

Minutes

of a meeting of the

Planning Committee



held on Wednesday, 26 October 2022 at 7.00 pm in
Meeting Room 1, Abbey House, Abbey Close,
Abingdon, OX14 3JE

Open to the public, including the press

Present in the meeting room:

Councillors: Max Thompson (Chair), Val Shaw (Vice-Chair), Paul Barrow, Cheryl Briggs, Jenny Hannaby, Diana Lugova, Robert Maddison, Mike Pighills, and Janet Shelley
Officers: Candida Basilio (Democratic Services Officer), Darius Zarazel (Democratic Services Officer), Penny Silverwood (Principal Major Applications Officer), Lauren Davies (Planning Officer), Emily Hamerton (Development Manager), Hanna Zembrzycka-Kisiel (Planning Officer), and Nathaniel Bamsey (Planning Officer)
Guests: Councillor Richard Webber (Ward Member)

Remote attendance:

Officers: Susie Royse (Broadcasting Officer), Sharon Crawford (Planning Officer), Vivian Williams (Senior Litigation and Planning Lawyer), Susannah Mangion (Planning Officer), Charles Packham (Senior Environmental Protection Officer), Darren Detheridge (Environmental Protection Officer), Stuart Roberts (environmental Health Officer), David Bell (Senior Flood Risk Engineer), and Tom Rice (Principal Planning Policy Officer)
Guests: Ian Marshall (Highways, Oxford County Council)

58 Apologies for absence

Apologies for absence were received from Councillor Ron Batstone who is substituted with Councillor Paul Barrow.

59 Chair's announcements

The chair welcomed everyone to the meeting, outlined the procedure to be followed, and advised on emergency evacuation arrangements.

60 Minutes

RESOLVED: to approve the minutes of the meeting held on Wednesday 7 September 2022 as a correct record and agree the Chair signs them as such.

61 Declarations of interest

Councillor Diana Lugova declared an interest in item 9 on the agenda due to application P22/V1120/FUL being part of her ward and so she would not take part in the debate or vote on this application.

Councillor Val Shaw declared an interest in item 7 on the agenda due to application P22/V1091/FUL being part of her ward and so she would not take part in the debate or vote on this application.

62 Urgent business

There was no urgent business.

63 Public participation

The list showing members of the public who had registered to speak was tabled at the meeting.

64 P22/V1091/FUL - 2 Poplar Corner Wootton Village Boars Hill Oxford, OX1 5JL

The committee considered planning application P22/V1091/FUL for the retrospective approval for a five-bedroom dwelling with external amendments to windows, a new gable (Amended plans received 07 July 2022 to remove proposed car port), (Amended plans rec 23 August 2022 to resolve discrepancies with the proposal as built), on land at 2 Poplar Corner, Wootton Village, Boars Hill, Oxford.

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 introduced the report and highlighted that the application was brought to committee on the request of the Vale of White Horse District Council's planning manager. The dwelling in the application was not built to any approved plans and therefore this application seeks retrospective permission. The planning officer then informed the committee that much of the external alterations on the approved scheme involve the loft conversion and that loft conversions are normally allowed under permitted development rights.

The planning officer noted the objections from the Parish Council and local residents to the application but believed that the revised scheme would be in keeping with the local character of the area and would not cause harmful overlooking on the neighbouring properties. In addition, as the highways and forestry officers had no objection, subject to

conditions, the planning officer recommended this application be approved.

Ian Bristow spoke on behalf of Wootton Parish Council, objecting to the application.

Ifor Rhys, the agent representing the applicant, spoke in support of the application.

The committee noted the comments of the highways officer and were satisfied with the analysis that there would be adequate space for off-road parking and turning within the site, even with the additional expected vehicles brought by the loft conversion. In response to a question about the road junction into and out of the site, the planning officer informed the committee that the highways officer believes the junction to be adequate and safe.

In response to the committee raising several points about what could be done if work is carried out that is not acceptable or agreed by the Council, the planning officer informed the members that the proposed conditions call for detail to be submitted prior to occupation and that failure to have acceptable plans will be considered by officers and the Council's planning enforcement team.

Ultimately, the committee expressed concern about the application due to it being a retrospective but agreed that they could see no material planning reasons for refusal. They also encouraged Wootton Parish Council to monitor the site and report any planning breached to the Council's enforcement team.

A motion, moved and seconded, to approve the application was carried on being put to the vote.

