

APPLICATION NO.	P13/V1481/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.7.2013
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Eric Batts Debby Hallett
APPLICANT	Reverend Father Paul King
SITE	Church Of Our Lady Of The Rosary 1 Yarnells Hill North Hinksey Oxford, OX2 9BD
PROPOSAL	Retrospective application for demolition of floor slab and foundations. Cover demolition layer with recycled tarmac planings to allow access for maintenance and overflow carpark. Repair damaged drain.
AMENDMENTS	None
GRID REFERENCE	448974/205666
OFFICER	Robert Cramp

1.0 INTRODUCTION

- 1.1 The application seeks retrospective planning permission for the construction of a car parking area and access in connection with an existing church (use class D1). The car parking is on the site of a former church presbytery. The use of the land for car parking in connection with the church does not therefore constitute a change of use of the land. The current application, therefore, relates only to the operational construction of the car park itself. Location plan attached.
- 1.2 The application comes to the planning committee as North Hinksey Parish Council objects to the application.

2.0 PROPOSAL

- 2.1 The application site is situated on the south east corner of Yarnells Hill and Westminster Way, which runs parallel to the A34 (Oxford Ring Road) at Botley. The application site is adjoined to the south and east and on the opposite side of Yarnells Hill to the west by detached and semi-detached residential development.
- 2.2 The application site was the site of a former presbytery building occupied and used in connection with the adjoining 'Church of Our Lady of The Rosary'. The presbytery ceased to be occupied in or around 1983 and was subsequently demolished to floor slab level.
- 2.3 In or around September 2010 work commenced to clear the former presbytery site of existing trees and remaining floor slabs; and to lay the area with recycled tarmac planings to allow access for maintenance and as a church car park accommodating up to 20 vehicles. A low hedge has been maintained to the northern and western boundaries to partially screen the car park land from Yarnells Hill and Westminster Way. Access to the site is current via the existing access to the former presbytery off Yarnells Hill. The construction of the car park was undertaken without the benefit of planning permission.

- 2.4 The current application seeks to regularise the above breach of planning control subject to the following proposed modifications:
- the closure of the existing (former presbytery) access off Yarnells Hill, by the reinstatement of the kerb
 - the use of the church's existing access further away from the intersection of Westminster Way / Yarnells Hill; and
 - the provision of an internal ramp from the existing church car park down to the new car park on the former presbytery site.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 North Hinksey Parish Council - Object
- Object** for the following reasons:
- Proposed access too close to junction of Yarnells Hill and Westminster Way
 - Proposed access too close to Coles Close
 - Parking area needs to be gated to prevent access by persons other than church goers and to prevent fly-tipping.
 - Insufficient information about sewage and surface water disposal
 - If the council is minded to approve then the width of the drop kerb should be widened as proposed on the submitted plans.
 - Suggested alternative access adjacent to the north western boundary and behind the church.
 - Suggest that the county council purchase the land on the corner of Yarnells Hill and Westminster Way from the applicant to improve visibility
- 3.2 Peter Dela (Property Services Drainage) - Object
- No objection** as permeable surfacing of the car park is proposed and repairs to the existing piped watercourse that crosses the site have been carried out.
- 3.3 Forestry Team –
- No strong views**, however the following observations are given:
- until a couple of years ago, there were a number of maturing trees on the Westminster Way boundary that made a significant contribution to the character of the area. I am pleased, therefore, to see that the applicant has sought to mitigate their loss by proposing several new trees to be planted along the same boundary.
 - The genera chosen (Prunus and Acer) are small trees and suited to a domestic garden. These could readily be substituted for medium-sized or large tree species which would offer a better contribution to the visual amenity and be enjoyed by a substantial number of people. Suitable species would be Beech, Oak, Hornbeam, Plane etc.
- 3.4 Highway Liaison Officer (OCC)
- No objection** for the following reasons:
- Clearer plans have been provided with the current application detailing access and visibility splay improvements.
 - Closure of the northern access is supported.
 - Replacement of the hedge on the corner of Yarnells Hill and Westminster Way with low level landscaping will provide much improved visibility.
 - The ramp down to the parking area is now proposed to be no steeper than 1:12 which meets current guidance.

