

APPLICATION NO.	P22/V1757/FUL
SITE	Street Record Kingston Road Frilford Abingdon, OX13 6QL
PARISH	FRILFORD
PROPOSAL	Improvement works to Frilford Junction incorporating widening of A415 Kingston Road and A338 Oxford Road with provision of 3metre 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 2metre wide cycle feeder lane and relocated bus stop waiting area. (As amplified by additional information received 09 November 2022).
WARD MEMBER(S)	Eric Batts Catherine Webber
APPLICANT OFFICER	Lioncourt and St John's College Stuart Walker

RECOMMENDATION

It is recommended to delegate authority to grant planning permission to the Head of Planning subject to:

- 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**

1.0 INTRODUCTION AND PROPOSAL

1.1 This application seeks permission for highway improvement works at Frilford Junction. It comes to planning committee following an objection from Frilford Parish Meeting.

1.2 The application site is approximately 0.97ha and a location plan is **attached** at Appendix 1. The proposed highway improvements form part of the highway mitigation associated with the current hybrid planning application (Reference P22/V0248/O) which proposes the development of land at East Kingston

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Bagpuize, a site which is allocated in the adopted Local Plan 2031, Part 2. This application however is a separate application that needs to be considered on its own merits.

- 1.3 The proposed works have been subject to detailed discussion with Oxfordshire County Council (OCC), as Highway Authority, and include a widening of the northbound A338 on the western side, south of the junction with the A415, near Abingdon School. It is also proposed to widen the A415 on the southern edge (opposite the school) to increase capacity. The design includes a cycleway on the western edge and south edge of the proposed junction improvements, together with new landscaping to mitigate the loss of an existing hedgerow.
- 1.4 OCC are currently undertaking a study to determine suitable long-term improvements to the Frilford Junction. However the timing of implementation is unknown and the highway improvements in this application are proposed as an improvement which could be provided as an alternative to a contribution to the long-term improvement to allow the housing site allocation to proceed.
- 1.5 The detailed plans are **attached** at Appendix 2 and all plans and supporting technical documents accompanying the application are available to view online at www.whitehorsedc.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 A summary of responses received to the original proposal and to the amendments is below. All comments received can be seen in full online at www.whitehorsedc.gov.uk.

Frilford Parish Meeting	<p>Objection:</p> <ul style="list-style-type: none">• We object to this application because it does not solve the west-east problems of the A415/A338 junction, and it in fact creates new east-west problems.• The main problem to solve is west-east travel along A415, from Kingston Bagpuize to Marcham - which will of course be made worse by the proposed 660 house development.• The current proposal is however focussed on using the recent purchase of the field to provide more routes going broadly east to west (Marcham to Kingston), and then somehow narrowing those lanes, including an orphaned cycle lane, down to one on the A415 going up towards Millets, which will create a new problem in the east-west direction.• We think that OCC Highways should consider the junction more broadly and develop a long-term solution that benefits all stakeholders, instead of this nonsolution by a self-interested party.
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<p>Fyfield and Tubney Parish Council</p>	<p>Objection:</p> <ul style="list-style-type: none"> • OCC is currently carrying out optioneering work for this junction. Until that work is completed it would be premature to proceed with any traffic related schemes. • Any change to the Frilford Lights that may be regarded as mitigation for the Inspector's objections to the base application P22/V0248/O cannot be regarded in isolation as any change to traffic movement here must have an impact on the AQMA in Marcham. • Consequently, this application alone does NOT justify approval of P22/V0248/O and should not pre-empt OCC's optioneering exercise on the junction.
<p>Garford Parish Meeting</p>	<p>Objection:</p> <ul style="list-style-type: none"> • These changes appear to be to support the development of hundreds of new houses in Kingston Bagpuize / Fyfield. Our perception is that the developers appear to have created this proposal as a way of applying pressure to Oxfordshire County Council (OCC) to allow the new housing to proceed. • We believe that an opportunity is being missed to make changes to this junction that could benefit all users not just self-interested parties. • If approved, we believe this will reduce the likelihood of a good long -term solution, such as a roundabout, being found to the problems at the Frilford lights. • We are unable to see any benefit to vehicles using the junction travelling north to south and vice versa. • We are concerned the addition of cycle lanes and cycle priority stopping areas may not provide improved safety. Cycle paths are disjointed and provide no separate or safer access across this busy and dangerous junction which is used by many HGVs. • The application seeks to support the interests of the developer and we consider a wider approach to how this junction is improved is required.
<p>Kingston Bagpuize with Southmoor Parish Council</p>	<p>Objection:</p> <ul style="list-style-type: none"> • The proposal for an additional lane westbound between the 2 sets of traffic lights on the A338 northbound and for a short distance along the A415 westbound will not ease the traffic congestion at this junction and only marginally relieve the tailback from Marcham. There will be no benefit to eastbound queuing cars along the A415 and onwards. • The addition of the cycle lane terminating only just beyond where the 2 westbound lanes will merge on

