

# Minutes

of a meeting of the

## Planning Committee



held on Wednesday, 25 January 2023 at 7.00 pm in Meeting Room 1, Abbey House, Abbey Close, Abingdon, OX14 3JE

**Open to the public, including the press**

### **Present in the meeting room:**

Councillors: Max Thompson (Chair), Val Shaw (Vice-Chair), Ron Batstone, Cheryl Briggs, Jenny Hannaby, Diana Lugova, Robert Maddison, Mike Pighills, and Janet Shelley

Officers: Darius Zarazel (Democratic Services Officer), Emily Hamerton (Development Manager), Martin Deans (Planning Officer), Stuart Walker (Planning Officer), and Cathie Scotting (Planning Officer)

### **Remote attendance:**

Officers: Susie Royse (Broadcasting Officer) and Nathaniel Bamsey (Planning Officer)

Guests: Councillor Debby Hallett, Edward Church (Countryside Officer), and Leigh Travers (Drainage Engineer), Will Pedley (Oxfordshire County Council Highways Officer), Ian Marshall (Oxfordshire County Council Highways Officer)

### **98 Chair's announcements**

The chair welcomed everyone to the meeting and outlined the meeting procedure to be followed. He also explained the emergency evacuation procedure.

### **99 Apologies for absence**

There was no apologies for absence.

### **100 Minutes**

**RESOLVED:** to approve the minutes of the meeting held on 4 January 2023 as a correct record and agree that the Chair sign these as such.

### **101 Declarations of interest**

There was no declarations of interest.

## **102 Urgent business**

There was no urgent business.

## **103 Public participation**

The committee noted the list of the members of the public who had registered to speak at the meeting.

## **104 P20/V2298/FUL - Land at Yarnells Hill, Oxford**

The committee considered planning application P20/V2298/FUL for the erection of three detached dwellings, including access and landscaping (as amended by drawings and information received 27 July 2021 and amplified by consultants' reports received 8 September 2022 and additional information received 10 October 2022), on land at Yarnells Hill, Oxford.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was called into the committee by a local ward member, Councillor Debby Hallett. The planning officer informed the committee that the application was for three new houses on a greenfield site at Yarnells Hill.

In addition, the planning officer noted the main objections to the application which were on biodiversity grounds, particularly around the potential impact on the local badger population, and the impact on the alkaline fen in Raleigh Park and a stream running adjacent to the site. The planning officer also indicated that fen was defined as irreplaceable habitat in the National Planning Policy Framework (NPPF).

However, due to the mitigation methods outlined in the report and secured through potential conditions, the planning officer believed that there could be biodiversity net gain, that the badgers' sett could be moved and controlled through Natural England and their licencing scheme, and that the impacts of surface and fowl water on the alkaline fen could be limited through several sustainable drainage systems, maintained over time, and through conditions during the construction phase of the development.

In addition, the planning officer considered that the proposed houses were of contemporary design and that there was sufficient distance between the properties, and the neighbours, so that they did not adversely impact neighbour's amenity. As technical officers believed that the impact on trees, biodiversity, traffic, and parking were considered acceptable, the planning officer recommended the application be approved, subject to conditions.

Stephen Parkinson spoke objecting to the application.

Ian Gillespie, the agent representing the applicant, and Dr Peter Shepherd, Sam Pucknell, and Ed Tyack spoke in support of the application.

Councillor Debby Hallett, a local ward councillor, spoke objecting to the application.

The committee had conducted a site visit prior to the discussion of the application. Members then asked the countryside officer, Edward Church, as to why he was unable to support the application but also why he did not object to the application either. In response, the countryside officer confirmed that he believed that a development close to the alkaline fen would pose a risk but that the applicant had provided detailed mitigation measures. Therefore, the countryside officer felt that on balance, despite the risk, he could not object to the application.

The committee then asked the drainage engineer, Leigh Travers, about how the council might ensure the maintenance of the drainage scheme so that it would never have an impact on the fen. In response, the drainage engineer confirmed that a maintenance management company would be responsible for this, but none would be appointed until after the application was approved. Furthermore, the planning officer informed members that maintenance schedule logs could be required through condition so that they could be examined to ensure regular maintenance.

