

<b>APPLICATION NO.</b>	<a href="#">P14/V2829/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	5.1.2015
<b>PARISH</b>	WANTAGE
<b>WARD MEMBER(S)</b>	Charlotte Dickson Julia Reynolds Fiona Roper
<b>APPLICANT</b>	Vanderbilt Homes
<b>SITE</b>	23 Wallingford Street, Wantage, OX12 8AU
<b>PROPOSAL</b>	Erection of two shops and 7 one bedroom and 17 two bedroom flats.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	439975/187936
<b>OFFICER</b>	Holly Bates

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## SUMMARY

- The application is referred to committee due to an objection from Wantage Town Council.
  - The proposal is for the erection of two shops, 7 one bedroom flats and 17 two bedroom flats in Wantage Town Centre.
  - The same proposal was refused at planning committee under application P13/V1467/FUL in March 2014 due to the insufficient provision of affordable housing and contributions proposed to mitigate the impact of the development.
  - P13/V1467/FUL was also dismissed at appeal in November 2014 and the Inspector provided a clear indication of what planning obligations were, and were not justified in this case.
  - The main issue is:
    - Whether the proposed contributions are acceptable.
  - The recommendation is to approve the application subject to conditions and the completion of a S106 legal agreement.
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## 1.0 INTRODUCTION

- 1.1 This application relates to land at 21 and 23 Wallingford Street, Wantage. The site is located in Wantage Town Centre a short distance from the Market Place and sits at the corner of Wallingford Street and Stirling Road opposite Waitrose. The site is located within the conservation area, and opposite listed buildings. A site plan is attached at **appendix** one.
- 1.2 The site was formerly occupied by two shop units fronting onto Wallingford Street with some parking to the rear and an informal parking area accessed from Stirlings Road. The site is currently cleared and vacant.
- 1.3 Planning permission and conservation area consent was previously granted for the demolition of the shop units and other small buildings on the site and their replacement with two identical shops fronting Wallingford Street, 14 flats and five shop

units to the rear fronting Stirlings Road. The demolition has been carried out and the site cleared however the new building has not been implemented.

- 1.4 Planning permission was refused at planning committee last year for the erection of two shops, seven one bedroom and 17 two bedroom flats due to the insufficient provision of affordable housing and contributions proposed to mitigate the impact of the development. This application (P13/V1467/FUL) was then subsequently dismissed at appeal, with the Inspector providing a clear indication of what contributions were, and were not justified. A copy of the appeal decision is **attached** at appendix two.

**2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the replacement of the two shop units fronting Wallingford Street and a new building to the rear accommodating 24 flats consisting of seven one bedroom units and 17 two bedroom units.
- 2.2 The proposed shop units would have the same appearance as the previously demolished units but would be slightly higher to meet modern building regulations standards and are the same as previously permitted. The flats to the rear would be accommodated in a single building fronting onto Stirlings Road opposite Waitrose.
- 2.3 The proposed building would be of a similar form to that previously permitted, with a varying ridge line and projecting elements to provide some articulation and appear as a series of town houses. The maximum ridge height to Wallingford Street would be 10.3m, and there would be varying ridge heights fronting onto Stirlings Road, the maximum being 12m, which is slightly lowered from the previously approved scheme (12.6m).
- 2.4 A new access is proposed to the site from the northern end from Stirlings Road which would serve 27 parking spaces some of which are accommodated under the building as undercroft parking. Covered bicycle parking and bin storage is also proposed as part of the scheme. The site layout includes an area of private amenity space to the rear of the building
- 2.5 It is proposed to use a material palette consisting of brick with stone detailing, render, tile hanging and tiles and slate for the roof, all to be agreed by condition which is recommended here.
- 2.6 Extracts from the application drawings are **attached** at appendix three.
- 2.7 The applicants and agents have been in discussions with officers and statutory consultees to agree financial contributions towards off site infrastructure to mitigate the impact of the development. The following contributions based on 24 dwellings have been agreed:

