

APPLICATION NO.	P15/V1626/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7.7.2015
PARISH	ABINGDON
WARD MEMBER(S)	Alice Badcock Mike Badcock
APPLICANT	Poolway Ltd
SITE	The Old Boat Yard, Ferry Walk, Abingdon, OX14 5HP
PROPOSAL	Demolition of existing commercial yard and erection of two x 2 bedroom dwellings (re-submission of previously withdrawn application P15/V0326/FUL).
AMENDMENTS	None
OFFICER	Sarah Green

SUMMARY

- The application is referred to committee due to an objection from Abingdon Town Council
- It is for the removal of the boathouse and to erect two dwellings
- The main issues are the impact on the character of the area, neighbour amenity and highway impacts;
- Officers consider that the contemporary design is acceptable, the impact on neighbours would not amount to harm, and the level of parking is acceptable.
- The application is recommended for approval

1.0 INTRODUCTION

- 1.1 The site is within the built up area of Abingdon, opposite the River Thames. The site forms a corner plot with Ferry Walk and Wilsham Road. Currently on site is an old boathouse at the Wilsham Road end of the site, with the rest of the site being open. A location plan is **attached** at Appendix 1.
- 1.2 The application is referred to committee due to an objection from Abingdon Town Council.

2.0 PROPOSAL

- 2.1 The application is seeking full planning permission for the demolition of the boathouse and the erection of 2x 2bedroom dwellings, one at either end of the site. Both would be a contemporary design. One parking space for each would be provided with access from Ferry Walk, with an additional shared visitor space. Extracts of the plans are **attached** at Appendix 2.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

Abingdon Town Council	Object "The application involves the removal of an important river and leisure facility, a boatyard, and the Committee considered that the application was in contravention of Saved Policy L17 (iv) (Development of sites adjacent to the River Thames) of the
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Vale of White Horse District Council – Committee Report –23 September 2015

	<p>Vale of White Horse Local Plan 2011, which states that the redevelopment of existing boat yards for other uses unrelated to the river will not be permitted.</p> <p>Members were concerned that the number of car parking spaces being proposed, a total of three, would be inadequate for the proposed development, in an area which is already under pressure in relation to car parking. Consequently it was considered that the application was contravention of Saved Policy DC5 (iv) (Access) of the Vale of White Horse Local Plan 2011.</p> <p>The Committee considered that the plans were an overdevelopment of the site and consequently would adversely affect those attributes which make a positive contribution to the character of the locality, in contravention of Saved Policy DC1 (Design) of the Vale of White Horse Local Plan 2011.”</p>
County Archaeological Services (OCC)	Site lies within area of considerable archaeological interest. Recommend watching brief conditions.
Thames Water Development Control	No objection
Drainage Engineer (Vale of White Horse District Council)	No objection subject to sustainable drainage condition
Environment Agency	No objections subject to condition on floor levels
Highways Liaison Officer (Oxfordshire County Council)	No objections in principle subject to appropriate conditions
Neighbour Object (1)	<p>Welcome redevelopment of site; proposed unit 1 is much higher than building it replaces; there will be significant loss of light to the south side of my flat where there is a small courtyard, glazed door and windows one which is the only window for a bedroom.</p> <p>6months of year with sun lower in sky situation will be worse, mornings at all times of year the higher part of the building will furtehr reduce light reaching windows. Should be same height as existing boathouse.</p>

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/V0326/FUL](#) - Withdrawn (20/04/2015)

Proposed demolition of existing commercial yard and erection of x 2 one bed units and 1 three bed house.

[P77/V0851](#) - Approved (06/05/1977)

Toilet extension. Ferry Boathouse, Wilsham Road, Abingdon, Oxon

[P70/V0668](#) - Approved (07/12/1970)

Installation of 2 underground fuel storage tanks and erection of 2 pumps.