- The parking area will benefit from marking spaces to ensure efficient use of space.
 - Suggest conditions:
 - Access in accordance with specified plans
 - Soft landscaping to the corner to be maintained lower than 600mm;
 - Car parking spaces to be marked
 - Provision of a designated turning space
 - Closure of redundant access
- 3.5 Ward Councillor – Debby Hallett **Objects** for the following reasons:
- Access is inadequate.
 - Existing on street parking is inconsiderate, unsafe and at times illegal.
 - Suggest parking restrictions and enforcement in Yarnells Hill.
- 3.6 1 x Neighbour Objections **Objects** for the following reasons:
- Inadequate manoeuvring room at the proposed access to the site.
 - Inadequate hard and soft landscaping measures to protect and enhance the visual amenity of the site and its surroundings.
 - Closing off of existing access will result in more dangerous parking at the bottom of Yarnells Hill.
- 3.7 1 x Neighbour No Strong Views **No strong views** but offers the following comments:
- Much improved from previous proposal.
 - Removal of the hedge at the corner will slightly improve vision.
 - Relocation of site entrance can only be good.
 - More trees could be planted.
 - Measures must be taken to prevent continued parking on Yarnells Hill opposite the proposed access, which is unsafe.
- 4.0 **RELEVANT PLANNING HISTORY**
- 4.1 The application site has a long history of use as a former presbytery occupied and used in connection with the adjoining 'Church of Our Lady of The Rosary' (use class D1). According to the applicant the presbytery ceased to be occupied in 1983.
- 4.2 On 10 March 1986 planning permission ([P86/V1310/O](#)) was granted for the demolition of the existing presbytery and the erection of a replacement building of similar size. The original building was subsequently demolished to slab level, but the new building was never constructed. In time the site became overgrown with vegetation.
- 4.3 On 23 September 1993 planning permission ([P93/V1180](#)) was granted for the provision of a car parking area with provision for 7 additional spaces on church land immediately to the south of the application area. This car parking area was never constructed.
- 4.4 In or around September 2010 work commenced to clear the former presbytery site of existing trees and the remaining floor slabs; and to lay the area with recycled tarmac planings to allow access for maintenance and as a church carpark accommodating upwards of 20 vehicles. A low hedge was maintained to the northern and western boundaries to partially screen the land from Yarnells Hill and Westminster Way. Access to the site was via the existing presbytery access off Yarnells Hill. The construction of

the carpark was undertaken without the benefit of planning permission.

- 4.5 On 5 October 2011 a retrospective planning application ([P11/V1531](#)) aimed at regularising the above breach of planning control was withdrawn prior to determination.
- 4.6 On 8 January 2013 a retrospective planning application ([P12/V1725/FUL](#)) aimed at regularising the above breach of planning control was refused for the following reasons:
1. The location, design and layout of the access, landscaping and onsite manoeuvring and parking areas provide insufficient sight clearance to the junction of Yarnells Hill and Westminster Way; inadequate manoeuvrability; and poor definition between areas designated for cars and pedestrians. This is contrary to highway safety and policy DC5 of the local plan; and
 2. Poor quality design contrary to local character and distinctiveness, with inadequate landscaping measures to protect and enhance the visual amenity of the site and its surroundings, contrary to policies DC1 and DC6 of the local plan.
- 4.7 The current application now seeks to address the previous reasons for refusal

5.0 **POLICY & GUIDANCE**

5.1 Vale of White Horse Local Plan 2011 policies;

CF2 - Provision of New Community Services and Facilities
DC1 - Design
DC5 - Access
DC6 - Landscaping
DC9 - The Impact of Development on Neighbouring Uses
GS1 - Developments in Existing Settlements

5.2 The National Planning Policy Framework

6.0 **PLANNING CONSIDERATIONS**

- 6.1 In determining the current application the committee should be mindful that the use of the land for the purposes of car parking in connection with the church does not constitute a material change of use of the land or a breach of planning control. It is an activity that is ancillary to the lawful use of the land as a place of worship. Similarly the existing access to the newly formed car park, which is close to the intersection of Yarnell Hill and Westminster Way, does not constitute a breach of planning control having existed in its current form and location for many decades. Indeed the only element that constitutes a breach of planning control and for which planning permission is required is the laying of the hardstanding that facilitates the parking of vehicles.
- 6.2 Therefore if the council was to refuse the current application and enforce against the breach of planning control, the enforcement notice could only require the removal of the hardstanding material and the reinstatement of the area to lawn. It could not require the use of the land for parking to cease, nor could it require the existing access to be removed.
- 6.3 Although the laying of the hardstand was undertaken without prior planning permission, it has resulted in one advantage to the area, which appears to be generally accepted by most parties. Namely, it facilitates the provision of onsite parking for an additional 20 vehicles resulting in a corresponding reduction in on-street parking on Yarnells Hill associated with the activities of the church. If the council was to refuse to grant planning permission for the hardstanding and enforce against the development, this would likely