RESOLVED: to approve planning application P22/V1091/FUL, subject to the following conditions:

Standard:

1. Approved plans

Prior to Occupation:

2. Materials as on plan
3. Access, parking and turning in accordance with plan.
4. Bicycle Parking

5. Refuse Storage
6. Landscaping scheme to be submitted

Compliance:

7. Landscaping implementation
8. Obscured glazed windows
9. Rooflights

Informatives:

10. Works within the Highway
11. CIL

65 P21/V2682/O - Land north of Hobbyhorse Lane Sutton Courtenay, OX14 4BB

During this agenda item, the meeting length had reached almost two and a half hours. In accordance with the council's Constitution, the committee voted to extend the meeting in order to finish this item.

RESOLVED: that the meeting be extended beyond two and a half hours in order to complete the current item.

The committee considered planning application P21/V2682/O for the residential development up to 175 dwellings (Outline Planning Application with all matters reserved except means of access to the site from Frilsham Street) and associated works (as per amended plans and documents received in June 2022), on land north of Hobbyhorse Lane Sutton Courtenay.

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 introduced the report and highlighted that this application was brought to the committee due to the objection of Sutton Courtenay Parish Council and local residents. The planning officer noted that some of the principal concerns about the application were over transport and access, flooding and drainage, land contamination, and air pollution and odour.

On transport and access, the upcoming Oxfordshire County Council Culham river crossing scheme would increase road capacity, allowing for the increased number of road users brought by the proposed development, and that only a limited number of units, 43, will be allowed to be occupied before this infrastructure scheme is completed. In addition, the new access and road widening plans in the application were

considered appropriate by the highways officer. Drainage was another key point raised and discussed by the planning officer. The proposed build form is kept away from the most affected areas affected by draining and the buildings raised 150mm above the existing ground level. On land contamination, the site is immediately adjacent to a landfill (Hobbyhorse Lane North) and near several other landfill sites. Two proposed levels of protection were proposed to mitigate the effects of methane, a special membrane on ground floor of all properties and a vent trench to guide methane migration away from the site. Subject to the maintained of the vent trench being secured in a S106 agreement, officers consider the site to comply with Local Plan policies DP27 and LPP2. Air pollution and odour were also in some of the objections raised due to the landfill and composting site (around 800m from the site) which is noticed in the village.

Ultimately, as there were no objections raised by officers on technical grounds, the planning officer recommended the application be approved subject to conditions.

Councillor Hugo Raworth spoke on behalf of Sutton Courtenay Parish Council, objecting to the application.

Anne Morgan-Smith spoke objecting to the application.

Jim Rawlings, the agent representing the applicant, supported by Marc Rennie and Sarah Kirby, spoke in support of the application.

Councillor Richard Webber, a local ward councillor, spoke objecting to the application.

The committee then discussed the application in detail with the planning officer, who was supported by several other officers from the Vale of White Horse District Council and Oxfordshire County Council, who assisted the committee in answering questions on technical matters.

It was noted that a similar application, submitted in 2017, was rejected based on drainage (it proposed a pumping station which were not considered appropriate), highways issues (the County Council objected due to its impact on the road network and the lack of funding for its improvement), impact on trees (the vent trench was considered too close to the root protection area), and lack of S106. Although some of these points were addressed, the committee had similar points of contention about the current application – primarily about drainage, flooding, and highways issues.

The committee raised serious concerns about the impact this proposed development would have on highways in the area. An Oxfordshire County Council highways officer spoke to the committee about the proposed improvements to highways infrastructure, but the members believed that the lack of integration with active travel, lack of guarantees about the long-term sustainability of the proposed increased frequency of public transport, and the impact on parking in the area, were all points that need to be addressed but were not. In addition, the committee mentioned that the full development was dependant on the completion of the Culham river crossing scheme which could mean 43 dwellings occupied before the Oxfordshire County Council improvements to the highways are made. The committee also noted that the Thames Valley Crime Prevention Design Advisor objected to the application due to the existing road infrastructure in the village not being suitable for the traffic the proposed development would create.

The committee also had concerns about the impacts that the odour, air pollution, and potential land contamination would have on the amenity of the residents who would occupy the proposed dwellings. The environmental protection officers informed the committee about the 2015 soil samples which found no significant contamination. However, the committee agreed that more clarity is needed as to what is actually in the adjacent landfill site as the Hobbyhorse Lane North landfill was unlicensed, and information about what is actually in the site is limited. The details of how effective the current gas mitigation methods on the site are also unknown. Members also mentioned that they would have liked to see all potential gasses tested, not only carbon dioxide and methane. The council's environmental health officer also discussed the effect that odour would have, suggesting that this would be felt by residents, but is something that should be controlled by the Environment Agency – who have not issued comments on the application. Ultimately, the committee maintained concerns about the health, safety, and wellbeing of the potential residents caused by odour and gases from the adjacent landfill and from the near composting site, grounds for refusal in the Local Plan under Development Policy 24.

