
APPLICATION NO.	P17/V3130/FUL
SITE	Former Grove Airfield West of Grove To the West of Newlands Drive Land North of Denchworth Road
PARISH	GROVE
PROPOSAL	Variation of condition 7 of Planning Permission P12/V0299/O to provide the development brief prior to the occupation of the 250th dwelling rather than before the submission of reserved matters adjoining the Local Centre (as amended by documentation submitted on 27 February 2018).
WARD MEMBER(S)	Yvonne Constance Jenny Hannaby Julia Reynolds Ben Mabbett Chris McCarthy
APPLICANT OFFICER	Persimmon Homes Holly Bates

RECOMMENDATION

That planning permission is granted and condition 7 of outline consent P12/V0299/O is varied to require the submission of the local centre development brief prior to the 250th dwelling being occupied on the site, subject to:

1 : All conditions on the outline consent P12/V0299/O remaining the same apart from the amended wording for condition 7 which would read:

Prior to the occupation of the 250th dwelling on the site, a Development Brief for the Local Centre shall be submitted to and approved in writing by the Local Planning Authority. The Development Brief shall include principles of:

- a) Phasing, general layout and arrangement of all the land uses within the local centre and immediately adjoining areas including the site access 2 from Newlands Drive;
- b) Location and site areas for the Community Hub and Extra Care Housing Site and Health and Wellbeing Resource Centre;
- c) Urban Form and Design Principles for the public realm, built development and civic open spaces;

- d) Access, including road hierarchy type and standard, servicing and manoeuvring space, footpath and cycleway networks within and adjoining the Local Centre;**
- e) Strategy and design principles for car parking including the provision for shared parking for facilities;**
- f) A strategy to accommodate public transport, indicating, where appropriate, bus stops, bus laybys, bus shelters and bus turning facilities;**
- g) Proposed landscape framework, including existing landscape features to be retained and new structural planting;**
- h) Details of any ground-recontouring or remodelling required within or adjoining the local centre;**
- i) Strategy for foul and surface water drainage in accordance with the site-wide strategy;**
- j) Details, quantum and location of civic open space, including pedestrianised and sitting out areas;**
- k) Programme for the provision of the community hub, other local centre facilities and proposals for local stakeholder consultation;**
- l) Details of the proposed marketing, timing and delivery of the local centre;**
- m) Proposals for the management and maintenance of the public realm and parking;**

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

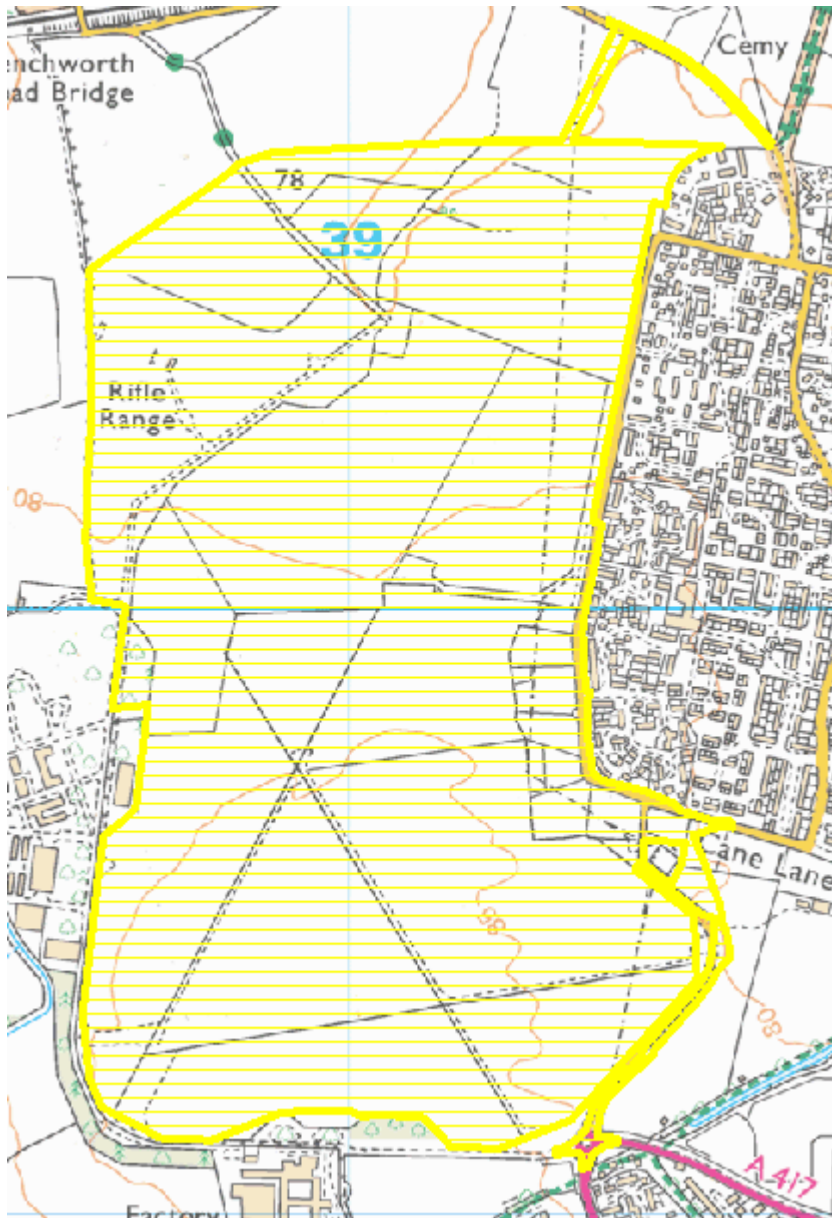
Reason: To ensure that infrastructure is delivered to meet the needs of the development and to protect the amenity of the area in accordance with policies CP38 and CP7 of the adopted Local Plan 2031 Part 1 and saved policy H5 of the adopted Local Plan 2011.

