

# Minutes

of a meeting of the

## Planning Committee

held on Thursday, 11 February 2021 at 6.00 pm

**A virtual meeting**

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

### **Present:**

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

Officers: Paul Bateman, Martin Deans, Sarah Green, Emily Hamerton, Jeremy Lloyd and Stuart Walker

Also present: Councillor Paul Barrow, Councillor Eric Batts and Councillor Simon Howell

Number of members of the public: 14

### **PI.215 Chair's announcements**

The Chair ran through housekeeping arrangements appropriate to a virtual meeting.

### **PI.216 Apologies for absence**

There were no apologies for absence.

### **PI.217 Minutes**

The minutes of the previous meeting, held on Wednesday 6 January 2021, were agreed to be a correct record of the meeting. It was agreed that the Chair sign them as such.

### **PI.218 Declarations of interest**

There were no declarations of interest.

### **PI.219 Urgent business**

None.

### **PI.220 Public participation**

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The committee noted the list of members of the public registered to speak at the meeting. The committee had received prior to the meeting statements which had been made.

The chair advised the committee that in view of the considerable number of speakers at the meeting, he would allocate a maximum of six minutes per speaking category.

## **PI.221 P19/V3185/FUL & P20/V2131/LB - 39a & 39b Ock Street, Abingdon**

Councillor Robert Maddison, a local ward councillor, stood down from the committee for consideration of this item.

Owing to telecommunication difficulties, Councillor Jerry Avery did not hear the whole debate and did not vote on this application.

The committee considered applications P19/V3185/FUL & P20/V2131/LB for a redevelopment to provide 1 x 2-bedroom and 3 x 1-bedroom flats, and a 1 x 2-bedroom maisonette (amended plans received 7 August 2020), with demolition of curtilage listed buildings and boundary walls at 39a and 39b Ock Street 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 reported that a site visit had been held at these properties on Tuesday 9 February 2021. The application site was an old commercial yard with vehicular access via an archway. The site contained four single storey buildings that were generally in a poor state of repair. The proposal was to demolish all of the existing buildings and boundary walls and to erect new pitched roof buildings of one- and one-and-a-half storeys, in a courtyard arrangement. With reference to the density of the proposal, the planning officer reported that Policy CP23 of Local Plan Policy 1 (LPP1) required a minimum net density of 30 dwellings per hectare. Higher densities were encouraged in locations where it would result in the optimum use of land, where there was good access to services and public transport, and where it would contribute to enhancing the character of a place. In the view of planning officers, this brownfield site was in a sustainable location.

The planning officer reported that a heritage impact assessment (HIA) had been submitted, which had identified that two of the existing buildings on the east boundary, together with the east and north boundary walls, were curtilage listed. The HIA stated that the structures had been considerably altered over recent time, to have minimal heritage interest, and that therefore, their removal was deemed acceptable. It was also considered that the design and scale of the proposal represented an acceptable impact on the character and appearance of the Abingdon Town Centre Conservation Area and on the setting of the Albert Park Conservation Area.

The planning officer reported that the conservation officer agreed with much of the HIA, but considered that the impact of the development on the setting of the adjacent listed buildings had been underestimated. The conservation officer did not support the proposed removal of the east boundary wall which, although recently altered, provided heritage interest as a record of the historic burgage plots that existed behind the Ock Street frontages. Employing the recognised national heritage measure, the officer considered that the harm arising from the scheme was "less than substantial, minor". Following the advice

provided by the National Planning Policy Framework (paragraph 196), this harm should be balanced against the public benefits of the proposal.

Mr. Nick Barnes, representing the Ock Street Clinic (dentists), at 45 Ock Street, and a local resident, spoke objecting to the application.

Mr. Richard Tamplin, a local resident, spoke objecting to the application. The democratic services officer had sent Mr. Tamplin's statement to the committee prior to the meeting.

