

<b>APPLICATION NO.</b>	<a href="#">P22/V1545/FUL</a>
<b>SITE</b>	Public Open Space Pointer Place, Marcham Abingdon, OX13 6FN
<b>PARISH</b>	MARCHAM
<b>PROPOSAL</b>	Improvements to public open space, including footpath connections, landscaping, and swales (as amended by plans and documentation received 8 August 2022).
<b>WARD MEMBER(S)</b>	Catherine Webber
<b>APPLICANT</b>	Pye Homes Ltd
<b>OFFICER</b>	Stuart Walker

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### **RECOMMENDATION**

**It is recommended to grant Planning Permission with the following conditions:**

- 1. Approved plans**
- 2. Within the next planting season and no later than 12 months of the date of this permission, all hard and soft landscape works shall be carried out in accordance with the approved details (as shown on the listed drawings in condition 1). Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.**
- 3. Notwithstanding surface material details stated on drawing 13-1385-PACK-ICS-01-XX-DR-C-0100 Rev P02, the footpath connection shall be tarmac surfaced and within six months of the date of this permission, all drainage works, panel fence removal and the footpath shall be completed.**
- 4. Tree Protection during construction.**

### **1.0 INTRODUCTION AND PROPOSAL**

- 1.1** This application comes to committee due to an objection from Marcham Parish Council.
- 1.2** The application site is located on the south side of Abingdon Road and forms part of the Willow Farm development. To the west lies Monks Walk, a housing development of 37 dwellings built by Matthew Homes circa 2016. To the east lies a site allocated in Part 2 of the Local Plan for housing (land south of A415) where outline permission for up to 90 dwellings was granted in April 2022.

1.3 The application seeks to regularise breaches of planning control within the existing development in relation to condition 16 of P13/V2731/O which required prior to the occupation of the last dwelling unit, pedestrian, and cycle access to be provided from the site to land to the west of the red-line site in addition to access points to Abingdon Road. The application therefore seeks permission for an alternative landscape scheme, with improvements to the existing public open space, landscaping and surface water drainage and the provision of the missing footpath link.

1.4 Since submission of the application, plans have been amended to address technical officer comments regarding drainage and landscaping matters. The current plans are **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of the responses received is below. All comments can be viewed in full online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