1.0 INTRODUCTION AND PROPOSAL

1.1 The application comes to committee because it is a variation to a large scale major application.

1.2 Outline consent for 2,500 dwellings was approved on the former Grove Airfield site in July 2017. The site is allocated for housing in council's development plan (saved policy H5 of the adopted Local Plan 2011).

1.3 A site plan is shown on the next page:



- 1.4 This application seeks a minor material amendment to vary the wording of condition 7 of the outline consent. Condition 7 currently reads:

No reserved matters for a sub phase incorporating residential development that adjoins the Local Centre shall be submitted until a Development Brief prepared for the Local Centre has been submitted to and approved in writing by the Local Planning Authority. The Development Brief shall include principles of:

- a) Phasing, general layout and arrangement of all the land uses within the local centre and immediately adjoining areas including the site access 2 from Newlands Drive;
- b) Location and site areas for the Community Hub and Extra Care Housing Site and Health and Wellbeing Resource Centre;
- c) Urban Form and Design Principles for the public realm, built development and civic open spaces;

- d) Access, including road hierarchy type and standard, servicing and manoeuvring space, footpath and cycleway networks within and adjoining the Local Centre;
- e) Strategy and design principles for car parking including the provision for shared parking for facilities;
- f) A strategy to accommodate public transport, indicating, where appropriate, bus stops, bus laybys, bus shelters and bus turning facilities;
- g) Proposed landscape framework, including existing landscape features to be retained and new structural planting;
- h) Details of any ground-recontouring or remodelling required within or adjoining the local centre;
- i) Strategy for foul and surface water drainage in accordance with the site-wide strategy;
- j) Details, quantum and location of civic open space, including pedestrianised and sitting out areas;
- k) Programme for the provision of the community hub, other local centre facilities and proposals for local stakeholder consultation;
- l) Details of the proposed marketing, timing and delivery of the local centre;
- m) Proposals for the management and maintenance of the public realm and parking;

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is delivered to meet the needs of the development and to protect the amenity of the area in accordance with policies CP38 and CP7 of the adopted Local Plan 2031 Part 1 and saved policy H5 of the adopted Local Plan 2011.

- 1.5 It is proposed to change condition 7 to read:

Prior to the occupation of the 250th dwelling on the site, a Development Brief for the Local Centre shall be submitted to and approved in writing by the Local Planning Authority. The Development Brief shall include principles of:

- a) Phasing, general layout and arrangement of all the land uses within the local centre and immediately adjoining areas including the site access 2 from Newlands Drive;
- b) Location and site areas for the Community Hub and Extra Care Housing Site and Health and Wellbeing Resource Centre;
- c) Urban Form and Design Principles for the public realm, built development and civic open spaces;
- d) Access, including road hierarchy type and standard, servicing and manoeuvring space, footpath and cycleway networks within and adjoining the Local Centre;
- e) Strategy and design principles for car parking including the provision for shared parking for facilities;
- f) A strategy to accommodate public transport, indicating, where appropriate, bus stops, bus laybys, bus shelters and bus turning facilities;

- g) Proposed landscape framework, including existing landscape features to be retained and new structural planting;
- h) Details of any ground-recontouring or remodelling required within or adjoining the local centre;
- i) Strategy for foul and surface water drainage in accordance with the site-wide strategy;
- j) Details, quantum and location of civic open space, including pedestrianised and sitting out areas;
- k) Programme for the provision of the community hub, other local centre facilities and proposals for local stakeholder consultation;
- l) Details of the proposed marketing, timing and delivery of the local centre;
- m) Proposals for the management and maintenance of the public realm and parking;

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that infrastructure is delivered to meet the needs of the development and to protect the amenity of the area in accordance with policies CP38 and CP7 of the adopted Local Plan 2031 Part 1 and saved policy H5 of the adopted Local Plan 2011.

