
APPLICATION NO.	P13/V2560/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.11.2013
PARISH	KINGSTON BAGPUIZE
WARD MEMBER(S)	Melinda Tilley
APPLICANT	Pye Homes (Oxford) Ltd
SITE	Land South of Faringdon Road, Southmoor, OX13 5BH
PROPOSAL	Variation of Condition 10 of Planning Permission P12/V1302/O, to allow the off-site highway works to be completed before the occupation of the 15th dwelling.
AMENDMENTS	None
GRID REFERENCE	439523/197931
OFFICER	Peter Brampton

1.0 INTRODUCTION

- 1.1 This application relates to a single field on the southern side of Faringdon Road in Southmoor. It comprises a grassed field, enclosed by hedgerows and trees.
- 1.2 Faringdon Road is one of the main thoroughfares of the village, running parallel to the A420 bypass. It is largely residential in character with various shops and local facilities accessed from it.
- 1.3 This application comes to planning committee as Kingston Bagpuize Parish Council recommends refusal, and as four letters of objection have been received.
- 1.4 A location plan is **attached** as Appendix 1.

2.0 PROPOSAL

- 2.1 In January 2013, following a resolution to grant at committee in September 2012, outline planning permission was granted for the erection of 50 dwellings with public open space and a new access on the land. This outline application sought full consent for access, layout and the scale of the development.
- 2.2 In April 2013, the reserved matters application, which covered the landscaping and appearance of the development, was approved. Subsequent to that, further details of the development were submitted to agree the pre-commencement conditions attached to the outline consent. These details were agreed and work started on site in late 2013.
- 2.3 As is normal with these types of application, the developer needs to do certain works to the public highway to ensure a safe and convenient access to the site for vehicles and pedestrians (both new and existing). To be able to do these works, the developer needs to enter into a Section 278 agreement with the Highways Authority, who is responsible for the maintenance of the public highway network. This is a legal agreement between County Council and developer. The Vale of White Horse is not a party to this agreement, but the proposed works to the highway in that agreement match the works we have approved in respect of condition 10 of the outline consent.
- 2.4 Condition 10 requires the applicant to complete the provision of the new access and associated visibility splays, the relocation of an existing bus stop outside of those

splays, the provision of street lighting and the construction of a new public footpath. These works need to be completed prior to the first occupation of any dwelling on the site.

- 2.5 Unfortunately, there have been delays in completing the Section 278 agreement to enable these works to start. In the meantime, work has continued on the building of the houses on site. This work has progressed smoothly, with the first dwellings due to be ready for occupation in late February 2014. This first completed phase will include five affordable units that SOHA are due to take on as the registered provider. Private sales will complete a few weeks later.
- 2.6 The applicant is now in a position that, due to the delay in the Section 278 agreement, these houses will be ready for occupation before the highway works are complete. Consequently, the applicants make this application to vary the requirements of condition 10 to allow up to 15 of the 50 units to be occupied before the highway works are complete.
- 2.7 This application was submitted in late November 2013. The Section 278 agreement was eventually signed in early January and, at the time of writing, the requisite works on the highway have started. It is possible that they will be complete well before the 15th unit is ready for occupation, and so this application will effectively allow the applicant a “fall-back” position in the event of any further delays to the works,
- 2.8 Extracts from the approved plans, including the agreed highway works plan, are **attached** as Appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Kingston Bagpuize With Southmoor Parish Council** – Recommends refusal. *“The Parish Council strongly objects to the variation of the originally agreed conditions. Allowing the proposal will put existing and new residents at risk. Those occupying the affordable homes, most of the early occupants of the new dwellings, will be more likely to walk and use the 66 bus service than later occupants”*
- 3.2 **Neighbour Representations** – Four letters of objection received. Main concerns can be summarised thus:
- Conditions should not be modified when there is no benefit to the residents of the village affected by this development
 - Varying conditions once consent is granted undermines the planning process
 - Leaving the existing bus stop in place whilst residents are entering and leaving the site is a significant traffic hazard
 - Unsafe access to public transport is not acceptable, given the development was partly justified on its sustainable location and access to bus services and village amenities
- 3.3 **Highways Liaison Officer (Oxfordshire County Council)** – *“This application is essentially a fall back position should completion of the necessary Section 278 agreement be further delayed. The delay in completion has been due to suggestion of a ransom strip which has now been demonstrated by the applicant as incorrect, which will enable [completion of the agreement] shortly. As all other associated and necessary matters are in place [so that] as soon as the Section 278 agreement is engrossed, the work can commence. There is every expectation that the works can be completed before first occupation, however, should this not occur this application seeks to ensure the matter is covered without contravening condition 10 of the original permission. Therefore, in light of the above, the recommendation is one of “no objection”.*

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P13/V2151/NM](#) - Approved (25/10/2013)

Non-material amendment to application P12/V1721/RM (original application: P12/V1302/O). To move the house on plot 34 south by 1 metre and adjoining double garage north by 0.5 metres in order to create a gap between the two of 5.5 metres. This will provide an easement for the sewer that will go between the two buildings.

[P13/V1858/DIS](#) - Approved (02/10/2013)

Discharge Condition 13 of planning permission P12/V1302/O.

[P13/V0430/DIS](#) - Approved (08/07/2013)

Discharge of conditions 2,4,7,10,11,12,15,16 & 18 of planning permission P12/V1302/O.