<p>Marcham Parish Council</p>	<p><i>Amended plans</i> Objection.</p> <ul style="list-style-type: none"> <li>• Marcham Parish Council is pleased that some progress is being made on one of the linking paths that were approved as part of the planning consent.</li> <li>• The Council supports connectivity within the parish and rejects any proposal for isolated separate housing developments. As there is a proposed housing development to the East, the Council is disappointed to note therefore, that the current application still does not include the opportunity to create a path from the highway in The Willows, to the East, which could form a link path to the new houses to the East. The Council would strongly encourage this to be included in line with policies to encourage movement by non-vehicle means.</li> <li>• The approved application P13/V2731/O also shows a path to the northern end of The Willows, closer to the A415, linking to the West. The footway alongside the A415 from the entrance point into Monks Walk is very narrow with overhanging shrubbery and suffers from large HGVs with overhanging wing mirrors. It cannot be used easily by wheelchair users and those pushing pushchairs. This path has been removed and should be reinstated.</li> <li>• At the Southern end, the engineering drawing shows the culvert to the East, but not to the West which would link through to Monks Walk. Horizontal rails are proposed. Vertical rails would discourage climbing. On the culvert to the West, the Parish Council would like to know how the bridge to the west is to be constructed and what measures are planned to ensure public safety whilst crossing it. Works to</li> </ul>
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	<p>the culvert on the west side of the site will need to be carried out in conjunction with works at the Monks Walk development to ensure connectivity between the sites, as works on this site are outstanding. This should be shown on the drawing as part of the application.</p> <ul style="list-style-type: none"><li>• The Engineering drawing shows self-binding gravel as the surface for the path, yet the Landscape drawing shows tarmac. All paths should remain tarmac as per the approved drawing. It is again noted that the disabilities adviser has not been consulted.</li><li>• Whilst there seems to be no reference to the old wooden boundary fence on the Eastern side, on the new drawings, the Council seeks confirmation that it is being removed, as the property boundary has been replaced by a brick wall in the correct location.</li><li>• Whilst the proposal to create new swales may assist with surface water drainage, it does not immediately improve the past known issues with foul water. The Parish Council would seek assurances that Thames Water, and any other required authority, is now content with the proposed drainage proposals.</li><li>• The Parish Council would also seek guarantees that public access through to adjacent sites will be maintained, and that any private landowner will not restrict this in any way.</li></ul> <p><i>Original plans</i></p> <p>Objection.</p> <ul style="list-style-type: none"><li>• The approved application P13/V2731/O shows the open space as being the whole length of the drain which runs east/west across the southern end of the site. Marcham Parish Council supports connectivity within the parish and rejects any proposal for isolated separate housing developments. As there is a proposed housing development to the East, the Council is disappointed to note therefore, that the current application does not include the opportunity to create a path from the highway in The Willows, to the East, which could form a link path to the new houses to the East. The Council would strongly encourage this to be included in line with policies to encourage movement by non-vehicle means.</li><li>• The approved application P13/V2731/O also shows a path to the northern end of The Willows, closer to the A415, linking to the West. The footway alongside the A415 from the entrance point into Monks Walk is very narrow with overhanging shrubbery and suffers from large HGVs with overhanging wing mirrors. It cannot be used easily by wheelchair users and those</li></ul>
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	<p>pushing pushchairs. This path has been removed and should be reinstated.</p> <ul style="list-style-type: none"><li>• The Council is puzzled by the construction drawing, as there is reference to Faringdon Road. It is assumed that the drawing relates to the tarmac footpath which runs alongside the adopted highway to the eastern side of the open space. Clarification is sought.</li><li>• The site and block plan drawings show culverts to the East and West sides of the open space i.e., over both the swale and the stream. No cross-section drawings of the culverts have been provided, it is therefore unclear as to whether they are level with the ground, and have safety railings of adequate height and design, so that they can be used as bridges. All swales and streams should be properly bridged. Please can this be clarified, and the drawings produced to the Parish Council for further comment.</li><li>• Any works eventually approved will need to be carried out in conjunction with works at the Monks Walk development to ensure connectivity between the sites, as works on this site are outstanding.</li><li>• The landscape drawing shows a tarmac path alongside the highway, and a gravel path going East/West across the south of the open space. The Engineering drawing however shows the tarmac path returning into the open space and the culvert area also being adopted. Clarification is sought as to this inconsistency. No cross-section drawing has been provided for the East/West path, so it is difficult to understand what edging to the path is to be provided.</li><li>• The approved landscape drawing in the reserved matters application for The Willows development shows the same surface for the paths to be used, as the paths into the site from the A415. The current proposal is to change the East/West open space path to gravel. The Parish Council has received adverse comments from wheelchair users about the paths in Monks Walk, and the disabilities adviser when invited to comment by the District Council, on the application to have hoggin paths in Monks Walk, did not support that type of surface. It is noted that the disabilities adviser has not been consulted. It appears that gravel is to be used on the culvert over the stream to the Western side of the open space too. The Parish Council would ask that all paths remain tarmac.</li><li>• The boundary for 8 Pointer Place was originally erected in the wrong location and with the wrong materials i.e., a wooden fence. A new brick wall was erected in the correct location. The Parish Council is</li></ul>
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	<p>obliged to consider Crime and Disorder legislation and would ask that the fence, which is still in situ, is removed. Otherwise, the proposed path through to Monks Walk will run between a tall fence and tall brick wall. There seems to be no need for the fence to remain.</p> <ul style="list-style-type: none"> <li>• Whilst the proposal to create new swales may assist with surface water drainage, it does not immediately improve the past known issues with foul water. The Parish Council would seek assurances that Thames Water is now content with the proposed drainage proposals.</li> <li>• The Parish Council would also seek guarantees that public access through to adjacent sites will be maintained, and that any private landowner will not restrict this in any way.</li> </ul>
Residents	<p><i>Amended plans</i> Two letters of objection have been received concerning:</p> <ul style="list-style-type: none"> <li>• The provision of a bench will lead to more loss of privacy and litter and will cause more maintenance cost for residents.</li> <li>• Sales brochure showed no path or bench.</li> <li>• Additional planting should be used to screen dwellings to maintain privacy.</li> <li>• Signage on use of the path and green space should be provided.</li> </ul> <p><i>Original plans</i> Two letters of comment and 11 letters of objection have been received concerning:</p> <ul style="list-style-type: none"> <li>• Loss of privacy / security to existing dwellings.</li> <li>• Increased flood risk with the additional swale and alterations to drainage system.</li> <li>• Increased antisocial behaviour from youths, dog walkers / dog fouling and litter.</li> <li>• Light pollution.</li> <li>• Loss of trees to make access for bridge.</li> <li>• Potential impact on Horse Chestnut tree roots.</li> <li>• Path not required and is a waste of money. Footpath links via Packhorse Lane are adequate.</li> <li>• Path goes nowhere.</li> <li>• A path to north would be more accessible and beneficial.</li> <li>• Construction disturbance to residents.</li> <li>• Detrimental visual impact to existing green space.</li> <li>• Cost of maintenance falls to residents Man Co.</li> <li>• Not clear how path links to Monks Walk.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Money for these works would be better spent on a barrier or traffic calming in Packhorse Lane.</li> <li>• Fence along top of bank should remain to deter access to the brook.</li> </ul>
Oxfordshire County Council	<p><i>Amended Plans</i> Transport</p> <ul style="list-style-type: none"> <li>• No objection.</li> </ul> <p>Lead Local Flood Authority</p> <ul style="list-style-type: none"> <li>• No objection.</li> </ul> <p><i>Original Plans</i> Transport – Holding objection.</p> <ul style="list-style-type: none"> <li>• Further clarifying information required.</li> </ul> <p>Lead Local Flood Authority</p> <ul style="list-style-type: none"> <li>• No objection.</li> </ul> <p>Archaeology</p> <ul style="list-style-type: none"> <li>• No objection.</li> </ul>
Drainage Engineer	<p><i>Amended Plans</i> No objection.</p> <ul style="list-style-type: none"> <li>• The proposed details of how the swale will connect to the existing watercourse are acceptable.</li> </ul> <p><i>Original Plans</i> No objection.</p> <ul style="list-style-type: none"> <li>• A swale in this location is required to drain the adjacent area of road and the proposal appears appropriate.</li> <li>• It is assumed that the swale will be formed to continue through the culvert to connect with the existing watercourse, however details haven't been provided. Whilst it would be helpful to see the details of this bridge structure and section showing the connection to the existing watercourse, this can be secured via condition if necessary.</li> </ul>
Landscape Officer	<p><i>Amended plans</i> No objection.</p> <ul style="list-style-type: none"> <li>• The amended Landscape Plan LAS 439 01C is acceptable.</li> </ul> <p><i>Original plans</i> Holding objection.</p> <ul style="list-style-type: none"> <li>• The submitted landscape proposals do not fully reflect the previous approved Softworks drawing from the P14/V2363/RM application.</li> </ul>