Members continued to express concern about the proposed development and the impact it would have on the fen and the badger population as they believed that there was no way to guarantee they would not be degraded over time as a result of the application. Members felt the responsibility to the NPPF was to ensure the protection of this irreplaceable habitat, and that the lack of clarity around the conditions extending into the future and the lack of certainty of the protections they would provide were not considered to be sufficient.

Overall, members maintained concerns about the site's suitability for development due to the potential risk of damage to the fen and the impact the relocation of the badger sett would have on the badger population. Therefore, despite mitigation, the committee believed that the proposed development would lead to unacceptable risk of harm to irreplaceable habitat, contrary to local plan, neighbourhood plan, and the NPPF.

A motion, moved and seconded, to refuse the application was carried on being put to the vote.

**RESOLVED:** to refuse planning application P20/V2298/FUL, for the following reason:

Despite the mitigation measures proposed, the development would lead to an unacceptable risk and harm to irreplaceable habitat and to protected species and habitat, having regard to the sensitivity of the nearby alkaline fen to type and amount of water supply and to the impact on the badger sett on the site. This is contrary to policy CP46 of the adopted Local Plan 2031 Part 1, to policy GS2 of the North Hinksey Neighbourhood Plan 2031, and to the NPPF.

**105 P22/V1757/FUL - Street Record, Kingston Road, Frilford, Abingdon, OX13 6QL**

The committee considered planning application P22/V1757/FUL for improvement works to Frilford Junction incorporating widening of A415 Kingston Road and A338 Oxford Road with provision of 3 metre wide cycle way on the west side of the A338 and south side of the A415 Kingston Road and widening of the footway to east side of A338 to 2 metres, widening of A415 Frilford Road with provision of 2 metre wide cycle feeder lane and relocated bus stop waiting area (as amplified by additional information received 09 November 2022), on land at Street Record, Kingston Road, Frilford Abingdon.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was for highway improvement works at the Frilford junction and formed part of the highway's mitigation associated with the current hybrid planning application on the land east of Kingston Bagpuize (planning reference P22/V0248/O).

The planning officer highlighted the proposed works which included the widening of the northbound A338 road on the western side, and on southern edge of the A415, and the inclusion of a cycle way together with new landscaping to mitigate the loss of an existing hedgerow. The planning officer also confirmed that the principle of the proposal was acceptable and that there was no harm caused to any heritage assets and that the biodiversity loss would be addressed by condition.

On the concern by residents and parish councils that the application did not address all the issues at the junction, the planning officer informed members that the applicant only needed to mitigate the impact of their own development not all the extant issues.

Finally, in respect of the wider Oxfordshire County Council (highway authority) scheme of improvements, the timeframe for this was unknown. In this application, the improvements were explicitly put forward as an alternative to a contribution to the highway authority improvement scheme to allow the Kingston Bagpuize hybrid application to go forward.

As the planning officer believed that there were no technical planning reasons for refusal, he recommended it be approved subject to conditions, a S106 legal agreement, securing the works or for land to be transferred to the highway authority should it be required for further improvements.

Shaun Forrestal spoke on behalf of Frilford Parish, objecting to the application. Councillor Michael Hoath spoke on behalf of Marcham Parish Council objecting to the application.

Roger Smith, the agent representing the applicant, Vicky Bilton, and Sean McIntyre spoke in support of the application.

Councillors Eric Batts, local ward councillor, spoke objecting to the application. A statement was read out on behalf of Councillor Catherine Webber, a local ward councillor, who couldn't attend the meeting in support of the application.

The committee then clarified with the planning officer that the application was a standalone application not dependant on the any future highway authority improvement scheme and should be judged on its own planning merits.

Members then asked Oxfordshire County Council highway officer, Will Pedley, about the turning movements into the junction but were informed

that the highway authority did not have any concerns about this. In addition, on the long-term improvement plan, the highway officer could not say how much of this application would be incorporated into their longer-term plan but that the optioneering study should be complete by summer 2023. Ultimately, the highways officer reviewed the scheme as part of the mitigation for the Kingston Bagpuize application and was content that it did adequately mitigate its impact, actually going beyond that, and that their modelling assessment accounted for all other permitted development in the area and the traffic associated with the development permitted in the local plan.

Members also noted that should the application be passed, the timeframe for its implementation would be linked to a residential occupation condition in the forthcoming Kingston Bagpuize housing development, and that if this housing application did not pass, then this junction improvement would not go ahead even if it was approved.