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	<p>the A415 opposite 2 entrances on the northbound side of the road is considered dangerous for both cyclists and vehicles.</p>
<p>Marcham Parish Council</p>	<p>Objection:</p> <ul style="list-style-type: none"> • The County Council is currently working on a solution which should meet the capacity needs, improve safety and connectivity, address air quality issues for the very long-term future, all in a sustainable way. The current proposal would not solve the long-term issues when the applicant has demonstrated that the proposed housing development in Tubney and Fyfield parish would have an adverse effect on traffic congestion. • No consideration has been given to pedestrians. Residents of Marcham walk to the garage / supermarket shop at the Frilford junction to use the shop facilities, as there is a footpath (293/14/10 Ford Lane) which runs from Marcham village to the A338. They are also able to undertake a circular walk by crossing the A415 and returning to the village via the green lane 292/10/10 and registered permissive paths. They too walk to Millets Farm via various routes e.g. footpath 217/3/10. In fact it appears that pedestrians have been put with cyclists in a shared route thereby increasing the dangers to them. There is reference to a tarmac path to a bus stop, but this does not extend to Ford Lane from where many residents emerge. • The proposal will not reduce traffic volumes, does not address air quality, increases the dangers for pedestrians and does not improve the junction.
<p>Residents</p>	<p>Three letters of objection have been received raising the following concerns.</p> <ul style="list-style-type: none"> • The proposal does not address traffic from all directions, does not add capacity, and will not reduce congestion at this junction. • It will hinder traffic from Marcham to Grove as a dedicated left turn lane is lost. • This is only for the benefit of the developer. • Cycle paths are disjointed and don't offer any significant benefit. • A roundabout would be a more appropriate solution.
<p>Oxfordshire County Council</p>	<p>Transport No objection subject to conditions and a S106 legal agreement.</p>

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	<p>Lead Local Flood Authority No objection.</p> <p>Archaeology No objection, subject to conditions:</p> <ul style="list-style-type: none"> • Archaeological written scheme of investigation • Archaeological evaluation
Countryside Officer	No objection subject to conditions securing biodiversity enhancement.
Drainage Engineer	No objection.
Forestry Officer	No objection, subject to conditions for tree protection and landscaping securing new hedgerow and tree planting.
Landscape Architect	No objection, support the Forestry officer's request for new hedgerow trees.
Air Quality Officer	No observations to make.
Contaminated Land Officer	No observations to make.
Environmental Protection Team	No objection, subject to construction management plan condition to control working hours, construction noise and dust.
SGN Networks	Draw attention to broadband, gas, and electricity networks in vicinity of the site.
Thames Water	No objection.
Stagecoach West	<p>Support.</p> <ul style="list-style-type: none"> • This is a proposal that has a material benefit to both securing a sustainable pattern of development, while also presenting direct benefit to the operation of the highway network and public transport. • Stagecoach is keen to see the development on allocated land East of Kingston Bagpuize come forward, as well as to see a wider release of committed development in the eastern Vale, which are the most sustainable development options, as tested and examined transparently through the Local Plan preparation process. To support this, these proposals at the Frilford junction have been advanced and submitted by the developer with a view to offering a clear basis to resolve highways objections to this land being consented propitiously, as we consider that it should be.