- 1.6 The application as originally submitted proposed the timing for the submission of the local development brief at 600 occupations. Following concerns raised by Grove Parish Council, Wantage Town Council, residents and officers the applicant has amended the proposal. It is now proposed to change the timing for the submission of the local development brief to the 250th occupation on site.
- 1.7 No other changes are proposed. All conditions on the outline consent would remain the same apart from the amended wording for condition 7. A copy of decision notice P12/V0299/O is **attached** at Appendix 1 for reference.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 A summary of the responses received to the current amended proposal is below. A full copy of all the comments made can be seen online at www.whitehorsedc.gov.uk

2.2

Consultee	Response
Grove Parish Council	No objections.
East Challow Parish Council	No objections.
Wantage Town Council	No objections.
Oxfordshire County Council – Transport	No objections.

<p>Wantage and Grove Campaign Group</p>	<p>No response received to amendments. Original response to 600th occupation:</p> <p>Object. Moving the timing to 600th occupation reduces the priority and importance of both the development brief and the local centre. Occupiers should know before they move in what the local centre will be like. Existing residents of Grove and Wantage want to see the local planning authority hold developers to their obligations.</p>
<p>Neighbour object (4)</p>	<p>Four objections have been received in total from local residents. One has been received prior to the amendment and three have been received after the amendment.</p> <p>The response received before the amendment can be summarised as:</p> <ul style="list-style-type: none"> • Delaying until 600th occupation deprioritises the timely provision and importance of the development brief and the local centre; • Occupiers should know before they move in what the local centre will be like; • Existing residents of Grove want to see the local planning authority hold developers to their obligations; • Condition 7 ensures priority is given to building a functioning community not just a housing estate. <p>The responses received after the amendment can be summarised as follows:</p> <ul style="list-style-type: none"> • The development should confirm plans for the local centre prior to the occupation of the 250th dwelling; • There should be no further changes to what has already been agreed; • The developer should be held to the agreed release of details for the Local Centre to the occupation

	<p>of 250th dwelling. No further changes should be allowed;</p> <ul style="list-style-type: none"> • One response relates to development adjoining Churchward Close and the importance of developing sensitively in this location due to the proximity of these properties.
--	---

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P12/V0299/O](#) - Approved (17/07/2017)

Outline application for residential development of about 2,500 dwellings with associated services and facilities including secondary school, primary schools, local centre (including uses falling within use classes A1, A2, A3, A4, A5, B1, C2, D1 and D2), open space including community park, and the realignment of Denchworth Road to the south. As amended by description and additional information from agent/applicant dated 23/10/2012 (And as amended by plans & documents submitted on 16th February 2015 in relation to site access 2).

3.2 **Pre-application history**

None for this application.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 A section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment Regulations. The outline application was EIA development and the applicant has provided an addendum to the Environmental Statement (ES) submitted with that original application.

4.2 The addendum reviews the original ES and considers the proposed amendment against each chapter. It concludes that due to the nature of the proposed amendment, the findings of the original ES for the outline consent remain sound and no further assessment is required.

5.0 **MAIN ISSUES**

5.1 **Local Centre Development Brief (condition 7)**

The main issue to consider in this application is the timing of the submission of the local centre development brief and whether it can come forward at the 250th occupation on site rather than prior to the submission of a reserved matters sub-phase which adjoins the local centre.

5.2 The local centre is a key piece of infrastructure to support the new community on the Grove Airfield site. The specific details of what this contains and how it looks and functions will be important to the successful delivery of an integrated and accessible community.