	<ul style="list-style-type: none"> <li>Revisions are required to ensure landscape proposals more closely reflect the approved landscape scheme from the P14/V2363/RM application, with seating and more ornamental planting to better reflect that this area is the main area of POS for the site.</li> </ul>
Tree Officer	<p><i>Amended plans</i> No objection, subject to condition.</p> <ul style="list-style-type: none"> <li>Tree protection measures.</li> </ul> <p><i>Original plans</i> Holding objection.</p> <ul style="list-style-type: none"> <li>Amendment and correction to the Arboricultural Statement is required.</li> </ul>

### 3.0 RELEVANT PLANNING HISTORY

#### 3.1 [VE18/198](#)

Breach of condition 16 of P13/V2731/O.

(Prior to the occupation of the last dwelling unit, pedestrian and cycle access shall be provided from the site to the land to the west of the red-line site in addition to access points to Abingdon Road. The access routes provided shall be laid out in accordance with standards for adoption by the local highway authority and no ransom strip or other impediment within the applicants control shall inhibit public access and use of these routes).

[P16/V3045/DIS](#) - Approved (31/01/2017)

Discharge of condition 8 - Management Plan (P13/V2731/O)

[P16/V0711/NM](#) - Approved (14/04/2016)

Non-material amendment to application ref. P14/V2363/RM - change in parking layout to plots 35 and 36.

[P15/V1364/DIS](#) - Approved (25/09/2015)

Discharge conditions 4 (materials), 7 (landscape), 12 (access), 13 (car parking), 14 (traffic management), 20 (drainage), 22 (drainage) of planning permission P13/V2731/O.

[P15/V1628/NM](#) - Approved (23/07/2015)

Non-material amendment to planning permission P14/V2363/RM for an electricity substation to be housed on the site.

[P14/V2363/RM](#) - Approved (22/05/2015)

Reserved Matters application following Outline permission P13/V2731/O, for appearance, landscaping, layout, and scale.(as amended by plans received 8 April 2015)

[P13/V2731/O](#) - Approved (17/12/2014)

Outline permission for erection of 54 dwelling houses, including 40% affordable and all matters reserved except access.

The following relate to the adjoining site, Monks Walk which are relevant to this application.

[VE19/392](#)

Breach of condition 8 of P14/V1976/O (Discharged in P16/V3040/DIS)

[P20/V1101/FUL](#) – Withdrawn (17/08/2020)

Variation of condition 8 of application P16/V0644/O - To regularise the 'as built' material of the path - finished in hoggin -, instead of tarmac as approved.