Mr. Paul Marland, a local resident, who had registered to speak in objection to these applications for the planning committee meeting on 27 January 2021 (the committee had run out of time to consider the application on that occasion), was unable to speak to this committee meeting, but his joint statement with Danielle Marland had been sent to the committee by the democratic services officer prior to this meeting (11 February 2021).

Mr. Anthony Pettorino, the agent, spoke in support of the application. The democratic services officer had sent Mr. Pettorino's statement to the committee prior to the meeting.

Councillor Robert Maddison a local ward councillor, spoke objecting to the application.

The committee considered that the proposed construction management plan would not adequately safeguard residents from the loss of amenity as a result of out of hours delivery vehicle movements. The committee also considered that, by reason of its scale and massing, and the number of intended dwellings, the proposals represented overdevelopment. Additionally, the committee contended that the development would cause harm to the character and appearance of the locality. The committee took the view that proposed development caused harm to the amenity of neighbours through overshadowing and dominance. It also considered that the proposed development provided an inadequate amount, and poor quality, of outdoor space for future occupiers, to the detriment of their amenity. The committee expressed concern at the probable heritage loss caused by the intended removal of the east boundary wall. For these reasons the committee concluded that planning permission and listed building consent should be refused.

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

**RESOLVED:** to refuse planning permission for application P19/V3185/FUL, for the following reasons;

1. The proposed development, by reason of its scale and massing, and the number of dwellings proposed, represents an overdevelopment of the site that is inappropriate within its context, thereby causing harm to the character and appearance of the locality, contrary to policy CP37 of the Vale of White Horse Local Plan 2031 Part 1.
2. The proposed development causes harm to the amenities of neighbours through overshadowing and dominance, contrary to policy DP23 of the Vale of White Horse Local Plan 2031 Part 2.
3. The proposed development provides an inadequate amount and a poor quality of outdoor space for future occupiers, to the detriment of their levels of amenity, and does not function well. As such, it is contrary to policy CP37 of the Vale of White Horse Local Plan 2031 Part 1.

4. The proposed development, by reason of its scale and massing, and the removal of the curtilage listed east boundary wall, causes harm to the character and appearance of the Abingdon Town Centre Conservation Area and harm to the setting of the Albert Park Conservation Area, and fails to preserve the special interest of, and the setting of, adjacent listed buildings. As such, the proposal is contrary to policy CP39 of the Vale of White Horse Local Plan 2031 Part 1, to policies DP36, DP37 and DP38 of the Vale of White Horse Local Plan 2031 Part 2, and to advice in the NPPF.

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

**RESOLVED:** to refuse listed building consent for application P20/V2131/LB, for the following reason;

1. The demolition of the curtilage listed east boundary wall does not have clear or convincing justification and fails to preserve the special architectural and historic interest of the listed building, and its setting. As such, the proposal is contrary to policies DP36 and DP38 of the Vale of White Horse Local Plan 2031 Part 2 and advice in the NPPF.

## **PI.222 P18/V2791/O - Land East of Kingston Bagpuize**

Councillor Jerry Avery, a local ward councillor, stood down from the committee for consideration of this item.

Councillor Robert Maddison encountered technical communication problems during the presentation of this item. The councillor was unable to participate in or hear the whole debate and did not vote on this application.

The committee considered application P18/V2791/O for a hybrid planning application comprising:

- 1) outline planning permission, with all matters reserved except for access, for development of up to 660 homes (use class C3), extra care development of up to 70 units (use class C2), a local centre of up to 0.5ha (use classes A1, A2, A3, A4, A5, B1(a), C2, D1 and D2) a one form entry primary school on an area for education provision of up to 2.2ha, playing field and car parking, informal open space, landscape and sustainable drainage areas, access, footpaths, cycle ways, infrastructure and associated engineering works (including a noise attenuation bund and acoustic fence) and
- 2) full planning permission for construction of a three-arm roundabout to the A420 (Oxford Road), a four arm roundabout to the A415 (Abingdon Road) and link road between. As amended by plans and information received 31 July 2020 and 12 November 2020 on land east of Kingston Bagpuize.

