

<b>APPLICATION NO.</b>	<a href="#">P21/V2544/FUL</a>
<b>SITE</b>	Land at Crab Hill, Land north of A417 and east of A338. Wantage, OX12 7GQ
<b>PARISH</b>	WANTAGE
<b>PROPOSAL</b>	Variation of condition 1 (Specified Layout & Form) in application P19/V1269/FUL. There is a need to change the parameter plans and thus condition 1 is required to be amended.
<b>WARD MEMBER(S)</b>	Janet Shelley Amos Duveen Jenny Hannaby Andrew Crawford Patrick O'Leary
<b>APPLICANT OFFICER</b>	Mrs Dinny Shaw Stuart Walker

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## **RECOMMENDATION**

**To Grant Planning Permission subject to the following conditions:**

- 1. Approved Plans**
- 2. Quantum of land uses**
- 3. Time limit - submission of Reserved Matters**
- 4. Foul water strategy**
- 5. Development delivery strategy**
- 6. Housing delivery document**
- 7. Master plan**
- 8. Reserved Matters**
- 9. No more than 1500 dwellings to be constructed on the site**
- 10. Environmental Statement**
- 11. Reserved Matters applications to be no less than 50 dwellings**
- 12. SHMA mix**
- 13. Adaptable homes (Cat 4M2)**
- 14. Development briefs – neighbourhood centre and community building**
- 15. Design guide**
- 16. Phasing plan**
- 17. Construction Environment Management Plans**
- 18. Hours of construction**
- 19. Energy delivery strategy**
- 20. Energy efficiency**
- 21. Hard and soft landscaping**
- 22. Landscape replacement**
- 23. Tree protection plan**
- 24. Landscape management plan**

25. Woodland management plan
26. Playing field management and maintenance
27. Noise impact assessment
28. Noise mitigation
29. Noise mitigation – neighbourhood centre
30. Hours of operation of non-residential development (excluding school)
31. Landscape and Ecological Management Plans
32. Archaeology
33. Contamination
34. Lighting
35. Waste management & minimisation strategy (excluding school)
36. Recycling storage
37. Surface water drainage
38. Foul drainage
39. Boundary treatment
40. Roads, footways, and lighting prior to occupation
41. Vehicle access, driveways, parking and turning areas prior to occupation
42. Roads and footpath links
43. Materials
44. Garage accommodation
45. Highway access design details
46. Bus access, egress, turning areas and bus stop details
47. Cycle parking details
48. Site access serving any phase
49. No materials, plant or temporary structures on public rights of way
50. No construction vehicles to use public rights of way
51. No vehicles to use public rights of way to residential or commercial sites
52. Gates
53. Pedestrian link to Whitehorns Farm Road – to be omitted as implemented
54. Sustainable design & construction for non-residential buildings
55. Broadband strategy
56. Withdrawal of Permitted Development Rights for satellite dishes on flats and terraced dwellings

#### **Informatives**

1. Public rights of way
2. Public rights of way
3. Ecology
4. Bird nesting season
5. Drainage
6. Planning obligation
7. Hydrants

## **1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to planning committee as it is a large-scale major application. Wantage Town Council also object to the proposal.

- 1.2 The application site lies approximately 850m to the north east of Wantage town centre, adjacent to the northern fringe of Charlton village and is an allocated site in the adopted Local Plan 2031, part 1. A site location plan is **attached** at Appendix 1.
- 1.3 The application seeks to vary planning condition 1 (approved plans and documents) attached to planning permission P19/V1269/FUL for the development of 1,500 dwellings with associated infrastructure at Crab Hill.
- 1.4 Condition 1 lists the approved documents which must be complied with when implementing the outline consent and which all reserved matters applications must be in accordance with. The parameter plans were prepared back in 2013 assuming an existing water main on the western side of the site could be relocated. It has since been decided not to relocate the water main and as such the parameter plans require amendment. The scheme has therefore been redesigned to enable the water main to remain in situ and position roads over it. The total number of units across phases remains unchanged and the maximum dwellings is still at 1,500.
- 1.5 An Environmental Statement accompanies the application. The proposed changes to parameter plans are outlined in the report below and the parameter plans are **attached** at Appendix 2. All documents can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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

Wantage Town Council	<p>Objection:</p> <ul style="list-style-type: none"> <li>The realignment is acceptable, however there are concerns about the loss of the footpath from the original drawings.</li> <li>Original outline plan stated there will paths for cycling and pedestrians. Would like to see footpaths in the plans widened to accommodate separate cycle paths and footpaths as per outline plans.</li> </ul>
Grove Parish Council	No objection.
Ardington & Lockinge Parish Council	No response.
Residents	No responses received.
Oxfordshire County Council	<p><i>Transport</i></p> <ul style="list-style-type: none"> <li>No objection.</li> </ul>
Conservation Officer	No objection.

