

APPLICATION NO.	P13/V2165/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	1.10.2013
PARISH	KINGSTON BAGPUIZE
WARD MEMBER	Melinda Tilley
APPLICANT	David Wilson Homes Southern
SITE	Land West of Witney Road and South of A420 Kingston Bagpuize with Southmoor Oxon
PROPOSAL	Variation of Condition 1 of planning permission P12/V1836/O to state “The development to which this permission relates shall begin within 18 months from the date of the approval of the outline permission. Within a period of 9 months from the date of this permission details of the layout, the scale, the appearance and the landscape of the site (the Reserved Matters) shall be submitted to the local authority.”
AMENDMENTS	None
GRID REFERENCE	440592/198490
OFFICER	Peter Brampton

1.0 INTRODUCTION

- 1.1 The application site is a field of slightly over 5 hectares in size, on the northeastern edge of the Kingston Bagpuize. Witney Road runs along its western boundary, whilst the A420 runs to the north. The field is enclosed by hedgerows and some trees to the open boundaries at the north, east and west, and by the rear of neighbouring dwellings and community buildings to the south. Access to the site is from Witney Road.
- 1.2 This application comes to planning committee as Kingston Bagpuize Parish Council recommends refusal, and because twelve letters of objection have been received.
- 1.3 A location plan is **attached** as Appendix 1.

2.0 PROPOSAL

- 2.1 In April 2013, the applicants received outline planning permission for the erection of up to 63 dwellings on the site, up to a 45-bed extra car home with associated public open space, land for the village scout group and a new site access.
- 2.2 As with many housing developments in the area, the council only supported the application as it made a contribution to the shortfall in the district’s lack of a 5-year housing supply. On these particular housing schemes, the council has been imposing a shortened time frame for the commencement of works to ensure the sites are delivered in a timely manner. This ensures they make the proposed contribution to the housing shortfall and this is only necessary for a relatively short period of time whilst the council adopts a new Local Plan Part One, which will allocate sufficient housing land for the district’s needs.
- 2.3 The shortened time frame the council imposed on this particular outline consent was the submission and approval of the reserved matters application within 6 months of the date of the consent, with work commencing on site within 12 months.

- 2.4 The applicant for the initial outline application was St John's College, Oxford. As the College is not a housing developer, they marketed the site subsequent to obtaining planning permission. David Wilson Homes have now taken on the site. At the request of David Wilson Homes, St John's College have already received planning permission to vary condition 1 of the outline consent to allow 9, rather than 6, months to submit the reserved matters application.
- 2.5 This fresh application seeks a further variation to condition 1 of the outline consent. David Wilson Homes now seeks to vary the wording on this condition to allow a period of 18 months from the date of the original outline consent to starting works on site. Thus, if this application were successful, works would need to start on site by 11 October 2014.
- 2.6 The illustrative layout plan from the approved outline application is **attached** for members' information as Appendix 2. It is important to note that no changes to the approved outline scheme are proposed at this stage. This application purely relates to the time limit required to implement the scheme. Any changes to the scheme will be incorporated within the forthcoming reserved matters application.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Kingston Bagpuize With Southmoor Parish Council** – Recommends refusal, *“Despite this development being contrary to the existing policy of the planning authority, permission was given on the strict condition that the development would contribute to the housing supply before the start of 2014. The condition has already been extended and a further extension should not be allowed.”*

Landscape Architect - No objections

Conservation Officer - No objections

Drainage Engineer - No objections

Health & Housing - Environmental Protection Team - No objections

Health & Housing - Air Quality - No objections

Countryside Officer - No objections

Thames Water Development Control - No objections

County Archaeologist - No objections

Environment Agency - No objections

Natural England - No objections

English Heritage - No objections

Neighbour Representations – Twelve letters of objection received. Main objections relevant to this application can be summarised thus:

- Application was approved to address five year supply problem in the district. If this time extension is allowed, this reason would not be valid
- Original time constraints provided ample time to carry out the work required
- Original planning permission should be null and void if original timescales cannot be met
- An extension of time will cause more uncertainty in the village
- Delays demonstrate why site is not suitable for housing
- Given the many problems developing the site, the original time limit to secure reserved matters approval was unrealistic

Two letters raise objections relevant to the original assessment of whether the land should be developed for housing. This application does not present an opportunity to revisit these issues

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P13/V1568/FUL](#) - Approved (03/10/2013)

Variation of condition 1 of Outline permission P12/V1836/O to read "The development

to which this permission relates shall be begun within 12 months from the date of the approval of the outline permission. Within a period of 9 months from the date of this permission, details of the layout, the scale, the appearance and the landscape of the site (the reserved matters) shall be submitted to the local authority."

[P12/V1836/O](#) - Approved (11/04/2013)

Outline application for a residential development comprising of up to 63 Dwellings, up to 45 extra care units (use Class C3), public open space, land for scout group and new site access.