[P12/V1721/RM](#) - Approved (25/04/2013)

Application for Reserved Matters for erection of 50 dwellings, public open space with vehicular access from Faringdon Road. (Following Outline permission P12/V1302/O)

[P12/V1302/O](#) - Approved (16/01/2013)

Outline application for erection of 50 dwellings, new public open space and new vehicular 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

DC6 - Landscaping

DC9 - The Impact of Development on Neighbouring Uses

H11 - Development in the Larger Villages

H13 - Development Elsewhere

H15 - Housing Densities

H16 - Size of Dwelling and Lifetime Homes

H17 - Affordable Housing

H23 - Open Space in New Housing Development

NE7 - The North Vale Corallian Ridge

Vale of White Horse emerging Local Plan Part One 2029

National Planning Policy Framework (NPPF)

6.0 **PLANNING CONSIDERATIONS**

Highway Safety

6.1 Policy DC5 of the Local Plan is clear that all new development should allow for a safe and convenient access both within the site and to and from the adjoining highway network for all users. As such, it is right and proper that this council always seeks for necessary highway improvements to be completed prior to the occupation of any new dwelling. Condition 10 of the original outline consent is a standard condition applied to the vast majority of the housing developments the council has approved in the last few years.

6.2 As members will be aware, the council has also put shorter time limits on the commencement of housing schemes that have been submitted in response to the lack of a five year housing supply in the district. This is because these developments are primarily supported as they are quickly deliverable and will make a contribution to the

housing shortfall in the district. This particular scheme was one of the earliest applications to benefit from this housing shortfall and was subject to a 12 month commencement limit.

- 6.3 This is an unusual and unfortunate situation in that, to meet the 12 month commencement requirement, the applicant started work before the Section 278 agreement was in place with the County Council. Your officers understand that the draft agreement was submitted in good time, but negotiations took longer than either party expected. In particular, there was a concern about a potential “ransom strip” of land between the application site and the public highway. Doing the necessary land registry searches to establish this was not the case took some time and lead to this delay in work starting.
- 6.4 However, at the time of writing, the Section 278 agreement is completed, and work on the highway improvements has started. No house is yet complete and so no occupation can occur until the end of February. In the intervening period, work can continue apace on the highway improvements and so it is entirely possible that less than 15 units, if any, will be occupied before the highway works are completed. A verbal update on the current state of works will be provided to the committee.
- 6.5 Furthermore, the units due for completion are the smaller units in the northwestern corner of the site. These are located close to Faringdon Road. Therefore, the applicant proposes temporary measures to allow these properties pedestrian access to Faringdon Road, should the proposed highway works not be complete. The vehicular access will also be available for new residents whilst works are ongoing.
- 6.6 For these reasons, the Highways Authority has raised no objection to this proposal. If it was likely that 15 units of this scheme were to be occupied for a considerable amount of time prior to highway works being completed, it is likely this application would be unacceptable. The parish council is right to highlight that properties not having access to the 66 bus route for any great length of time would be unacceptable, both in terms of highway safety and in terms of undermining the sustainable credentials of the development as a whole.
- 6.7 However, in reality, it is clear that the necessary highway works will be completed in the next couple of months. There is an obvious commitment from the developer to complete the highway works as soon as possible to facilitate the completion of the remaining 35 units. Furthermore, temporary provision of safe pedestrian passage onto Faringdon Road for those units that may be completed prior to completion of highway works can be provided.
- 6.8 Thus, overall, this application simply seeks to establish a “fall-back” position if there are any further unforeseen delays in completing the highway works. Therefore, the variation of condition can be supported. The new wording will allow the applicant to occupy fifteen units prior to the completion of the highway improvement works. All other relevant conditions from the outline permission are carried across to this new consent. However, they are changed to compliance conditions as the required details have been submitted and agreed. The commencement condition is no longer relevant and has been removed.
- 7.0 **CONCLUSION**
- 7.1 Given the unforeseen delays in completing the Section 278 agreement with the County Council Highways Authority, the applicant may have units ready for occupation prior to the completion of the highway works required by the original outline consent for developing the land. Therefore, this application seeks to establish a fallback position

so that up to fifteen of the fifty units can be occupied prior to the completion of highway works.

- 7.2 Since the submission of the application, the necessary works have commenced, and it is likely they will be complete well before the fifteen units are complete. Furthermore, there is potential to provide a temporary pedestrian access to serve those units occupied before the permanent solution is available. Given this, the risk to the safety of the users of the highway is slight and does not represent sufficient reason for refusing consent. Therefore, this application should be approved.

8.0 **RECOMMENDATION**

Grant planning permission subject to:

1. Landscaping scheme implemented in accordance with approval
2. Tree protection as approved
3. Boundary details as approved
4. Plot curtilage boundaries to be demarked
5. Rear garden lengths
6. Materials as agreed
7. No dwelling to have a ridge height more than 9.75 metres
8. Ecology as approved
9. Approved highways works completed before 15th unit occupied
10. Parking as approved
11. Construction traffic management plan as approved
12. Travel information packs as approved
13. Footpath routes as approved
14. Bin storage as approved
15. Surface and foul water drainage as approved
16. Sewer connections
17. Drainage strategy as approved

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