- 5.3 This application does not seek to delay the delivery of the local centre, only to amend when the development brief is submitted. The legal agreement and phasing plan require the local centre including its community hub and health and wellbeing resource centre to be delivered by 1,250 dwellings. This remains unchanged.
- 5.4 Delivery of housing is a key priority. The National Planning Policy Framework and associated Planning Practice Guidance highlight the need for fast and efficient processes and issuing decisions which comply with the development plan 'without' delay, in order to contribute towards delivery of housing.
- 5.5 The variation in timing for the submission of the development brief would allow development to begin on site without further delay. This would contribute to the delivery of much needed housing for the District and contribute to maintaining the District's five-year housing land supply in helping to ensure the delivery trajectory is sustained.
- 5.6 The timing of the local centre development brief as currently worded is that it must be submitted prior to any reserved matters for a sub-phase incorporating residential development that adjoins the local centre.
- 5.7 This does not mean prior to any occupation. Depending on the phasing, other phases of residential development not adjoining the local centre could have been submitted, approved and occupied before the local centre development brief was submitted.
- 5.8 The timing of the development brief relates more to ensuring that the local centre relates well to the adjoining parcels of development in terms of design, layout and amenity.
- 5.9 The applicants have carefully considered the phasing of the site and have submitted a detailed phasing plan as requested by condition. Commencing at the south-eastern edge of the site adjoining Newlands Drive is deemed to be the most expedient and convenient for delivery, taking into account elements such as where access (permanent and construction) would be able to be taken from, where services would be installed etc.
- 5.10 The result of this detailed phasing work does mean that the initial sub-phases containing residential development would adjoin the local centre and has therefore resulted in the submission of this application to allow slightly more time to be able to prepare and submit the development brief, whilst not holding up delivery.
- 5.11 It is important to ensure that the phases of residential development surrounding the local centre are carefully considered as part of the design process. The local centre will need to fully integrate with its surroundings, complementing the development to each aspect and protecting the amenities of the residential development surrounding it.

- 5.12 The submission of a development brief by the 250th occupation of development would not alter this requirement.
- 5.13 The local centre development brief will have to be drafted to take into account any approved development around it. It achieves the same purpose in that any phase of the development will have to take into account another phase in designing an integrated development.
- 5.14 The local centre development brief will be subject of community consultation, as the other development briefs for the site have been (primary school and opens space). This amended timing for submission may possibly even allow the opportunity for new residents occupying units adjacent to the local centre to also be involved in the consultation process which is a benefit to aid new residents being able to shape their community.
- 5.15 The local planning authority must take a fair, reasonable and practical approach to planning conditions. All conditions must meet the six tests for planning conditions as set out in the National Planning Policy Framework, and elaborated upon in the National Planning Practice Guidance. These are:
- “Planning conditions should only be imposed where they are:
- Necessary;
 - Relevant to planning and;
 - To the development to be permitted;
 - Enforceable;
 - Precise and;
 - Reasonable in all other respects.”
- 5.16 Officers consider that the varied condition wording to 250 occupations would meet these tests.
- 5.17 Officers therefore consider the variation to be acceptable. The submission of the local centre development brief at or before 250 occupations on the site would not delay the local centre’s delivery. It would not dilute the necessary information that must be submitted with the condition nor would it undermine its importance.
- 5.18 The variation in timing for the submission of the development brief would allow development to begin on site without further delay, contributing towards the delivery of much needed housing for the District.

Other matters

5.19 **Technical considerations**

There are no technical implications to the variation of condition. The detail as required to be submitted as part of the development brief remains the same and would be assessed upon its submission by the relevant technical consultees.

5.20 Highways

Oxfordshire County Council objected to the original application submission. Their response stated that “there are no highway implications to the proposal”. The objection was based on procedural matters and concerns were raised over the discharge of conditions and S106 legal agreement provisions. These are not matters which affect highway safety. The County Council have been re-consulted on the application based on the amended proposal for the reduced occupations. Oxfordshire County Council have confirmed again that there are no highway safety implications for the proposal and their formal response to the amended proposal is no objections.

5.21 Procedural matters

This type of application, to vary or remove conditions associated with a planning permission, is known as a s73 application (made under section 73 of the Town and Country Planning Act 1990).

5.22 Where an application is granted, the effect is the issue of a new planning permission which sits alongside the original permission.

5.23 A new decision notice would be issued, setting out all of the conditions related to it. The NPPG advises that to assist with clarity, decision notices should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

5.24 As such, all conditions are repeated here with the only condition amended being condition 7. There are currently a number of discharge of conditions applications pending but at the time of writing this report, no decisions have been issued therefore all of the other conditions remain as they were on the original consent.

5.25 Some local residents have expressed an opinion that the outline consent should not be allowed to be amended following its approval. The planning system facilitates the amendment of planning applications. The NPPG states:

“New issues may arise after planning permission has been granted, which require modification of the approved proposals.”