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 reported that this application sought outline permission for 660 dwellings, which included an extra care development, sports and playing fields, open space, a primary school, outside infrastructure and associated works. The application also sought full permission for the construction of a link road and two roundabouts. The principle of development was contained in the Local Plan, and planning officers considered that the application did not represent unacceptable landscape harm or visual harm. All of the housing elements, including the housing mix and space standards, could be secured by the development and the building heights were acceptable. Additionally, the proposal was acceptable to planning officers from flood risk, drainage, heritage and biodiversity perspectives. Notwithstanding the application's overall acceptability, planning officers considered that highways and air quality issues arising from the proposal could frustrate approval.

The planning officer also advised the committee of a correction to the report; regarding the contributions in connection with the s.106 legal agreement, shown at paragraph 5.84 and associated table. The committee was advised that the public transport contribution figure was based on 700 dwellings, whereas the correct figure should be 660. The total figure for public transport should be shown as £708,271. Additionally, to mitigate the extra care element impact upon public transport, the Oxfordshire County Council (OCC) had requested a further £23,851, as it was considered that some residents, staff and visitors would make use of the public transport service.

Expanding upon his opening statements, the planning officer reported that council officers were satisfied that through detailed design the development can be integrated into the landscape without material harm, and through the development of appropriate landscape proposals at reserved matters stage. A Flood Risk Assessment (FRA), submitted with the application, confirmed that the site lay within Flood Zone 1 and was at a low risk of flooding. The council's drainage team raised no objection, subject to conditions requiring a fully detailed scheme based on the FRA be submitted and approved.

The committee noted paragraph 5.35 of the report, which stated that the occupation of dwellings on the site would not commence prior to the completion of the upgrade to Frilford junction, unless an alternative phasing plan was agreed with the OCC and satisfactory air quality mitigation for Marcham was introduced. A representative of OCC highways section reported that a survey of the junction was to be undertaken and mitigation measures were possible, dependent upon changes being made by the developer or by a larger contribution being forthcoming.

The committee noted that Policy CP33 of Local Plan Policy 1 (inter alia) ensured that developments were designed to promote sustainable transport access, and promote and support improvements to the local road network which increased safety and improved air quality. The committee also noted paragraph 5.38, which stated that three key locations, the Frilford Junction and the A34 interchanges at Botley (with the A420) and Marcham (with the A415) already had severe peak hour traffic congestion. The committee concurred with council officers in contending that the proposal would add to peak hour traffic queues, increasing the severity of congestion.

The planning officer reported that there remained some concern on the part of OCC regarding the transport modelling that had been undertaken and that further information was requested. In the absence of information available on the detail of the mitigation requirement and the timescale for its delivery, officers considered that at the present time it could not be demonstrated that the development would be sustainable

in terms of mitigating traffic generation and severe congestion to an acceptable degree. The planning officer reported the latest situation, namely that further correspondence between the applicant and OOC had now taken place regarding some outstanding issues listed in the response in appendix 3 of the report. An optioneering study for Frilford junction, and in respect of air quality issues in Marcham, had now commenced. It was expected that it would take 12 months to identify options from the study. In respect of the Marcham interchange, the developer had undertaken further modelling on proposals for the western arm to mitigate the effect of development. The developer would be prepared to undertake the improvement themselves. OCC considered that this could provide mitigation to an acceptable level. However, at this stage, OCC were unable to confirm whether the developer would deliver the improvements direct or whether this could be facilitated by a financial contribution for wider scheme. The planning officer reported that an OCC acceptance of any such measures did not affect the district council's reasons for disapproval on other items.

Councillor Julian Mellor, a representative of Fyfield and Tubney Parish Council spoke objecting to the application. The democratic services officer had sent Councillor Mellor's statement to the committee prior to the meeting.