<b>Contribution Type</b>	<b>Amount</b>
<b><u>Oxfordshire County Council</u></b>	
<b>Education</b>	
Primary School expansion	£75,111.00
Secondary School expansion	£55,235.00
Special Educational Needs expansion provision	£2,140.00
<b>Property</b>	
Library	£3,564.90
Central library	£719.27

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Waste Management	£2,684.16
Museum Resource Centre	£209.70
Adult Day Care	£4,631.00
<b>Administration and Monitoring</b>	
Administration and Monitoring costs	£1,500.00
<b>Vale of White Horse District Council</b>	
<b>Sport and Leisure – all off site</b>	
Swimming Pools	£8,860
Sports Halls	£10,244
Artificial Grass Pitch	£1,463
Outdoor Tennis	£8,344
MUGA	£5,231
Health and Fitness	£4,892
Football Pitches	£4,082
Cricket Pitches	£1,497
Pavilion	£10,548
<b>Informal open space – off-site</b>	
Public open space maintenance	£6,377
<b>Other District Requirements</b>	
Administration and Monitoring	£4,800.00
<b>Overall Total</b>	<b>£212,133.03</b>

3.0

**SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1

Consultation Response	Comments
<b>Wantage Town Council</b>	“Object. This is an over development. The conditions required by the Conservation Officer for the previous application are supported. The Town Council would like to see fewer dwellings on this site. With regard to parking, it is unclear how the shops are to be serviced. The highway in Wallingford Street in this area is too narrow to accommodate parked delivery lorries. There are concerns that the shops are too small to be viable. A study commissioned by the District Council for the Local Plan indicates that there is a requirement for an additional 1,117 square metres of retail sales floor space in Wantage in the period 2014 - 2021. This is a prime town centre site where additional retail floor space should be provided on the ground floor.”
<b>Oxfordshire County Council One Voice</b>	<b>Highways:</b> No objections, subject to conditions and contributions  <b>Archaeology:</b> No objections, subject to conditions.  <b>Property:</b> No objections, subject to contributions  <b>Education:</b> No objections, subject to contributions.
<b>Leisure Team (Nortoft)</b>	No objections, subject to contributions.
<b>Environment Agency</b>	No objections, subject to conditions.
<b>Forestry Team</b>	No objections, subject to conditions.

<b>Waste Team</b>	No objections, subject to contribution.
<b>Thames Water</b>	No objections, subject to informative.
<b>Drainage Officer</b>	No objections, subject to condition.
<b>Countryside Officer</b>	No objections.
<b>Local Residents – 2 representations received</b>	<p>Object for the following reasons:</p> <p><b>Design and heritage issues</b></p> <ul style="list-style-type: none"> <li>• Building is not in harmony with the conservation area setting;</li> <li>• Over-development of the site;</li> <li>• Building is even higher than before;</li> <li>• Inadequate storage within the flats;</li> <li>• Inadequate space for rubbish and recycling;</li> <li>• Small units do not work well in Wantage;</li> <li>• No individual outside space.</li> </ul> <p><b>Highways and parking issues</b></p> <ul style="list-style-type: none"> <li>• Parking area too tight for modern cars;</li> <li>• Doors and gates should open inwards;</li> <li>• Parking regulations should be vigorously enforced.</li> </ul>

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P13/V1467/FUL](#) - Refused (26/03/2014) - Refused on appeal (26/11/2014)  
Erection of two shops, 7x1 bedroom and 17x2 bedroom flats.
- 4.2 [P13/V0103/FUL](#) - Withdrawn (02/08/2013)  
Erection of two shops and 8x1 bedroom and 18x2 bedroom flats. (Re-submission of withdrawn P12/V1868/FUL)
- 4.3 [P12/V1868/FUL](#) - Withdrawn (29/11/2012)  
Erection of two shops and 34 one and two bedroom flats.
- 4.4 [P11/V1759/CA](#) - Approved (01/02/2012)  
Demolition of existing building
- 4.5 [P11/V1758](#) - Approved (01/02/2012)  
Demolition of 21-23 Wallingford Street and replacement with very similar building also containing two shops and two flats. (Amendment to applications ref: 10/01284/FUL and 10/01366/CON)
- 4.6 [P10/V1281](#) - Approved (18/11/2010)  
Demolition of existing double garage to rear of the site. Proposed mixed use development including 5 no. retail units, 2 x 1 bedroom flats, 11 x 2 bedroom flats, 1 x 3 bedroom flat and refurbishment of existing retail units.