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse Local Plan 2011 policies;

- GS1 - Developments in Existing Settlements
- GS2 - Development in the Countryside
- DC1 - Design
- DC4 - Public Art
- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC8 - The Provision of Infrastructure and Services
- DC9 - The Impact of Development on Neighbouring Uses
- H11 - Development in the Larger Villages
- H13 - Development Elsewhere
- H16 - Size of Dwelling and Lifetime Homes
- H17 - Affordable Housing
- H23 - Open Space in New Housing Development
- NE7 - The North Vale Corallian Ridge

The National Planning Policy Framework (NPPF)

6.0 PLANNING CONSIDERATIONS

Extended time limit for commencement

- 6.1 The council cannot currently demonstrate a deliverable 5 year housing supply, and in recent times has persistently under-delivered against its housing requirements. There is also a pressing need for additional affordable housing in the district. Consequently, the current Local Plan has been found inconsistent with the NPPF. In line with the definition of sustainable development within the NPPF, the council has had to support the release of suitable greenfield sites on the edge of the district's larger settlements to meet the shortfall. This has led to a number of speculative housing proposals being supported by the council, of which this is one.
- 6.2 The council is aiming to adopt the emerging Local Plan Part One in winter 2014. This document will have provisions that enable the council to demonstrate a deliverable five-year housing land supply. The condition attached to this consent was mindful of this timetable. If the site cannot be delivered before the adoption of the new Local Plan, it will not make the contribution to the housing shortfall on which the scheme has been justified. The policies of the new plan will prevent its development subsequently, unless it is allocated in Part Two of the Plan, which will be a Site Allocations document.
- 6.3 David Wilson Homes accept this need for a shortened time period to implement the scheme, but now contend the twelve months to submit and have approved the reserved matters application, and then start work on site is unrealistic. This is in part caused by the negotiations between David Wilson Homes and St John's College over the purchase of the site. As St John's College had to market the site and secure an appropriate sum with David Wilson Homes, it was some time before the proposals for a

reserved matters application could progress to any great extent.

- 6.4 David Wilson Homes have confirmed their intention is to enter into pre-application discussions with the district council, members of the public and other key stakeholders such as the Highways Authority, prior to the submission of the reserved matters application. There are obviously time implications for this that, in the applicants' view, further pushes back the time frame for starting work on site.
- 6.5 This is not the first five-year housing scheme that has challenged the standard wording of this condition. The council has recently lost an appeal on a scheme in Barnett Road, Steventon (Appeal Reference: APP: 3120/A/13/2192205). Here, the appellant challenged both the time allowed for submitting the reserved matters application and the time allowed to commence works on site. The Inspector supported the arguments put forward in support of the appellants' case, which were similar to those in this instance, and allowed the applicant a year to submit the reserved matters application and then six months after approval of the last reserved matter to commence works on site. By coincidence, David Wilson Homes is the housing developer taking on this site to reserved matters stage.
- 6.6 Thus, in this case, the applicant has been granted 18 months from the grant of outline planning permission to commence works on site. This is shorter than the normal three years granted to most planning consents, and so reflects the need for a shorter timetable for implementing this type of housing proposal. Therefore, one of the main justifications for permitting this scheme remains, that it will address the district's shortfall in available housing land. Work will still start on site before the formal adoption of the Local Plan Part One 2029.
- 6.7 On this occasion there appears to be reasonable grounds why work cannot commence on site within the initial 12 months granted by the council in April 2013.
- 6.8 Therefore, the variation of condition can be supported. The new wording will allow the applicant nine months (until January 2014) to submit the reserved matters application and then 18 months (until October 2014) to start work. All of the other conditions on the initial consent will not change and, for clarity, are carried across unaltered to this new outline planning permission.
- 7.0 **CONCLUSION**
- 7.1 Given the need for the applicant to market the site to housing developers, and the desire of that developer to enter into pre-application discussions with the council over the reserved matters application, the time limit initially imposed on the outline planning permission is unrealistic. Therefore, the proposal to extend the time limit to commence works from 12 months to 18 months is reasonable and will help to ensure the delivery of a housing scheme that will make a significant contribution to the shortfall in the district's housing supply. The proposal complies with relevant local and national planning policy and should be approved.
- 8.0 **RECOMMENDATION**
- Grant planning permission to vary the condition to allow 18 months from planning approval to start on site, and accordingly issue a new decision notice, with the original approval date, subject to the following conditions**
1. Time limit outline (18 months) reserved matters application within 9 months
 2. Materials to be agreed
 3. Landscaping to be implemented as per approved rm app
 4. Tree protection to be agreed

Vale of White Horse District Council – Committee Report –27 November 2013

5. Ecology mitigation as per survey
6. Boundary treatments to be agreed
7. Plot curtilage boundaries as specified
8. Plot restriction to southern boundary
9. Footpath routes to be provided
10. Construction traffic management plan to be agreed
11. Travel info packs to be agreed
12. Access visibility to be agreed
13. Estate roads as per plans
14. Parking layout to be agreed
15. Fire hydrants to be agreed
16. Drainage scheme (surface water) to be agreed
17. Drainage strategy (foul water) to be agreed
18. Aerials, dishes, antenna restriction
19. Refuse bin storage
20. Slab levels build heights to be agreed
21. Build heights

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