The committee then asked the planning officer if the funds could be ensured to be used by the highway authority for the improvement to the Frilford junction alone and not diverted elsewhere, and this was confirmed by the planning officer as it would form an explicit part of the legal agreement.

Overall, as members considered the application to be a positive improvement to the junction, they agreed the application should be approved subject to conditions.

A motion, moved and seconded, to delegate the authority to grant planning permission to the head of planning was carried on being put to the vote.

**RESOLVED:** to authorise the head of planning to grant planning permission for application P22/V1757/FUL, subject to the following:

1) the completion of a S106 legal agreement to secure the highway works.

2) the following conditions:

1. Commencement
2. Approved plans
3. Tree protection
4. Landscaping scheme
5. Construction Management Plan
6. Biodiversity enhancement

7. Biodiversity offsetting
8. Archaeological scheme of investigation
9. Archaeological evaluation

**106 P22/V2053/RM - Land south of Park Road, Faringdon, SN7 7PL**

The committee considered reserved matters application P22/V2053/RM for access, appearance, landscaping, layout and scale in relation to the Extra Care Facility following Outline Approval P17/V1082/O. (As amended by drawings received 22 September 2022 and amended drawings and information received November 2022). Hybrid application for the demolition of existing building/structures and the comprehensive redevelopment of Land South of Park Road, Faringdon, comprising up to 380 residential dwellings (Use Class C3) including affordable homes, provision of an Extra Care facility (Use Class C2 or C3), the provision of land for a school (Use Class D1), vehicular, pedestrian and cycle access from Park Road and Sands Hill, parking, public open space, landscaping, sustainable drainage, and other associated works: 'Phase 1' (Full details): 103 residential dwellings (Use Class C3), access and parking, public open space, landscaping, sustainable drainage, parking and other associated works. Outline: Up to 277 residential dwellings (Use Class C3), Extra Care Facility (Use Class C3 or C2), land for a school (Use Class D1), access and parking, public open space, landscaping, sustainable drainage, parking and other associated work with all matters reserved, on land south of Park Road, Faringdon.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was brought to the committee due to the objection of Faringdon Town Council. The application itself was a reserved matters application for the provision of a care facility. This was originally granted as part of a hybrid application detailing access from Park Road and full details of 103 dwellings, and an outline of 277 houses and an illustrative layout of the care facility.

The planning officer highlighted that the care facility site was on the corner of Steppe Lane, Proctor Way and Brickell Way and that the majority of the building was three stories tall, with small parts being four storeys, and included a two-storey projection. The surrounding properties were two and a half and two stories tall. As the care facility was set back around 15 metres from the frontage of the road, and there was a 2.5-meter difference in height between the surrounding residential buildings and the proposed building, the planning officer believed that the

application would not be a detriment to the amenity of the surrounding neighbours. The planning officer also noted that the development comprised 47 per cent of the affordable housing across the whole development site.

As the planning officer was satisfied that the building height would not adversely affect neighbouring amenity and that it complied with the parameter plan, she recommended the application be approved subject to conditions.

Councillor Mike Wise spoke on behalf of Faringdon Town Council, objecting to the application.

Andy Tansill, the agent representing the applicant, spoke in support of the application.

The committee asked the planning officer about the background of the reserved matters application and if there were any previous care home plans submitted. In response, the planning officer confirmed that illustrative plans were submitted at the outline stage and at phase two. The outline permission for the care facility had been approved for 60 units and for the specific size of the site. The blocks were changed from individual housing in the illustrative plans into a single block, but members were informed that this was considered necessary for operational and safety reasons.

Members then asked the planning officer about the water capacity study for water supply that was a condition on the outline permission and noted that this was discharged in relation to the residential development. The planning officer advised that the agents did not believe there was an issue with water supply, however details for this were covered by outline conditions and that this could be highlighted in the informative regarding outline conditions.

Members also asked the planning officer for clarification about the Faringdon neighbourhood plan and if the proposal met its policies. In response, the planning officer highlighted that it was policy 4.7c which required a development's height to respond to its surroundings and the character of the immediate area and the members of the committee were satisfied that the proposed development was in conformity with these requirements.



Overall, members believed that there were no material planning reasons for refusal and agreed that the application should be approved, subject to conditions.