5.0 **POLICY & GUIDANCE**

5.1 **Vale of White Horse Local Plan 2011 policies:**

DC1 - Design

DC10 - The Effect of Neighbouring or Previous Uses on New Development  
DC5 - Access  
DC6 - Landscaping  
DC8 - The Provision of Infrastructure and Services  
DC9 - The Impact of Development on Neighbouring Uses  
H10 - Development in the Five Main Settlements  
HE1 - Preservation and Enhancement: Implications for Development  
HE4 - Development within setting of listed building  
S1 - New Retail Provision  
S4 - Non Retail uses in Abingdon and Wantage Town Centres

## 5.2 **Draft Vale of White Horse Local Plan 2031 Part 1**

The draft Local Plan Part 1 is not currently adopted policy and this emerging policy and its supporting text has limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies (listed above) within the existing Local Plan. The following policies of the emerging local plan are relevant:-

1 – Presumption in favour of sustainable development  
3 – Settlement hierarchy  
4 – Meeting our housing need  
7 – Providing supporting infrastructure and services  
15 – Spatial strategy for the South East Vale sub-area  
22 – Housing mix  
23 – Housing density  
32 – Retail development and other main town centre uses  
33 – Promoting sustainable transport and accessibility  
35 – Promoting public transport, cycling and walking  
37 – Design and local distinctiveness  
39 – The historic environment  
40 – Sustainable design and construction  
42 – Flood risk  
43 – Natural resources  
44 – Landscape  
46 – Conservation and improvement of biodiversity

## 5.3 **National Planning Policy Framework 2012**

## 5.4 **Planning Practice Guidance 2014**

## 5.5 **Supplementary Planning Documents and Guidance Design Guide - March 2015**

Responding to Site and Setting

- Character Study (DG6) and Site appraisal (DG9)

Establishing the Framework

- Existing natural resources, sustainability and heritage(DG10-13, 15, 19)
- Landscape and SUDS (DG14, 16-18, 20)
- Movement Framework and street hierarchy (DG21-24)
- Density (DG26)
- Urban Structure (blocks, frontages, nodes etc) DG27-30

Layout

- Streets and Spaces (DG31-43)
- Parking (DG44-50)

Built Form

- Scale, form, massing and position (DG51-54)
- Boundary treatments (DG55)
- Building Design (DG56-62)
- Amenity, privacy and overlooking (DG63-64)
- Refuse and services (DG67-68)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in determining this application are: i) the principle of additional residential development in this location, ii) whether the proposed contributions are acceptable; iii) the impact of the proposal on the character and appearance of the conservation area; iv) the impact of the proposal on the amenity of neighbouring properties, and v) parking and highway issues.

6.2 **Principle**

Wantage is covered by policy H10 of the local plan: Development within the Main Settlements. However, due to the council's current lack of a five year housing supply this policy is not fully consistent with the NPPF. Therefore, in accordance with paragraph 48 of the NPPF, the policy has little weight and new housing applications should be considered in the context of the presumption in favour of sustainable development. Sustainable development is made up of three strands – economic, social and environmental.

6.3 Following paragraph 14 of the Framework, applications for sustainable development should be permitted unless the adverse impacts “significantly and demonstrably” outweigh the benefits when assessed against the Framework as a whole.

6.4 Wantage is one of the largest settlements within the District. The application site is located within the town centre, within easy walking distance of a good range of services and facilities, and access to public transport which connects to various other settlements both within and outside of the District. When compared to many parts of the Vale, residents here have the potential to access employment and services, and to make use of non-car modes of transport, in ways that promise greater minimisation of the use of energy than anywhere else. Consequently, new housing in this area strongly supports the principle of sustainable development in terms of the economic and social perspectives.