Councillor David Warr, a representative of Kingston Bagpuize with Southmoor Parish Council spoke objecting to the application. The democratic services officer had sent Councillor Warr's statement to the committee prior to the meeting.

The committee expressed sympathy with the parish council and residents that the sewage smell in the Kingston Bagpuize environs continued to be an intermittent problem and that Thames Water should be pressed for a reliable infrastructure solution, which would be required in the event of development in Kingston Bagpuize.

Councillor Michael Hoath, a representative of Marcham Parish Council, spoke objecting to the application.

Dr. Paul Barrow, a local resident, spoke objecting to the application.

Professor John Cobb, a local resident, spoke objecting to the application. Barnes. The democratic services officer had sent Councillor Warr's statement to the committee prior to the meeting.

Mr. Roger Smith, the agent, spoke in support of the application.

Ms. Vicky Bilton, the applicant, spoke in support of the application. The democratic services officer had sent Mr. Smith's and Ms. Bilton's joint statement to the committee prior to the meeting.

Councillor Eric Batts, a local ward councillor, spoke objecting to the application.

Councillor Jerry Avery, a local ward councillor, spoke objecting to the application.

The committee maintained concerns that adequate highways improvements prior to development had not been demonstrated and that the impact of additional traffic movements associated with the proposed development would be severe and add to existing congestion. Also, Local Plan polices required that occupations of dwellings on this site would not begin until the completion of an upgrade at Frilford Junction. The Local Plan also stipulated that occupations of dwellings would not commence prior to

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satisfactory air quality mitigation for Marcham. Thus, air quality also remained an important concern of the committee.

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

**RESOLVED:** to refuse planning permission for application P18/V2791/O for the following reasons;

1. The proposal was contrary to paragraph 109 of the National Planning Policy Framework which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Further, Development Policy 16 (ii) of the Local Plan 2031 Part 2 requires evidence to demonstrate that acceptable off-site improvements to highway infrastructure can be secured where these are not adequate to service the development.
2. The proposal would generate additional traffic movements onto the highway network, including through the A34 interchange junctions at Botley and Marcham and the Frilford junction, which had been identified as operating over capacity in the peak hours. Based on the findings of the local highway authority, the impact of additional traffic movements associated with the proposed development would be severe.
3. The mitigation proposals would be inadequate; paragraph 108 of the National Planning Policy Framework states: "it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion) can be cost effectively mitigated to an acceptable degree."
4. The applicant has not been able to fully demonstrate that it is possible to mitigate the harm in terms of congestion, and the local highway authority has not yet been able to undertake the necessary studies to identify strategic schemes and calculate necessary contributions. Furthermore, the adopted site template under policy CP8a of Local Plan 2031 Part 2 confirms occupations of dwellings on this site will not begin until the completion of an upgrade at Frilford Junction.
5. In the absence of details of what mitigation is required and how this will be delivered at the Frilford junction, Botley and Marcham interchanges and notwithstanding the fact that the application site is allocated for housing development in the adopted Local Plan 2031 Part 2, the proposal does not amount to sustainable development and would be contrary to core policy 8a and development policy 16 of the Local Plan 2031 Part 2 and to paragraphs 108 and 109 of the National Planning Policy Framework.
6. Air quality issues have not been adequately addressed; an air quality management area (AQMA) exists beside the A415 through Marcham village. The proposal would add traffic onto the A415 and through the AQMA. The additional pollution generated by the increased traffic flows in the AQMA would be detrimental to the living conditions, and potentially the health of occupants of dwellings within the AQMA.
7. Furthermore, the adopted site template under policy CP8a of the Local Plan 2031 Part 2 confirms occupations of dwellings on this site will not begin prior to satisfactory air quality mitigation for Marcham. The applicant has not been able to

fully demonstrate that it is possible to satisfactorily mitigate the harm arising from the development in terms of air quality for Marcham. This is considered contrary to core policy 43(vi) of the Vale of White Horse Local Plan 2031 Part 1, core policy 8a and development policy 26 of the Vale of White Horse Local Plan 2031 Part 2, and to paragraph 181 of the National Planning Policy Framework.