serve to discourage the use of the area for parking, which would in turn force congregants to park on the road, as they did previously. Although on street parking of vehicles by churchgoers has in the past been a source of objection for local residents, it does not constitute a breach of planning control or a situation over which the council has any control. The loss of the additional onsite parking area would therefore represent an opportunity lost to the local area.

- 6.4 It is therefore in the best interests of all parties to try to agree upon a suitable arrangement that will allow for the retention of the car parking area, whilst addressing those issues that give rise to concern, namely:
- highway safety;
 - the provision of landscaping;
 - neighbour amenity; and
 - other material considerations

Access, Highway Safety and Convenience

- 6.5 Policy DC5 of the local plan states that proposals for development will only be permitted provided that safe and convenient access will be provided both within the site and to and from the adjoining highway network.
- 6.6 In order to retain the car parking area the church is proposing the following measures aimed at addressing highway safety concerns:
- the stopping up of the existing access which is considered too close to the intersection of Yarnells Hill and Westminster Way and therefore unsafe;
 - a widening of the existing alternative access situated further away from the intersection of Yarnells Hill and Westminster Way with a proposed internal ramp providing access to the newly formed car park;
 - the removal of part of the existing hedge from the corner of Yarnells Hill and Westminster Way to be replaced with low level plantings and an open post and rail fence to improve visibility and sight distances to and from the access.
- 6.7 The county engineer has endorsed these measures as an improvement over the previously refused proposal and acceptable to highway safety
- 6.8 Some objectors including the parish council have raised concern that the proposed access to the car park is directly opposite the access to the Coles Court residential development. This has been discussed with the county engineer, who has advised as follows: *“I have no significant concerns with the access being located opposite Coles Court as the use of the church is unlikely to coincide with the peak hours for a residential use”*. It should also be noted that the church access already exists and is already used for access to parking spaces adjacent to the church building. This alternative access point represents a significant improvement over the existing access point closer to the corner of Westminster Way, which the church has voluntarily agreed to stop-up.
- 6.9 The parish council has also indicated its preference for the parking area to be gated to prevent access by persons other than church goers and to prevent fly-tipping. This would appear to be impractical, as the entire frontage of the church site to Yarnells Hill is otherwise unfenced, providing unfettered access to the church site by other means. It is also considered unjustified as the existing open access to the site does not appear to have given rise to any significant problems relating to fly-tipping or anti-social behaviour. Furthermore the church is a responsible land owner with an interest in ensuring that its site remains clean and well presented to the local community.

- 6.10 The parish council has also indicated its preference for:
- the provision of an alternative access at the furthest point along the Yarnells Hill frontage away from the Westminster Way intersection, with a road extending around the full perimeter of the site (i.e. along the south western and south western boundaries) to the newly formed car park in the north; and
 - the purchase of the land on the corner of Yarnells Hill and Westminster Way from the applicant by the county council in order to improve visibility at the intersect.
- 6.11 However, these suggestions fall well outside the scope of the current proposal or the reasonable ability of the council to control by the imposition of conditions of planning permission. Similarly, the suggested provision of parking restrictions in Yarnells Hill is a matter for highway authority to determine. The highway liaison officer, representing the county council has raised no objection to the granting of planning permission subject to conditions.