Drainage Engineer	No objection.
Thames Water	No response.
Environment Agency	No comment.
Natural England	No comment.
Historic England	No comment.
North Wessex Downs AONB	No response.
<i>Countryside Officer</i>	<p>Holding objection.</p> <ul style="list-style-type: none"> <li>• As part of the original permission, a site-wide landscape and ecological management plan (LEMP) was approved (Atkins, October 2016). This was pursuant to the requirements of condition 6 of decision notice P13/V1764/O, which has been transposed onto decision notice P19/V1269/FUL as condition 5.</li> <li>• As part of the approved sitewide LEMP, appendix B showed the approved landscape and ecology masterplan.</li> <li>• The changes to condition 1 now sought under this application would conflict with condition 5 of decision notice P19/V1269/FUL. <i>(Officer response – updated LEMP has been provided).</i></li> <li>• Of note is the loss of the retained hedgerow which runs along the eastern edge of Crab Hill Lane, in the centre of the site. <i>(Officer response – this resulted from a drawing error and has since been corrected to realign with approved parameter plans)</i></li> <li>• Also, the revised parameter plans also show a reduced amount of woodland planting, swale and retained hedgerow in the western corner of the site, to the north of the allotments.</li> <li>• I would like to see the lengths of lost hedgerow and swale, and areas of woodland planting, shown again on the plan. This will likely require pedestrian access to be rerouted back towards the northern boundary of the allotments.</li> <li>• The actual change in residential block layout is unlikely to have any significant ecological impacts.</li> </ul>

Landscape Officer	No objection. <ul style="list-style-type: none"> <li>• However, the changes do result in potential less connectivity between the south western residential block and the adjacent open space to the west, making this space a dead end without connectivity into the streets to the east.</li> <li>• While this footpath link would not need to be a formally adopted footpath route, there does need to be reassurance that there would be additional connectivity on the western edge of the site.</li> </ul>
Tree Officer	No objection.
Air Quality	No comment.
Contamination	No comment.
Environmental Protection Team	No observations to make.
Housing Development	No comment.
Crime Prevention Design Adviser	No objection.
Waste Management Team	No comment.
Southern Gas Networks	Draw attention to utility infrastructure in locality.
Planning Casework Unit	No comment.
Infrastructure and Development Team	No comment.

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 There are numerous planning applications for this site, including Reserved Matters and partial discharge of conditions for some phases. The most relevant planning history for this application is set out below.

[P19/V1269/FUL](#) - Approved (22/08/2019)

Variation of conditions 1(approved plans), 7(Housing Delivery Document), and 17(phasing plan) of planning permission P17/V0652/FUL

[P17/V0652/FUL](#) - Approved (27/11/2017)

Variation of Conditions 1 (amended parameter plans), 33 (additional land to be included within the Archaeological Written Scheme of Investigation) and 52 (vehicle access) of Planning Permission P13/V1764/O (as amended by letter received 23 March 2017).

[P13/V1764/O](#) - Approved (13/07/2015)

Outline application for residential development of up to 1500 dwellings including new employment space (use class B1), a neighbourhood centre/community hub (use classes A1, A2, A3, A4, A5, B1, C2, D1 and D2), new primary school, central park, ancillary areas (including allotments and sports pitches) with access off the A338 Grove Road and three accesses off the A417 Reading Road. Provision of a strategic link road between the A417 and the A338 Road to be known as the Wantage Eastern Link Road (WELR). All matters reserved except means of access to the development and the WELR. Additional information received as amplified by agent's covering letter dated 30th October 2013 and agent's e-mail dated 10th December 2013.

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 A section 73 application is considered 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 only assessment in the original ES that has the potential to be materially affected by this application is the landscape and visual assessment chapter. The landscape and visual assessment chapter of the ES has therefore been updated to reflect the changes to the parameter plans. All other chapters remain unchanged. The reassessment has indicated that the effects arising from the proposed changes to the density and height parameter plans will be minor and will not result in any material change to the effects as previously assessed in the 2013 and 2017 LVAs.

#### 5.0 **MAIN ISSUES**

5.1 The main issues in this case are:

1. The principle of development
2. The principle of varying planning conditions
3. Condition 1 – changes to the approved drawings / plans
4. Technical matters
5. Legal agreement
6. Other planning conditions

#### 5.2 **The principle of development**

The site is allocated for development in the Vale of White Horse Local Plan 2031, Part 1 and outline permission for a housing led mixed use development, was granted in July 2015 with variations to parameter plans permitted in November 2017 and August 2019. There are no material changes in planning policy and the established principle of the proposal remains acceptable.