8. In the absence of a S106 legal agreement relating to the provision of affordable housing, a primary school and land for expansion, onsite play and sports provision and financial contributions towards traffic and air quality impact mitigation, public transport, travel plan monitoring, public art, street naming, waste bin provision, education and the management of public open spaces, sport and play areas, the proposal would place increased pressure on these facilities and fail to provide the environmental, social and recreational services needed to support this development. This is considered contrary to core policies 7, 22, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1 and development policies 17, 20, 26, 28 and 33 of the Vale of White Horse Local Plan 2031 Part 2.

### **PI.223      P20/V2125/FUL - April Cottage, 39 Stallpits Road, Shrivenham**

Part way through the consideration of this application, members took a vote prior to the meeting guillotine of 8:30pm to continue.

The committee considered application P20/V2125/FUL for the development of four dwellings to the rear of April Cottage (amended plans, tree survey and transport technical note received 26 November 2020 - includes reduction in dwelling numbers to four) at April Cottage, 39 Stallpits Road, Shrivenham.

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 reported that this was a proposal in respect of one of the district's larger villages and was in a sustainable location. No objections had been received from the technical consultees in respect of the application. In response to a question regarding a construction traffic management plan, the planning officer reported that in view of the small scale of development, it would not be reasonable for such a plan to be required. Highways obstructions were covered by highway legislation and it was usually acknowledged that there would be some short-term disruption related to small construction sites such as this. It was expected that construction workers would follow a code of practice that included working within reasonable hours. Any unreasonable noise would normally be covered by relevant environmental health legislation for noise nuisance.

Councillor Richard Bartle, a representative of Shrivenham Parish Council, spoke objecting to the application.

Ms. Sarah Wright, a local resident, spoke objecting to the application.

Ms. Sandra Green a local resident, spoke objecting to the application. The democratic services officer had sent the joint statement by Ms. Wright and Ms. Green to the committee prior to the meeting.



Mr. Jon Langdon–Bates the agent, spoke in support of the application. The democratic services officer had sent the statement by Mr. Langdon–Bates to the committee prior to the meeting.

Councillor Elaine Ware, a local ward councillor, spoke objecting to the application. The democratic services officer had sent the joint statement from Councillors Elaine Ware and Simon Howell (the latter also a local ward councillor) to the committee prior to the meeting.

In response to a question, the planning officer reported that there would be a requirement to remove a section of hedge from the front of the site to widen the access and also some trees adjacent to the east and south boundaries. There were no highways objections following amendments to the proposals.

In response to a question as to whether the proposal represented overcrowding, the planning officer reported that the reduction in the number of dwellings on the site, and the reduction of their size, had afforded more space around the dwellings and the parking and public areas. It was not considered that the dwellings would appear cramped in their plots. Although the plots might be slightly smaller than those immediately surrounding, they would all meet the recommended garden sizes and provide sufficient parking, with some opportunity for planting along the access driveway and within the gardens. Planning officers considered that it would be difficult to regard the proposal as overdevelopment. The buildings had been altered in design to be more respectful to the area.

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

**RESOLVED:** to grant planning permission for application P20/V2125/FUL, for the following reasons;

1. Commencement three years - Full Planning Permission
2. Approved plans

#### Pre-commencement

3. Surface water drainage details submission
4. Foul water drainage details submission
5. Landscaping scheme submission
6. Tree protection including updated protection plan showing utility routes
7. External and internal boundary treatments submission
8. Slab and ridge levels submission

#### Pre-construction above slab level

9. Details of materials

#### Pre-occupation

10. Access and visibility splays in accordance with plans
11. Parking and turning space in accordance with plans
12. Refuse collection point provided
13. Removal of permitted development rights for Classes B and C (roof enlargements or alterations)

**PI.1**

The meeting closed at 8.45 pm