6.5 Planning permission has previously been granted to re-develop the site in a similar form to that now proposed and the demolished shops would be replaced in a design which reflects the original buildings. The site was originally occupied by the two shops, some dilapidated outbuildings and private car parking area, therefore the site does not constitute an important open space in the conservation area.

6.6 The redevelopment of this site in a highly sustainable location is therefore supported by the NPPF in its encouragement of effective use of land reusing land that has previously been developed. It would also make a contribution towards the council's five year land supply deficit.

6.7 The environmental aspect of the proposal also needs to be assessed which will be addressed later in this report. This includes an assessment of the design of the development, the impact of the proposal on the character and appearance of the conservation area, neighbouring properties and highway safety.

6.8 **Contributions and viability**

6.9 **Contributions**

Policy DC8 of the Local Plan states that development will only be permitted where the necessary social and physical infrastructure and service requirements of future occupiers can be, amongst other things, secured or improved to a suitable standard through an appropriate financial contribution from the developer or landowner.

- 6.10 Paragraph 204 of the NPPF (and Regulation 122 of the Community Infrastructure Levy Regulations 2010) and states that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 6.11 Paragraph 026 of the Practice Guidance states to incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 6.12 The Planning Inspector, in dismissing the appeal for previous application P13/V1467/FUL, provided a clear steer on which contributions accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
- 6.13 The proposal includes contributions to off-set the impact of the development as listed at paragraph 2.7, all of which the Inspector identified as meeting the tests identified by the Framework as well as the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 6.14 Oxfordshire County Council has requested contributions of £56,913.84 towards strategic transport infrastructure and £20,280 towards the improvement of bus services. However, the Inspector did not consider that these types of contributions were sufficiently justified in the terms required by Regulation 122 of the Community Infrastructure Levy Regulations 2010. The Inspector held the same position for the district's waste provision contribution, which again has been requested for this application.
- 6.15 No further justification over and above what was provided under application P13/V1467/FUL has been provided for any of these three types of contribution: strategic transport infrastructure, public transport services or waste/recycling bin provision.
- 6.16 Given the Inspectors clear steer that these three specific contributions could not be considered to be sufficiently justified under current regulations, these are not being sought for this application and are not considered to be necessary to off-set the development.
- 6.17 Therefore, the proposal is considered to comply with policy DC8 in that it would provide necessary social and physical infrastructure and service requirements through appropriate financial contributions from the applicant. All of which would meet the necessary tests set out in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the guidance contained within the PPG.
- 6.18 **Affordable Housing**  
Local Plan Policy H17 requires the provision of 40% affordable housing on all development over 15 units in Wantage.