[P16/V0992/RM](#) - Approved (07/09/2016)

Reserved Matters application for the construction of 37 residential units pursuant to application P14/V1976/O (as varied by application P16/V0644/O). (As amended by plans received 29 July 2016)

[P16/V0644/O](#) - Approved (20/05/2016)

Variation of condition 2 of Planning Permission P14/V1976/O

[P14/V1976/O](#) - Approved (28/08/2015)

Outline application for erection of 37 new dwellings, with associated works, garages, access road and public open space. (Phases 2 & 3)(as amplified by information received 7 October 2014)

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal is not EIA development.

5.0 **MAIN ISSUES**

5.1 The main issues in this case are:

1. Layout
2. Footpath link
3. Amenity
4. Landscape and trees
5. Drainage and flood risk
6. Conditions

5.2 **Layout**

Policy CP37 of LPP1 states that new development must demonstrate high quality design that responds positively to the site and its surroundings, creating a distinctive sense of place through high quality townscape and landscaping that physically and visually integrates with its surroundings. It sets out further design criterion for streets and movement, green infrastructure, social inclusion, and safe communities. The proposed layout is acceptable and compliant with local plan policy CP37.

5.3 **Footpath Link**

Policy CP33 of LPP1 actively seeks 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. Policy CP35 of LPP1 promotes public transport, cycling and walking.

- 5.4 The footpath link to Monks Walk was approved as part of the original detailed Reserved Matters (P14/V233/RM). The Parish Council object to the proposal as they consider additional paths should be provided to accord with plans submitted at outline stage (P13/V2731/O) and to provide a new connection to a recently permitted development to the east. The plans at outline stage were indicative and only one footpath link was approved at Reserved Matters. The approved link has been designed to connect in with footpaths in the adjoining Monks Walk development (P16/V0644/O / P16/V0992/RM – Monks Walk links are also subject to enforcement investigation and will be pursued if this application is approved). Furthermore, additional paths cannot be provided as they require land outside the applicant's control across third party land. An alternative path to the north, as requested by residents, would also be located within the Marcham Air Quality Management Area, where air quality is poor.
- 5.5 The location of the footpath remains as previously approved at Reserved Matters stage in 2014 and is therefore acceptable.
- 5.6 **Amenity**  
Local concern has been raised on increased security risk and loss of privacy. Officers do not consider the proposal would result in any material increased risk or loss of privacy to warrant refusal of the application. The layout provides an appropriate design response to existing dwellings to accord with policy DP23 of LPP2 and the Joint Design Guide on residential amenity. Matters of litter and dog fouling are site management issues and do not outweigh the benefits in providing the footpath link.
- 5.7 **Landscape and Trees**  
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.
- 5.8 The proposal seeks to regularise numerous changes to the hard and soft landscaping. The changes sought are acceptable to officers as an alternative to the previously approved scheme. The Landscape Architect has no objection to the latest proposal, with changes made to both hard and soft landscaping to address their initial comments. The Forestry Officer has requested a tree protection condition. The proposal therefore accords with policy CP44.
- 5.9 **Flood Risk and drainage**  
Core Policy 42 of Local Plan part 1 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.

5.10 Local concern has been raised on increased flood risk from the proposal. The scheme has been assessed by the Council's Drainage Engineer who raises no objection. Officers therefore consider the proposed drainage is acceptable and complies with policy CP42.

5.11 **Conditions**

To ensure the works proposed are undertaken and thus to remedy the extant breaches of planning control, officers consider it is necessary to impose time limited conditions. These will allow for the work to be undertaken in a realistic timeframe and give certainty to all on when work will be done.

6.0 **CONCLUSION**

6.1 This application has been assessed against the development plan, the National Planning Policy Framework (NPPF) and all other material planning considerations. In considering the application, due regard has been given to the representations received from statutory and other consultees.

6.2 The proposed development is acceptable. The design of all the external elements is considered overall to make a positive contribution to the development.

6.3 Subject to the recommended conditions, the application amounts to sustainable development in accordance with the development plan and should be approved.

The following planning policies have been considered:

*Vale of White Horse Plan 2031 Part 1*

- CP01 - Presumption in Favour of Sustainable Development
- CP07 - Providing Supporting Infrastructure and Services
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP38 - Design Strategies for Strategic and Major Development Sites
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity

*Vale of White Horse Plan 2031 Part 2*

- DP16 - Access
- DP23 - Impact of Development on Amenity
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP30 - Watercourses
- DP33 - Open Space

*Neighbourhood Plans*

There is currently no made neighbourhood plan for Marcham. A draft is being prepared but is at an early stage in gathering evidence and engaging with the community. Accordingly, no weight can be given to this emerging plan.

*Supplementary Planning Documents*

- Joint Design Guide

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Human Rights Act 1998
- Section 149 of the Equality Act 2010
- Section 17 of the Crime and Disorder Act 1998

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