Landscape and Design

- 6.12 Policy DC1 of the local plan states that development will be permitted provided it is of a high quality design that does not adversely affect those attributes that make a positive contribution to the character of the locality; and it takes into account local distinctiveness and character. Policy DC6 requires all proposals for development to include hard and soft landscaping measures to protect and enhance the visual amenity of the site and its surroundings.
- 6.13 Common to many of the objections received in connection with the current proposal is the concern expressed over the loss of existing trees from the site to facilitate the construction of the car park. Although the site was by all accounts overgrown and unkempt prior to the development, it is the perception of the objectors that the character of the area and the visual amenity of the site and its surroundings have been harmed by the development, particularly with regard to the loss of trees and vegetation.
- 6.14 The applicant proposes to maintain the existing hedge to the Westminster Way frontage of the site. However, in response to concerns previously raised by the highway liaison officer the hedge on the corner of Westminster Way and Yarnells Hill is to be replaced with low level vegetation and an open post and rail fence to improve visibility at the corner. The applicant also intends to plant additional trees to improve the visual amenity of the site.
- 6.15 Although this represents an improvement on the previously refusal proposal the size and spread of the proposed trees do not go far enough in addressing the concerns of objectors regard the impact that the development has had on the landscape quality of the site as a result of the loss of trees. In this regard the council's forestry officer has recommended the substitution of proposed species with Beech, Oak, Hornbeam or Plane trees to improve the landscape quality of the site. These should extend further along the frontage to Westminster Way than is currently proposed. This can be dealt with by conditions of planning permission in accordance with policy DC6 of the local plan.

Other Material Considerations

- 6.16 The parish council has expressed concern that insufficient information has been submitted regard surface water disposal. However, the council's drainage engineer has raised no objection to the development on the basis that the car park has been constructed with a permeable surface allowing for the infiltration of rainwater into the ground. The engineer also advises that repairs to the existing piped watercourse that crosses the site have been carried out.

7.0 **CONCLUSION**

- 7.1 Subject to the imposition of appropriate conditions as discussed in the above report, the current application for the construction of a car park in connection with an existing church adequately addresses issue of highway safety, landscape, design and neighbour amenity. If retrospective planning permission is not granted and the council chooses to enforce against the development it will force congregants to park on the street which would represent an opportunity lost to the local area.

8.0 **RECOMMENDATION**

To grant planning permission subject to the following conditions:

1. That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, Location Plan No.1302-P100; and Site Plan No.1302-P101, except as controlled or modified by conditions of this permission.

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

2. Full details of all hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority within 4 months of the granting of this planning permission. These details shall include hard surfacing materials; schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities); the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread); any earth moving operations; boundary treatments; the widening/stopping up of access points and vehicle manoeuvring areas; the marking of car parking spaces; and implementation programme for the completion of all such works. Proposed tree plantings shown on the submitted Site Plan No.1302-P101 shall be substituted by larger tree species consisting of Beech, Oak, Hornbeam or Plane trees to extending along the full frontage of Westminster Way and elsewhere as shown.

Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policy DC6 of the adopted Local Plan).

3. This planning permission shall lapse if all required works are not implemented in accordance with the details and programme approved under Condition 2 above.

Reason: To ensure the timely implementation of appropriate landscaping which will improve the environmental quality of the development; and in the interests of highway safety (Policies DC5 and DC6 of the adopted Local Plan).

4. All hard and soft landscape works shall be carried out in accordance with the details and programme approved under Condition 2 above. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted. Low level planting on the corner of Yarnells Hill and Westminster Way shall be maintained so as not to exceed a height of 600mm.

Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development consistent with highway

safety (Policies DC5 and DC6 of the adopted Local Plan).

5. External lighting will only be permitted in accordance with a lighting scheme to be approved in writing by the Local Planning Authority. Any such lighting shall be directed downwards to prevent nuisance to adjoining residential occupiers from light spillage and shall be turned on only during the hours of use of the church and remain off at all other times.

Reason: To safeguard the amenity of neighbouring residents (Policy DC9 of the adopted Local Plan).

6. The internal ramp at a gradient not exceeding 1:12; vehicular access; and visibility splays hereby approved shall be implemented in accordance with the details and programme approved under Condition 2 above. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.

Reason: In the interest of highway safety (Policy DC5 of the adopted Local Plan).

7. Car parking spaces (2.5m x 5.0m) shall be marked out on the site in accordance with the details and programme approved under Condition 2 above. Thereafter, the spaces shall be kept permanently free of any obstruction to such use.

Reason: In the interest of highway safety and to avoid localised flooding (Policy DC5 of the adopted Local Plan).

8. A turning space to enable motor vehicles to enter the site, turn around and leave in a forward direction shall be constructed in accordance with the details and programme approved under Condition 2 above. Thereafter, the turning space shall be kept permanently free of any obstruction to such use.

Reason: In the interest of highway safety (Policy DC5 of the adopted Local Plan).

9. The existing redundant vehicular access to the highway shall be permanently stopped up in accordance with the details and programme approved under Condition 2 above.

Reason: In the interest of highway safety. (Policy DC5 of the adopted Local Plan).

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