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse Local Plan 2011

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC9 - The Impact of Development on Neighbouring Uses

H10 - Development in the Five Main Settlements

L17 - River Thames

5.2 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF. At present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 8	Spatial Strategy for Abingdon & Oxford Fringe sub-area
Core Policy 37	Design and local distinctiveness
Core Policy 42	Flood risk
Core Policy 44	Landscape

5.3 Supplementary Planning Guidance

- Design Guide – March 2015

5.4 National Planning Policy Framework (NPPF) – March 2012

5.5 National Planning Practice Guidance 2014 (NPPG)

5.6 Neighbourhood Plan

Abingdon does not have a neighbourhood plan

5.7 Environmental Impact

This proposal does not exceed 150 dwellings and the site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.8 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006

- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.9 **Human Rights Act**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.10 **Equalities**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations are the following:

1. Principle
2. Design and layout
3. Traffic, parking and highway safety
4. Residential amenity
5. Flood Risk and Surface/Foul Drainage
6. Archaeology

Principle

6.2 The boathouse is a former boatyard which is no longer in use. It is a small site situated within a residential area in close proximity to existing houses. Officers consider the loss of this commercial use could not be resisted. The site is within the built up area of Abingdon, one of the five main settlements in the district. Therefore the principle of housing is acceptable. Following paragraph 14 of the NPPF, to justify refusal any adverse impacts of the development would need to significantly and demonstrably outweigh the benefits of the proposal.

Design and Layout

6.3 The NPPF gives considerable weight to good design and acknowledges it is a key component of sustainable development. Policy DC1 similarly seeks development to be of good design. There are a mix of design styles along Wilsham Road, which provides interest to the river frontage, an important frontage within the town. The new dwellings are contemporary in design however they also reflect traditional building forms. The use of different materials to the ground and upper floors helps to break up the building mass as well as provide more visual interest.

Both dwellings follow the existing building lines at each end of the site. The scale of the buildings has been reduced following the previous application which was withdrawn on officer advice. The scale is now considered more appropriate to the site. The reduction in the first floor of unit 1 on the frontage in particular will reduce the visual impact it will have on the street scene. Overall officers consider that the scheme would not result in harm to the visual amenity or the character of the area.

Traffic, Parking and Highway Safety

6.4 Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. Paragraph 39 of the NPPF requires parking standards to reflect the accessibility of the site, the availability of public transport, the type of development and the overall need to reduce the use of high-emission vehicles. The site is situated within easy walking distance of the town centre where there is a good range of facilities and services and bus stops. The provision of a single space for each dwelling is therefore considered acceptable for this site, given its close proximity. A visitor space will also be provided on site. The car spaces shown are 3m x 5.7m. The highway officer does not object to the scheme but

recommends the visitor space is marked as such. This can be ensured by condition.

Residential Amenity

- 6.5 Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF.
- 6.6 The adjacent properties at Ferry Court are flats. Objection has been received from the occupiers of No1 Ferry Court, that unit 1 would result in the loss of light to his windows and outside space. The neighbouring building has an L-shape to the rear which gives rise to a small outside area and the stair access to the upstairs flat. Currently the flank wall of the existing boathouse building is located on the common boundary. The boathouse projects back beyond the rear of Ferry Court by 5.2m, with an eaves of 2.4m and a ridge height of 4.8m. The ground floor of proposed unit 1 will project back by 6.7m but will only be 2.8m high, because it is flat roofed. Therefore the rear part of the proposed dwelling will be lower than the existing boathouse.
- 6.7 The upper floor of unit 1 will be L-shaped to try to limit the impact upon Ferry Court. The amount by which the rear first floor projects beyond the rear of Ferry Court will be two metres and it will be set 4.8m from the side of Flat 1. The application site is to the south/south-east of Flat 1, so the windows in the rear flats of Ferry Court face south to south-west. Given that the part of the proposed dwelling along the boundary is single storey, and given the distance of the proposed upper floor from the boundary and the position and height of the existing boathouse building, officers consider that the loss of light arising from the proposal will not result in harm to the amenity of the neighbouring properties. The front aspect of these flats would be improved by the removal of the boathouse which currently extends right up to the Wilsham Road footpath. The front elevation of the proposed unit1 would be in line with the front of Ferry Court.
- 6.8 Unit 2 will be adjacent to flats 5 and 7 of Ferry Court. The side of these flats is currently a blank wall which is higher than the ridge line of the flats. Unit 2 would sit below this wall and would not project beyond it. Therefore it would not be overbearing to the neighbouring flats. It is also considered that unit 2 will not create any greater degree of overlooking than that which currently exists between the existing residential properties.
- 6.9 Between the proposed units themselves there would be 28m between the facing upper floor windows and 22m between the ground floor windows. These measurements exceed the minimum distance to ensure privacy, which is 21m. Both units would be provided with a reasonable sized amenity space for a town centre location. The flat roofs in the development can be conditioned to ensure they are not used as balconies which could be unneighbourly to other occupiers. Similarly removing permitted development rights for extending the dwellings will prevent extensions that may be unneighbourly.