	<ul style="list-style-type: none">• Subject to a small adjustment on the westbound A415 bus stop being positively considered, we support the application.
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3.0 **RELEVANT PLANNING HISTORY**

3.1 None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal itself is not EIA development. An environmental statement has however been submitted with the associated residential planning application P22/V0248/O, which assessed the following areas of potential impact: transport and access, air quality, noise, flood risk and drainage, ecology and biodiversity, landscape effects and visual amenity, archaeology and heritage, agricultural land and farming circumstances, socio-economic effects, mitigation, and residual effects.

5.0 **MAIN ISSUES**

5.1 The main issues are:

- Principle of development
- Highways
- Air Quality
- Landscape and visual impact
- Flood risk and drainage
- Historic environment
- Biodiversity
- Residential Amenity

5.2 **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan for this proposal comprises the adopted Local Plan 2031 Part 1 (LPP1) and the adopted Local Plan 2031 part 2 (LPP2). There is currently no neighbourhood plan for Frilford.

5.3 The development plan acknowledges that improvements are required at Frilford Junction and Policy CP12 of the LPP1 safeguards land at Frilford Junction for the delivery of highway improvements. The site development template in LPP2 for Land East of Kingston Bagpuize site allocation also specifies that the occupation of dwellings will not begin prior to the completion of the upgrade to Frilford Junction unless an alternative phasing plan is agreed with the County Council. Consequently the principle of the proposal is supported by the local plan.

5.4 **Highways**

Core policy 33 of LPP1 actively seeks to ensure that the impacts of new development on the strategic and local road network are minimised, to ensure that developments are designed in a way to promote sustainable transport access and to promote and support improvements to the network that increase safety and improve air quality. Core policy 35 of LPP1 promotes public transport, cycling and walking. Policy DP16 of LPP2 requires evidence to demonstrate that acceptable off-site improvements to highway infrastructure can be secured where these are not adequate to service the development.

5.5 The application is supported with a Transport Assessment. The design of the highway proposals includes the provision of one right turn lane and one left and right turn lane from A415 Frilford Road within the existing junction layout, a widening of the northbound A338 on the western side, south of the junction with the A415, near Abingdon School, and a widening of the A415 on the southern edge (opposite the school). A cycleway on the western edge and south edge of the proposed junction improvements is also proposed along with advanced stop lines for cyclists on all the approaches to the junction, and a provision of a pedestrian crossing, footway and widening of the existing footway on the east side of the A338 between the A415 Kingston Road and the southbound bus stop on the A338.

5.6 The proposed changes to the junction have been subject to a road safety audit and the Highway Authority is satisfied that the arrangement and location would mitigate the highway impact from the allocated housing site. They also confirm the works do not result in harm to highway safety or convenience of all users of the highway.

5.7 The proposed widening of the Frilford Road approach to facilitate a cycle feeder lane will result in the existing westbound bus stop being relocated approximately 2.0m to the south of its current location. This however would not have a material impact on the operation of the bus stop. A new footway is also proposed on the east side of the A338 from Kingston Road to the southbound bus stop on the A338 which will improve access to the bus stop.

5.8 Local concern has been raised this proposal does not address all extant issues at Frilford Junction. The scheme has been designed to mitigate the impact of the associated housing scheme at Land East of Kingston Bagpuize. Having regard to the development plan site template for this allocated site and statutory CIL tests to make development acceptable - necessary, directly related to, and being fair and proportionate, the applicant is not required to undertake all improvement works to the junction and officers consider it would be unreasonable to refuse this application on such grounds.