5.26 There are different routes to be able to amend applications, one of them being to submit this type of application for a minor material amendment to vary one of the conditions attached to the planning permission/outline consent. Officers consider this approach to be acceptable and that the nature of the change requested is not significantly substantial to warrant a new application being submitted, but is able to be considered under the format of a minor material amendment (s73 application).

5.27 S106 legal agreement

The original outline application (P12/V0299/O) was bound by a S106 legal agreement. This legal agreement contains a clause within it which ties any S73 variation of condition applications to the signed legal agreement. This means that the obligations set out in the legal agreement legally still apply to the varied

permission and that no deed of variation is required in order to amend the reference number for the application stated in the legal agreement.

5.28 Churchward Close

A local resident has put forward relevant points regarding the effect of the development as a whole on the properties of Churchward Close, to the north-east corner of the site. These existing dwellings would directly adjoin the new development.

- 5.29 This application does not seek to make any other amendments to the outline consent other than to vary the wording of condition 7 in relation to the local centre only. All other matters remain as approved under application P12/V0299/O. While this application has the same red line area as the original outline (because it is varying a condition attached to the outline); the amendment only relates to the timing of the submission of the local development brief. When the time comes for a detailed reserved matters application to be submitted for the parcel of land adjoining the properties in Churchward Close, it will have to be consistent with the principles established by the approved parameters of the outline consent. Condition 37 of the original permission also still applies, which requires that the layout of development adjoining the properties in Churchward Close shall ensure that open space or garden areas within a minimum distance of 15 metres adjoin the boundary of those properties.

6.0 CONCLUSION

- 6.1 Officers consider the proposed variation of condition to be acceptable. The variation in timing of the local centre development brief would not delay its delivery and would not alter the detail being sought by the condition.
- 6.2 The variation would allow development to commence on site more expediently, without diluting the importance of the local infrastructure or needs of the community.
- 6.3 Given this context, Officers consider that there are no material planning grounds to justify refusing to vary the condition thereby delaying the development coming forwards.
- 6.4 The application is therefore recommended for approval.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1

CP01 - Presumption in Favour of Sustainable Development
CP03 - Settlement Hierarchy
CP04 - Meeting Our Housing Needs
CP05 - Housing Supply Ring-Fence
CP07 - Providing Supporting Infrastructure and Services

- CP15 - Spatial Strategy for South East Vale Sub-Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- 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
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity
- CP47 - Delivery and Contingency

Vale of White Horse Local Plan 2011 saved policies

- DC3 - Design Against Crime
- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses
- DC10 - The Effect of Neighbouring or Previous Uses on New Development
- DC12 - Water Quality and Resources
- H5 – Strategic Housing Site West of Grove
- H23 – Open Space in New Housing Development
- HE10 – Archaeology

Emerging Vale of White Horse Local Plan 2031 Part 2

A publication draft of the Vale of White Horse Local Plan 2031 Part 2 has been subject to public consultation, and will likely be examined in the summer. Until examination, this Local Plan remains at an early stage of preparation and accordingly its policies have limited weight at present. Notwithstanding, the following policies are material to the consideration of this application:

- DP8 - Community Services and Facilities
- DP16 - Access
- DP17 - Transport Assessments and Travel Plans
- DP20 – Public Art
- DP21 - External Lighting
- DP23 - Impact of Development on Amenity
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP25 - Noise Pollution
- DP26 - Air Quality
- DP27 - Land Affected By Contamination
- DP28 – Waste Collection and Recycling
- DP 29 – Settlement Character and Gaps
- DP31 - Protection of Public Rights of Way, National Trails and Open Access Areas
- DP32 – The Wilts and Berks Canal
- DP33 - Open Space

DP34 – Leisure and Sports Facilities
DP36 - Heritage Assets
DP39 - Archaeology and Scheduled Monuments
DP47a – Delivery and Contingency

Neighbourhood Plan

There is currently no neighbourhood plan for Grove.

Vale of White Horse Design Guide SPD 2015

National Planning Policy Framework

National Planning Policy Guidance

Equality Act 2010 (Section 149)

Human Rights Act 1998

Community Infrastructure Levy (CIL)

CIL does not apply for this application. The site zone 3 for the purposes of CIL, which is £0 per square metre. There is no additional floor space proposed as part of this variation of conditions application. The outline consent was granted prior to the adoption of CIL. A package of financial obligations was secured as part of the S106 legal agreement signed as part of the outline consent.

Author: Holly Bates – Major Applications Officer
Email: holly.bates@southandvale.gov.uk
Tel: 01235 422600