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- 6.19 Paragraph 019 of the Practice Guidance states that affordable housing contributions should not be sought without regard to individual scheme viability.
- 6.20 The applicants have not proposed any affordable housing provision based on the viability of the development.
- 6.21 For application P13/V1467/FUL, the applicants provided a report which, based on their assessment of the final value of the development that it is barely viable with no contributions or affordable housing and that with any of these requirements the scheme is rendered unviable. The report was assessed by an independent consultant on behalf of the Council who have advised that this scheme is marginal.
- 6.22 The Inspector attributed significant weight to this material consideration and concluded that development contrary to policy H17 would be acceptable in this case.
- 6.23 This current proposal is the same as that submitted under application P13/V1467/FUL. The Inspector's decision was issued on 26 November 2014; just under five months ago. It is not considered that there have been any material changes to deviate from this position and as such, in line with the Inspector's ruling, the conflict with policy H17 due to the viability of the scheme, in this case is considered acceptable.
- 6.24 **Visual amenity, character and heritage issues**  
Local plan policy HE1 requires that any development preserves or enhances the character and appearance of the conservation area; and local plan policy HE4 requires that development does not harm the setting of these heritage assets.
- 6.25 Local Plan Policy H10 seeks to ensure that development makes efficient use of the land and the layout, mass and design of the dwellings would not harm the character of the area.
- 6.26 Local Plan Policy DC1 requires that proposals are of a high quality design and take into account local distinctiveness either in a modern or traditional interpretation.
- 6.27 The Framework and Planning Practice Guidance are also explicit in seeking a high quality outcome for good design including layout and building form as a key aspect of sustainable development.
- 6.28 The proposed flats reflect the design approach taken in the approved scheme for 14 flats and shop units with a varying ridge line, and articulated frontage to appear as a series of town houses rather than a single block. The current design is the same as the previous application (P13/V1467/FUL) which was arrived at following lengthy negotiations, and which was acceptable to the Conservation Officer, subject to conditions which are recommended here.
- 6.29 Although largely three storey with some 3 ½ storey elements, the building takes account of the sloping land downwards away from Wallingford Street which mitigates the impact from the surrounding area. The scheme provides active frontages onto all public domains and would present articulated and varied elevations, incorporating materials and detailing appropriate to the conservation area context. Railings are proposed in front with some landscaping to soften the impact.
- 6.30 In addition the proposal sits opposite Waitrose which is a large bulky form with an uninterrupted flank wall opposite the site; therefore officers consider that the scale of the proposal is in-keeping with the town centre context, and immediate adjacent units. Currently there is a blank wall along the frontage to Stirlings Road, therefore is

considered that the proposal would enhance this part of the town and conservation area.

- 6.31 The scheme provides a high density of units that is considered to be appropriate for the town centre context making optimum use of the land, and reflects the mixture of shops and flats within the vicinity. The flats are one and two bedroom which officers consider to be acceptable given the town centre location.
- 6.32 A small area of communal amenity space would be provided to the rear of the building, also as previously approved. Given the town centre location, the site would also be within walking distance of outdoor public amenity areas. As such, officers do not consider that the small area of outdoor space provided would justify refusal of the application. A contribution towards off-site public open space maintenance is also requested.
- 6.33 The proposal is therefore considered to reflect the prevailing character of the town centre context in terms of layout, built form and architectural approach and would preserve and enhance the character and appearance of the conservation area and the setting of adjacent listed buildings. As such the proposal is considered to comply with the requirements of local plan policies DC1, DC6, H10, HE1 and HE4, and the provisions of the NPPF, PPG and the Design Guide.
- 6.34 **Neighbour amenity**  
Local plan policy DC9 requires that developments do not cause harm to the amenity of neighbouring properties in terms of issues such as loss of privacy, dominance, overshadowing and noise. Policy DC10 seeks to ensure that occupiers of new developments would not be harmed by the effects of existing neighbouring uses. The council's adopted design guide 2015 also provides guidance on standards to avoid harmful impacts.
- 6.35 The site is largely surrounded by commercial development although there are some flats above shop units and residential buildings, a mix which reflects the town centre location. To the west is the Waitrose store with the car park to its rear, to the north there is Stirlings Road and car park to a former office building now converted to flats which lie adjacent to the north east corner of the site. Wallingford Street lies to the south and there is a car park and residential building to the east but far enough away so as not to be adversely impacted by the development.
- 6.36 The Waitrose delivery bay lies close to the northern end of the proposed building however an acoustic report has been submitted with the application demonstrating that the proposal would not be adversely affected subject to recommendations. This is the same situation as the approved scheme and it is not unusual to have such uses in close proximity in a town centre.
- 6.37 Therefore, the proposal is not considered to harm the amenities of any of the neighbouring properties and would not result in unacceptable living standards for the proposed occupants. As such the proposal; is considered to comply with the requirements of local plan policies DC9 and DC10, and the provisions of the NPPF, PPG and the Design Guide.
- 6.38 **Access and highway considerations**  
Local plan policy DC5 requires that proposals for development must ensure:
- Safe and convenient access for all users;
  - That the road network can accommodate the traffic arising from the development;

- That adequate provision is made for vehicle turning and manoeuvring;
- That adequate and safe parking is provided for vehicles and cycles; and
- That where necessary, off-site improvements to highway infrastructure will be secured.