5.9 The Highway Authority is still undertaking optioneering work to deliver a wider improvement scheme. This current proposal can be secured through either direct delivery by the developer or a financial contribution in a S106 agreement that OCC can use to pool towards wider improvements at this junction. A similar approach has been taken on application P20/V1338/O (90 dwellings on the allocated site, land south of A415, Marcham), which is to deliver an

extended left turn lane on the westbound carriageway of the A415 opposite the petrol station.

5.10 Subject to the completion of a S106 agreement, the proposal is considered to accord with policies CP33, CP35 and DP17.

5.11 **Air Quality**

Policy DP26 of the LPP2 confirms that development proposals that are likely to have an impact on local air quality, including those within relative proximity to existing air quality management areas (AQMAs) will need to demonstrate measures / mitigation to minimise any impacts associated with air quality. Paragraph 186 of the NPPF states decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.

5.12 An air quality management area (AQMA) has been designated for Marcham and local concern is raised that improvements to the Frilford junction will have an adverse impact on air quality.

5.13 The application site is outside the Marcham AQMA, and officers consider any impact arising from these highway improvement works are negligible and would not warrant refusal of the application on such grounds, when balanced against the planning benefits of the proposal and the development plan requirement to deliver such improvements to the Frilford Junction. The air quality officer has been consulted and confirms 'no observations to make'. The proposal is considered to accord with policy DP26.

5.14 **Landscape and Visual Impact**

Policy CP44 of LPP1 confirms that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development, and where possible enhanced. Where development is acceptable in principle, proposals will need to demonstrate how they have responded to landscape character and incorporate appropriate landscape proposals.

5.15 Land at Frilford Junction is safeguarded in the local plan for highway improvement work and change to public views is therefore expected. Officers consider visual impacts are limited, and changes will be seen in the context of the existing highway junction. In providing the improvements, existing hedgerows will be removed or altered. Replacement planting and tree protection can be secured by condition to ensure the development is integrated into its immediate landscape setting without material harm, and subject to these conditions, the forestry officer and landscape architect raise no objection. The proposal is therefore compliant with policy CP44.

5.16 **Flood Risk and drainage**

Core Policy 42 of LPP1 seeks to ensure that development provides appropriate measures for the management of surface water as an essential element of reducing future flood risk to both the site and its surroundings.

5.17 The council's drainage team has assessed the proposal and raise no objection. A feasible sustainable drainage strategy has been submitted to accord with policy CP42 in respect of flood risk and surface water management.

5.18 **Historic Environment**

Policies CP39 of LPP1 and DP36 of LPP2 state that proposals for new development that may affect heritage assets must demonstrate that they conserve and enhance the special interest or significance of the heritage asset and its setting.

5.19 There are no designated assets within the application site or settings of listed buildings or conservation areas affected.

5.20 *Archaeology*

DP39 of LPP2 states that development will be permitted where it can be shown that it would not be detrimental to the site or setting of Scheduled Monuments or nationally important designated or non-designated archaeological remains. There are no Scheduled Monuments within the application site or settings affected.

5.21 The site is in an area of considerable archaeological interest, occupying the projected course of a Roman road running from Oxford to Wantage. Following field evaluation, the county archaeologist considers archaeology present is not of such significance as to preclude the principle of development, but further investigation of those areas will be required in advance of development. This can be achieved through appropriate conditions should consent be granted to accord with policy DP39.

5.22 **Biodiversity**

Policy CP46 of LPP1 requires development to avoid losses in biodiversity and actively seeks net gains. The site is not covered by statutory or non-statutory designations and comprises arable land under cultivation. There is no impact for designated sites including the Frilford Heath Ponds and Fens SSSI, located approximately 220m north of the site.