A motion, moved and seconded, to authorise the Head of Planning, in consultation with the chair of the planning committee, to approve the reserved matters application was carried on being put to the vote.

**RESOLVED:** to authorise the head of planning, in consultation with the chair of the planning committee, to approve the reserved matters application P22/V2053/RM, subject to:

i) the completion of a Deed of Variation to the S106 agreement pertaining to planning permission P17/V1082, to omit reference to a particular specialist housing provider; and

ii) the following conditions:

Standard:

1. Development in accordance with approved plans

Pre-commencement:

2. Protect hedges during construction
3. Construction Management Statement
4. Access and Vision Splays
5. Car Parking
6. Landscaping – Tree Species
7. External Plant (Noise and Visual Impact)
8. Details of external lighting
9. Details of cycle parking (including covered parking)
10. Details of electric vehicle charging points

Informative:

11. Details in respect of outline conditions including water supply
12. Commencement

**107 P22/V1309/FUL - Thickets, Hinksey Hill, Oxford, OX1 5BQ**

During this agenda item, the meeting length had reached almost two and a half hours. In accordance with the council's Constitution, the committee voted to extend the meeting in order to finish this item.

The committee considered planning application P22/V1309/FUL for the S73 application to vary condition 2 (approved plans) on application P21/V2852/FUL-change car lift to vehicular ramp. (As amended by

additional information received 22 June 2022, as amplified by additional plan received 11 July 2022 and as amended by plan received 21 December 2022) (Application for full planning permission for demolition and construction of a replacement dwelling. Amendments to previously approved permission P18/V3111/FUL), on land at Thickets, Hinksey Hill, Oxford.

Consultations, representations, policy and guidance, and the site's planning history were detailed in the officer's report, which formed part of the agenda pack for the meeting.

The planning officer introduced the report and highlighted that the application was brought to the committee by the development manager. In addition, the planning officer corrected the report as Councillors Diana Lugova and Bob Johnston were not ward members to the application.

The planning officer informed the committee that the application was for the varying of permission for application P21/V2852/FUL to remove the approved car lift to the basement and replace it with a ramp. The site itself was home to a detached dwelling set back from the road, within the Oxford Green Belt, and with several trees being protected via a tree protection order.

Although the new ramp and access would result in the loss of several trees, the planning officer confirmed that the tree officer found this acceptable. However, the tree officer did request a condition to be put on the approval of the application for their replacement, and that the trees with a protection order also be protected via conditions.

The planning officer also informed the committee that there were no additional car parking spaces proposed in the application and that there was a recommended condition which would limit the use of the basement to only what was shown on the plans. Due to this limited amendment and the suggested conditions, the planning officer did not believe this variation would adversely impact the Green Belt.

Overall, as there were no objections from technical consultees, the planning officer recommended that planning permission be granted subject to conditions.

Councillor Linda Goodhead spoke on behalf of South Hinksey Parish Council, objecting to the application.

Michael Ergatoudis, the agent representing the applicant, spoke in support of the application.

The committee asked about where the replacement trees would be located and planning officer confirmed that the landscaping scheme in the conditions would require the applicant to outline both the location and species of the replacement trees, which would then be confirmed with the council.

Members also raised the potential of conditioning a restriction on permitted development rights. However, as the application was only for a variation on an already approved plan, the planning officer did not consider it reasonable to restrict permitted development rights on a part of the site not covered in this application.

Members raised concerns about the potential use of the basement for other uses outside of that described by the application, however, they were satisfied that the wording of the conditions was sufficient to prevent this and that it would only allow for the use as shown on the plans.

Overall, as members could not find any material planning reasons for refusal, they agreed to approve the application subject to conditions.

A motion, moved and seconded, to approve the application was carried on being put to the vote.

**RESOLVED:** to approve planning application P22/V1309/FUL, subject to the following conditions:

Standard:

1. Time Limit - Variation of Condition
2. Approved plans

Prior to commencement:

3. Tree protection (implementation as approved)
4. Drainage Details (Surface Water)
5. Drainage Details (Foul Water)
6. Landscaping Scheme (trees and shrubs only)

Prior to occupation:

7. Car Parking (Full)

Compliance:

8. Materials in Accordance with Application
9. Permitted Development Restriction on Single Dwelling Extensions
10. No basement conversion

Informatives:

11. Community Infrastructure Levy

The meeting closed at 9.50 pm