#### 5.3 **The principle of varying planning conditions**

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and

under Section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

5.4 **Condition 1 – changes to the approved drawings / plans**

This condition agreed drawings / plans by which the development would be implemented. It is proposed to revise the parameter plans so roads on the western side of the site follow the route of the water main. The planned changes are shown below:

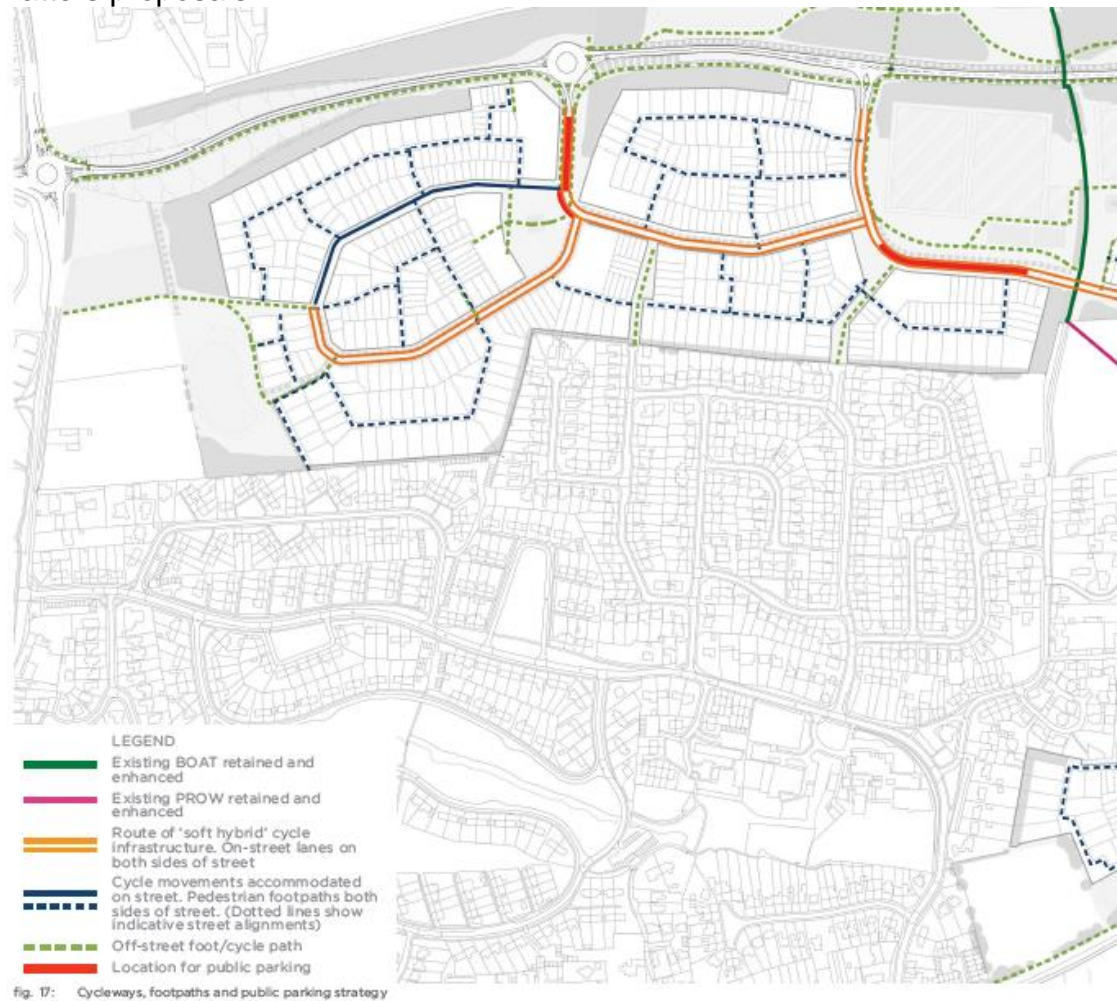
5.5 Proposed:



5.6 Approved:



- 5.7 The Town Council raise concern about the loss of the footpath from the original drawings and would like to see footpaths in the plans widened to accommodate separate cycle paths and footpaths. As can be seen from the plans above links to the west (dashed lines) are retained. Furthermore, detail on separate cycle paths and footpaths was never shown or approved via parameter plans, it is detail that has been approved in the site wide design guidance.
- 5.8 The image below is from the approved Site Wide Strategy which shows the hybrid cycle track network across the site. This has not changed with the changes to the parameter plans and remains valid for guiding future Reserved Matters proposals.