Flood Risk and Surface/Foul Drainage

- 6.10 The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).
- 6.11 Only a very small portion of the eastern part of the site is within flood zone 2. The proposed new dwellings would not be in this flood zone. A flood risk assessment was

submitted with the application. The council's drainage engineer has reviewed the scheme and has no objections subject to details of a sustainable drainage scheme being agreed by condition. The environment agency has no objection subject to a condition stating the finished floor levels to unit 1 will be set no lower than that specified in the FRA.

Archaeology

- 6.12 Policy HE10 of the adopted Local Plan states that development will not be permitted if it would cause damage to the site or setting of nationally important archaeological remains, whether scheduled or not.
- 6.13 The county archaeologist has reviewed the proposal. The proposed development lies in an area of considerable archaeological interest, immediately east of a number of cropmark monuments, including a trackway previously interpreted as a cursus monument. Neolithic, Roman and Post Medieval finds are recorded to the west and southwest of the development site, indicating further possible archaeological activity. An evaluation carried out immediately north of the site revealed an 18th century stone-lined pit which contained post-medieval pottery, tile and glass. The exact nature and full extent of the sites described above, particularly the cropmark features, is not understood. As such, it is possible that related archaeological deposits may be present within the current application site. He therefore recommends that a watching brief is carried out during the development stage.

7.0 CONCLUSION

- 7.1 This application has been assessed against the National Planning Policy Framework (NPPF), relevant saved policies in the local plan and all other material planning considerations. The lack of a five year land supply means that paragraph 14 of the NPPF is engaged which states that planning permission should be granted unless the adverse effects significantly and demonstrably outweigh the benefits.
- 7.2 The proposal would provide two new dwellings in a highly sustainable location. The scheme, whilst contemporary in its approach, is considered to add to the varied character of the area. Whilst there would be some impact upon the neighbouring properties this impact is considered to be acceptable and would not be of a level to cause harm.
- 7.3 Overall, and in view of the emphasis in the NPPF, the development is considered to amount to sustainable development, and whilst there will be some adverse effects, these do not significantly and demonstrably outweigh the benefits. Consequently, the application is recommended for approval subject to conditions.

8.0 RECOMMENDATION

8.1 To grant planning permission subject to the following conditions:

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Access, parking and turning in accordance with plan, including marking visitor parking.**
- 4. Landscaping scheme (submission).**
- 5. Landscaping scheme (implement).**
- 6. Materials (details).**
- 7. Drainage Details (surface and foul).**
- 8. Permitted development restriction - classes A- D.**
- 9. Flat roofs not be used as balconys.**
- 10. Slab Levels (Dwellings).**

- 11. Archaeology (submission).**
- 12. Archaeology (implement).**
- 13. Finished floor levels to unit 1 shall be no lower than that specified in the flood risk assessment.**

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