5.23 The application is supported by an ecological appraisal. The habitats within the footprint of the proposed highway improvement works comprise an area of semi-improved grassland, scattered scrub, and hedgerows. The hedgerow survey confirms that no hedge qualifies as 'important' under the wildlife and landscape criteria of the Hedgerow Regulations, and none are considered species rich. Whilst the hedgerow network could provide general ecological value for wildlife, particularly for foraging / commuting bats and nesting birds, it is of limited value being located along the boundary of an agricultural field and adjoining a public highway.

5.24 The proposed works will result in the loss of approximately 230m of hedgerow and 0.16ha of species poor semi-improved grassland and 0.18ha of improved grassland with low ecological value. These impacts are of a small scale and can be mitigated through the creation of a new native species rich hedgerow

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(totalling in length to approximately 238m) along with the creation of 0.07ha of species rich grassland suitable for growing beneath hedgerows.

- 5.25 It is however noted that this scheme will result in a net loss of biodiversity of - 2.31 units. The applicant opines that this is acceptable as the associated application at Land East of Kingston Bagpuize (P22/V0248/O) is delivering a net gain which can offset this.
- 5.26 The countryside officer raises no objection to the application but considers each application should mitigate its own biodiversity impact and requests an offsetting contribution. Subject to conditions for implementation of the mitigation measures outlined in the ecological appraisal and biodiversity offsetting, the proposal accords with CP46.

5.27 **Residential Amenity**

Policy DP23 of LPP2 requires development to demonstrate that it would not have a significant adverse impact on the amenity of neighbours. There is one residential property close to the site, Strathview, and the Environmental Protection Team consider there is the potential for undue noise and disturbance to occur for residents of this property during construction. A construction management plan condition along with a restriction on construction hours is therefore requested. Officers consider such a condition in this instance meets the six tests for conditions to ensure the proposal accords with policy DP23.

6.0 **CONCLUSION**

- 6.1 The application has been assessed on its merits, against the requirements of the adopted Local Plan 2031 Part 1 and Part 2 and the National Planning Policy Framework. All relevant consultations have been undertaken and all responses received have been fully considered.
- 6.2 The application is acceptable, and in turn will support a strategic housing allocation in the council's adopted Local Plan which will contribute towards the sustainable planned growth of the district and should therefore be approved.

The following have been taken account of in assessing this application:

Vale of White Horse Local Plan 2031, Part 1 policies:

- CP01 - Presumption in Favour of Sustainable Development
- CP07 - Providing Supporting Infrastructure and Services
- CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP12 - Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP39 - The Historic Environment
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape

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- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity
- CP47 - Delivery and Contingency

Vale of White Horse Local Plan 2031, Part 2 policies:

- CP12A - Safeguarding of Land for Strategic Highway Improvements within the Abingdon-on-Thames and Oxford Fringe Sub-Area
- CP47A - Delivery and Contingency
- DP16 - Access
- DP17 - Transport Assessments and Travel Plans
- DP21 - External Lighting
- DP23 - Impact of Development on Amenity
- DP25 - Noise Pollution
- DP26 - Air Quality
- DP27 - Land Affected by Contamination
- DP36 - Heritage Assets
- DP39 - Archaeology and Scheduled Monuments

Neighbourhood Plan

There is currently no neighbourhood plan for Frilford.

Adopted guidance

Joint Design Guide SPD 2022: The Joint Design Guide was adopted 24 June 2022 and sets out design principles to guide future development and encourage a design-led approach to development.

Developer Contributions – Delivering Infrastructure to Support Development SPD 2017: The Developer Contributions SPD was adopted on 30 June 2017 and provides guidance on how planning obligations will work alongside CIL to deliver the infrastructure needed to support development in the Vale.

National Planning Policy Framework (NPPF)

Planning Practice Guidance (NPPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Section 149 of the Equality Act 2010
- Provisions of the Human Rights Act 1998
- 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)
- Countryside and Rights of Way Act 2000
- Environment Act 1995
- Air Quality (England) Regulations 2000
- Air Quality (England) Amendment Regulations 2002
- Air Quality Standards (England) Regulations 2010

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- Air Quality Standards (England) Amendment Regulations 2016

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