- 5.9 The council's Landscape Officer has assessed the proposal and raises no objection. Her comments regarding links have been addressed through the submission of a corrected plan. Comments from the countryside Officer regarding condition 5 and loss of hedgerow on along eastern side of Crab Hill Lane have also been addressed through an updated Landscape and Ecology Management Plan and corrected plans.
- 5.10 The Countryside Officer has made comment regarding a reduced amount of woodland planting, swale and retained hedgerow in the western corner of the site, to the north of the allotments. The extent of the proposed woodland and



the angle to the A338 is reduced and altered due to the requirement to accommodate the existing water main in situ. Officers consider this change is acceptable and would not be materially harmful in terms of visual impact. In respect of swales, since the outline consent was granted a different technical drainage solution has been adopted which no longer requires swales in this location.

5.11 A length of hedgerow will be lost to the north due to changes to the WELR alignment and gradients which were required by OCC Highways through the Technical Approval process. A minor length will also be lost to the south to accommodate drainage outfalls which will run parallel to the retained water main. To offset this loss, replacement vegetation can be secured at Reserved Matters stage. Officers therefore consider the proposed changes are acceptable.

5.12 **Technical matters**

Matters of traffic generation, flood risk and drainage, heritage assets, landscape impact and trees, affordable housing and viability, archaeology, ecology, air quality, noise and contamination were previously assessed in detail on the outline application and were considered acceptable. Officers consider the changes proposed in this application do not result in any material change to these matters.

5.13 **Legal Agreement**

The original application was accompanied by a S106 legal agreement which secured affordable housing and financial contributions for highways infrastructure, education, community and leisure. The agreement makes provision for S73 applications, and a deed of variation is not required.

5.14 **Other planning conditions**

Government advice confirms that where an application under section 73 is granted, the effect is the issue of a new planning permission. A decision notice describing the new permission should be issued, setting out all the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. It is therefore necessary to review all conditions originally imposed to ensure they remain relevant to the new proposal. Where there are changes to the previous conditions listed in P19/V1269/FUL, these are set out below.

5.15 Condition 1 is updated to reflect the new parameter plans. Condition 5 is updated to reflect the latest LEMP document and condition 16 is updated to reflect the latest approved phasing plan. Condition 46 is updated as details pursuant to the condition have been approved under application P19/V1935/DIS.

5.16 Condition 53 required a footway link from phase 1A through to Whitehorn Farm Road. This has been constructed, so it is proposed to remove the condition.

## 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. These have been taken in to account in assessing the overall scheme.
- 6.2 The application site is identified in the adopted Vale of White Horse Local Plan 2031, part 1 as an allocated site for redevelopment and the Environmental Statement is considered robust and fit for purpose in assessing the proposal. The changes sought to conditions will aid delivery of the site and are considered acceptable. There are no technical concerns with the application, subject to the recommended conditions. The proposed development is sustainable development and should be approved.

The following planning policies have been considered:

Vale of White Horse Local Plan 2031 Part 1 (LPP1) Policies:

- 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
- CP17 - Delivery of Strategic Highway Improvements within the South-East Vale Sub-Area
- CP22 - Housing Mix
- CP23 - Housing Density
- CP24 - Affordable Housing
- CP26 - Accommodating current and future needs of the ageing population
- 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
- CP39 - The Historic Environment
- CP40 - Sustainable Design and Construction
- CP42 - Flood Risk
- CP43 - Natural Resources
- CP44 - Landscape
- CP45 - Green Infrastructure
- CP46 - Conservation and Improvement of Biodiversity
- CP47 - Delivery and Contingency

A Regulation 10A review for Local Plan Part 1 (LPP1) has been completed, evaluating LPP1's policies for their consistency with national policy, considering current evidence and any relevant changes in local circumstances. The review shows that five years on, LPP1 (together with LPP2) continues to provide a suitable framework for development in the Vale of White Horse that is in overall conformity with government policy.

Vale of White Horse Local Plan 2031 Part 2 (LPP2) Policies:

CP47A - Delivery and Contingency  
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  
DP30 - Watercourses  
DP34 - Leisure and Sports Facilities  
DP36 - Heritage Assets  
DP39 - Archaeology and Scheduled Monuments

### **Neighbourhood Plan**

In 2016, the independent examiner inspecting the Wantage Neighbourhood Plan recommended that the plan shouldn't proceed to a referendum. A revised neighbourhood plan has yet to be submitted. Accordingly, no weight can be given to this plan.

### **Supplementary Planning Guidance/Documents**

Vale of White Horse Design Guide 2015 SPD  
Vale of White Horse Developer Contributions 2021 SPD

### **National Planning Policy Framework and Planning Practice Guidance**

#### **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken in account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equality obligations including its obligations under Section 149 of the Equality Act 2010.

Planning (Listed Buildings and Conservation Areas Act) 1990

Section 17 of the Crime and Disorder Act 1998

Section 85 of the Countryside and Rights of Way Act 2000

Natural Environment and Rural Communities (NERC) Act 2006

The Conservation of Habitats and Species Regulations 2010

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