6.39 The application proposes access to the rear of the site along its northern boundary in a similar location to the previously approved scheme. The access serves open and undercroft parking providing 27 spaces. This equates to one space per flat and 3 visitor spaces which the County Engineer has accepted given the previous permission and town centre location. Cycle parking has been provided equating to 40 spaces distributed around the site.

6.40 The application includes a proposal to widen the footway along the front of the site to approximately 2 metres to improve pedestrian accessibility. A condition is recommended to secure this.

6.41 The local highways authority has raised no objection to the proposed access and parking provision arrangements, subject to conditions which are recommended below. As such, the proposal is considered to comply with the requirements of local plan policy DC5, and the provisions of the NPPF.

6.42 **Other material considerations**

**Drainage**

The application site is not located within an area liable to flood, and is situated within the town centre with access to mains drainage. The Environment Agency, Thames Water and the council's drainage engineer have all raised no objections to the application, subject to conditions.

6.43 **Trees**

The Council's tree officer has raised concerns over the impact of the parking spaces on the root protection areas of some trees on the site, and adjacent to the site. The layout is similar to that of the approved scheme and it is considered that with sympathetic construction methods that the proposal can be accommodated without harm to the trees. A condition requiring details is recommended.

7.0 **CONCLUSION**

7.1 The application is recommended for approval as the development would comply with the relevant development plan policies and the National Planning Policy Framework. The principle of the proposed development is considered acceptable as it would make efficient use of the land in a highly sustainable location and contribute towards the five year housing land supply deficit. The proposal would preserve and enhance the character and appearance of the conservation area and would not harm the setting of adjacent listed buildings, the character of the area or the amenities of neighbouring properties. There is adequate and safe access and parking provision for the site. No adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the proposal.

7.2 The proposal therefore, complies with the provisions of the development plan, in particular policies DC1, DC5, DC6, DC8, DC9, H10, HE1, HE4, S1 and S4. The development is also considered to comply with the provisions of the National Planning Policy Framework.

8.0 **RECOMMENDATION**

**That authority to grant planning permission is delegated to the Head of Planning in consultation with the Chair and Vice Chair of the planning committee subject**

to:

8.1 **1. Completion of a section 106 legal agreement to secure contributions towards off-site services and facilities; and**

8.2 **2. The following conditions:**

**1 : Time limit – three years.**

**2 : Approved plans.**

**3 : Samples of materials to be submitted.**

**4 : Details of doors, windows and other detailing to be submitted.**

**5 : Details of all vents and flues to be submitted.**

**6 : Details of shop fronts to be submitted.**

**7 : Boundary treatment details to be submitted.**

**8 : Slab level details to be submitted.**

**9 : Sustainable drainage details (surface and foul) to be submitted.**

**10 : Details of all external lighting to be submitted.**

**11 : Details of contamination risks and any required mitigation to be submitted.**

**12 : EA 1 – scheme to deal with contamination risks to be submitted (principal aquifer).**

**13 : EA 2 – no occupation until a remediation strategy report is submitted.**

**14 : EA 3 – if any other contamination found, no development until a remediation strategy is submitted.**

**15 : Tree protection scheme to be submitted.**

**16 : Construction statement in relation to the car park to be submitted.**

**17 : Landscaping scheme – submission.**

**18 : Landscaping scheme – implementation.**

**19 : Archaeology watching brief – submission.**

**20 : Archaeology watching brief – implementation.**

**21 : Details of access, including visibility splays, to be submitted.**

**22 : Details of cycle parking to be submitted.**

**23 : Construction traffic management plan to be submitted.**

**24 : Framework travel plan to be produced, details of which to be submitted.**

**25 : Travel information packs to be produced, details of which to be submitted.**

**26 : Details of locations of fire hydrants to be submitted.**

**27 : Footpath widening to be carried out prior to occupation and to OCC standards.**

**28 : Development to be carried out in accordance with submitted noise report.**

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