The members also discussed the potential flood risk on the site with the council's senior flood risk engineer. However, it was still generally felt that the modelling was not properly accounting for climate change and therefore that the effects of flooding were not properly mitigated.

A final point was raised by the committee about the legal liability for the vent trench maintenance, and who would be the responsible party if it failed, but this was not able to be answered at that time.

Overall, the committee recognised that this site was allocated for housing in the local plan, however, it was agreed that, as this application was unacceptable on highway grounds, on containment mitigation, odour, flood risk, and as it lacked a section 106 agreement, it 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 P21/V2682/O based on:

Reason 1:

Frilsham Street is in part, a designated by-way open to all traffic. It is used as a cycle route and provides access to the village hall. Frilsham Street is subject to on street car parking which narrows its useable width to a single lane. The increased traffic movements resulting from this proposal would fail to provide safe access for all users of Frilsham Street which is considered detrimental to highway safety and contrary to Development Policy 16 of the Local Plan 2031 Part 2 and paragraph 110 (b) of the National Planning Policy Framework.

Reason 2:

The village and application site are poorly served by public transport and therefore, occupants of the proposed housing would be reliant on private motor vehicles for most of their trips. The additional traffic movements associated with the proposed development, upon the local highway network described as "highly fraught" by Thames Valley Police, would be detrimental to the safety of highway users. As such the proposal is considered contrary to Development Policy 16 of the Local Plan 2031 Part 2 and paragraph 110 (b) of the National Planning Policy Framework.

Reason 3:

The site is subject to contamination from former land uses adjacent (east) of the site and the proposal fails to demonstrate that the proposed contamination mitigation measures and particularly their future management are sufficient to ensure the protection of the health and well-being of the future occupants of the proposed development. As such the proposal does not amount to sustainable development and would be contrary to Development Policies 24 and 27 of the Local Plan 2031 Part 2 and paragraph 119 and 183 (c) of the National Planning Policy Framework.

Reason 4:

The site is subject to odour generated by a nearby composting facility (FCC Sutton Courtenay) and the proposal fails to provide sufficient

information to fully assess the impacts of odour upon the living conditions of future residents. In particular the application fails to demonstrate how the impact of odour can be successfully / sufficiently mitigated, so that health and well-being of the future residents of the proposed development would not be negatively affected. As such the proposal does not amount to sustainable development and would be contrary to Development Policy 24 of the Local Plan 2031 Part 2 and paragraph 119 of the National Planning Policy Framework.

Reason 5:

The application site is subject to surface and ground water flooding. The proposal fails to demonstrate that it is flood resilient and resistant from all sources of flood risk and that flood risk will not be increased elsewhere taking account of the effects of climate change. As such the proposal would be contrary to Core Policy 42 (iii) of the Local Plan 2031 Part 1, and paragraph 166 of the National Planning Policy Framework.

Reason 6:

In the absence of a s.106 agreement relating to the provision of affordable housing and financial contributions towards public transport, education, public art, street naming, waste bin provision, household waste and recycling centres and the provision of and management of public open spaces and play areas, the maintenance of the gas vent trench and a restriction to 43 dwelling occupations before the new Thames crossing is in use, 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, 24, 33 and 35 of the Vale of White Horse Local Plan 2031 Part 1 and development policies 20, 28 and 33 of the Vale of White Horse Local Plan 2031 Part 2.

Informative

The sixth reason for refusal could be overcome by entering into a section 106 agreement(s) with the Vale of White Horse District Council and Oxfordshire County Council to secure affordable housing, financial contributions towards infrastructure and services improvements. open spaces and play areas.

66 P22/V1120/FUL - Site Of 1 Sugworth Crescent Radley Abingdon, OX14 2JR

Consideration of planning application P22/V1120/FUL to be deferred to the next available planning committee meeting.

67 P21/V3123/FUL - Whitwick Grosvenor Road Oxford, OX2 9AX

Consideration of planning application P21/V3123/FUL to be deferred to the next available planning committee meeting.

68 P22/V2109/LB - Beaulieu Court Cottage Beaulieu Court Sunningwell Abingdon, OX13 6RQ

Consideration of planning application P22/V2109/LB to be deferred to the next available planning committee meeting.

The meeting closed at 9.35 pm