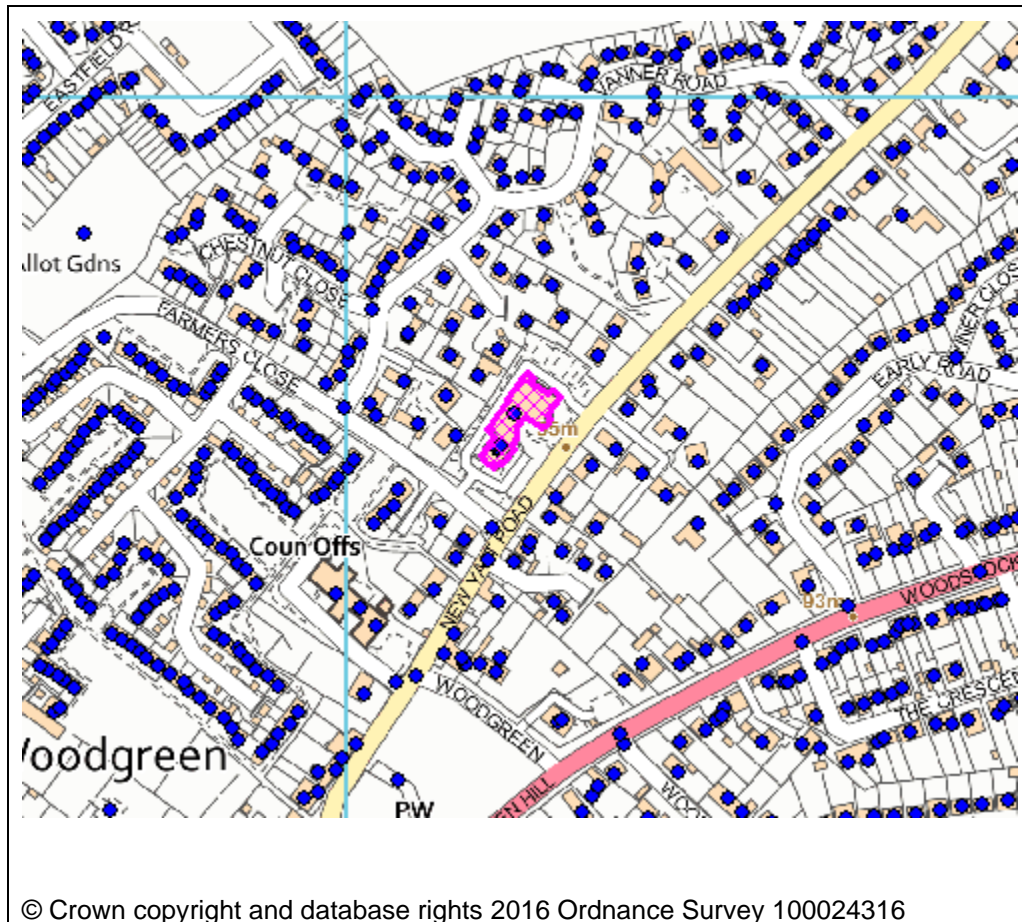
Contact Officer: Eloise Street

Telephone Number:

Date: 29th May 2024

Application Number	24/00601/PN56
Site Address	Elmfield New Yatt Road Witney Oxfordshire OX28 1PB
Date	29th May 2024
Officer	Elloise Street
Officer Recommendations	Prior Approval Not Required
Parish	Witney Parish Council
Grid Reference	436112 E 210790 N
Committee Date	10th June 2024

Location Map



Application Details:

Installation of replacement rooftop solar panels.

Applicant Details:
Miss Hannah Kenyon
Council Offices
Trinity Road
Cirencester
GL7 1ZE

1 CONSULTATIONS

No Comment Received.

2 REPRESENTATIONS

2.1 No third-party representations have been received to date.

3 APPLICANT'S CASE

3.1 No design and access statement is required as part of this application.

4 PLANNING POLICIES

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

5.1 The application is to be heard before the members of the Lowlands Area Planning Sub-Committee as the application is on behalf of the Council and on a Council Owned Building

5.2 This application is a notification for a determination as to whether the prior approval of the Local Planning Authority is required for the installation of replacement rooftop solar panels to the existing Elmfield Building. The building which is the subject of the proposed application is a set of offices within the main area of Witney.

5.3 This application is considered against Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks to establish whether the works would require formal planning permission or whether has been granted under the order subject to whether the prior approval has been granted.

5.4 The application proposes the installation of replacement rooftop solar panels which are to be 48.190kWP and are to replace the existing, defunct solar panels. They are to be all black solar panels with a shallow depth which are proposed to minimise the visual impact.

5.5 In relation to the criteria of Schedule 2, Part 14, Class J:

- The proposed development involves the installation of other solar PV equipment on the roof of a building (J (c)).

5.6 In relation to the criteria of Schedule 2, Part 14, Class J.1:

- The solar PV equipment or solar thermal equipment would be installed on a pitched roof and would not protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope; (J.1 (a));
- The solar PV equipment would be installed on a roof and would be a minimum of 1 metre from the external edge of that roof (J.1 (c));
- The solar PV equipment would not be installed on a site designated as a scheduled monument (J.1 (e));
- The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building (J.1 (f)).

5.7 In relation to the criteria of Schedule 2, Part 14, Class J.2:

- The solar PV equipment would not be installed on a wall (J.2 (a, b and c)).

5.8 In relation to the criteria of Schedule 2, Part 14, Class J.4:

- The solar PV equipment would be sited on an existing office building in a mixed area containing dwellings, and another nearby council building. In addition, the proposed solar panels are to replace the existing panel in siting and design. In addition, there have been no material planning objections received from neighbouring properties. Given the existing nature of the surrounding area, the proposed siting of the solar PV equipment is not considered to have a detrimental impact on the external appearance of the building or the visual amenity of the surrounding area. (J.4 (1a)).

5.9 The proposal meets the remaining criteria of Schedule 2, Part 14, Class J.4.

5.10 In assessing this application against the criteria of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015, officers consider that prior approval is not required for the proposed installation of solar panels to the existing office council building.

6 CONDITIONS

1. The solar PV equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building.

REASON: To safeguard the character and appearance of the building.

2. The solar PV equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area.

REASON: To safeguard the amenity of the area.

3. The solar PV equipment is removed as soon as reasonably practicable when no longer needed.

REASON: To safeguard the amenity, character and landscape of the area.

Contact Officer: Eloise Street

Telephone Number:

Date: 29th May 2024