

APPLICATION NO.	P23/V1518/S73
SITE	Land at Townsend Road, Shrivenham
PROPOSAL	Variation of condition 2 (Materials), condition 7 (Landscaping Scheme), condition 10 (Surface water drainage), condition 11 (Foul water drainage) and condition 15 (Wastewater network upgrades) on application P22/V2618/S73 S73 application to vary condition 2 (approved plans) and remove condition 9 (obscured glazing) on application P20/V1279/FUL. Redevelopment of the site to provide 10 new dwellings (a net gain of 9 units) and associated parking, gardens, access improvements and landscaping, following the demolition of the existing workshops and bungalow.
AMENDMENTS	As amended by the inclusion of drainage details, drainage strategy and landscaping scheme received 14 November 2024, and as amplified by material plans and schedule, plan showing ditch outfalls and EA permit and drainage details received 25 November 2024).
APPLICANT	Pars Development
APPLICATION TYPE	SECTION 73
REGISTERED	27.6.2023
TARGET DECISION DATE	13.12.2024
PARISH	SHRIVENHAM
WARD MEMBER(S)	Katherine Foxhall Viral Patel
OFFICER	Katherine Canavan

1.0 **INTRODUCTION**

- 1.1 The application is referred to Planning Committee at the discretion of the planning manager as the site has a complex planning history.
- 1.2 The application site is located on the western edge of Shrivenham on the southern side of Townsend Road and opposite the Bovis development. Adjoining the eastern edge of the boundary is STS Motor Services, and Meadow Edge bungalow. Beyond the application site, garage and small group of residential dwellings is open countryside. There are no area designations or site constraints.

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Permission was granted under P20/V1279/FUL for redevelopment of the site to provide 10 new dwellings (a net gain of 9 units), and demolition of 'The Bungalow' and garage buildings.

- 1.3 Permission was granted as a variation under P22/V2618/S73 to change the design and external appearance of the dwellings, and to remove the requirement for obscure glazing to the upper floor windows on the rear of Plot 7. Plans also included an amendment to the layout.
- 1.4 Work started on site in October 2022, and the dwellings are substantially complete. Works to provide landscaping, ecology enhancements boundary treatment, access improvement, hard surfacing, waste collection point and electric vehicle charging points are still to be carried out.

2.0 PROPOSAL

2.1 The applicant seeks a variation to the approved plans to make the following changes to permission P22/V2618/S73:

- *Variation of condition 2 (Materials)*
To vary the materials used for the horizontal boarding on the fronts of each dwelling. To replace the grey boarding with Cladco Composite cladding boards (red in colour).
- *Variation of condition 15 (Wastewater network upgrades)*
Wording of condition varied to require a wastewater solution to be delivered that secures either:
 1. Wastewater network upgrades to be delivered, or
 2. A housing and infrastructure plan to be agreed with Thames Water, or
 3. The implementation of a wastewater scheme in accordance with foul water drainage scheme

The following other changes are proposed:

- *Variation of condition 7 (Landscaping Scheme)*
To vary landscaping scheme shown on approved plans, specifically omitting trees where there were conflicts with drainage runs.
- *Variation of condition 10 (Surface water drainage)*
Plans and drainage strategy varied to show the surface water to be managed through the use of permeable paving to private parking bays and attenuation tank.
- *Variation of condition 11 (Foul water drainage)*
Plans and drainage strategy varied to show all foul water drainage to be discharged to a private sewage treatment plant and effluent discharge and surface water run-off to drain to the local ditch network.

The application also includes details that were required to be discharged, for consideration under the current application. The relevant conditions are:

- Condition 7 (Landscaping Scheme),
- Condition 10 (Surface Water Drainage)
- Condition 11 (Foul Water Drainage)

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2.2 Copies of the plans accompanying the application are attached at **Appendices 2 and 3**. Other documentation associated with the application can be viewed on the council's website at: www.whitehorsedc.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Full versions of the representations can be found on the planning application pages on the council's website www.whitehorsedc.gov.uk.

3.1 Statutory Consultee responses

<i>Representation</i>	<i>Comments</i>
Shrivenham Parish Council	<p>Revised consultation (Nov 2024) – Objection</p> <p>The proposed sewage disposal into the adjoining ditch is unacceptable because the ditch does not connect to the ditch network that leads to the Berks and Wilts canal, contrary to the application and supporting documents. The ditch comes to a dead end. This means that the large quantity of treated sewage (over 5 cubic metres per day) would be pushed out of the ditch and across the adjoining field. The landowners have indicated that they will not allow any works to join the ditches as they do not want any treated sewage using their ditches. The original condition requiring a connection to the main foul sewers should be implemented especially as there is now a new foul sewer manhole within 50 metres of the site.</p> <p><i>[Letter illustrating issues sent to EA, OS maps and photos, included in representation]</i></p>
	<p>Original consultation (July 2023) – Objection</p> <p>Shrivenham Parish Council objects to the application to change the foul water strategy from that specified in Condition 17 of the original planning application. We wish the developer to arrange connection to the Thames Water foul sewer as originally proposed.</p> <p>We object on the following grounds: The change to a sewage treatment plant imposes avoidable long-term maintenance risks to the house owners. The output from such a plant will considerably exceed the 2 m³/day quoted in the rules for new and existing sewage treatment plants. The roadside ditch is not an appropriate outfall for such effluent. The Thames water sewer is within reasonable distance of the site.</p>
Bourton Parish Council	<p>Revised consultation (Nov 2024) – No response received</p>
	<p>Original consultation (July 2023) – No response received</p>

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Thames Water Development Control	<p>Original consultation (July 2023) – No objection The planning application proposal sets out that foul water and surface water will not be discharged to the public network and as such Thames Water has no objection. Thames Water confirms the foul water and surface water conditions can be discharged based on the information submitted.</p>
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3.2 Council - professional officer comments

<i>Representation</i>	<i>Comments</i>
Drainage Engineer	<p>Revised consultation (Nov 2024) [Verbal update] – No objection Manhole levels on drainage strategy required to match manhole schedule</p>
	<p>Revised consultation (Nov 2024) – No objection, further to EA permit being issued Minor technical details required</p>
	<p>Revised consultation (Sept 2023) – Objection The comments we have made on all these applications have raised the same issue, the original application was consented on the basis that a foul water pump station to Thames Waters network was proposed, and given the location of existing foul sewers to the site, a package treatment plant is not acceptable. Thames Water has responsibilities under Section 94 (wastewater) and Section 37 (water) of the Water Industry Act 1991 to ensure new developments can be accommodated into the existing waste and clean water networks. A sewage treatment plant will require an environmental permit from the Environment Agency for effluent discharge into the ordinary watercourse. If the distance from the boundary premises that the system serves to the nearest public foul sewer is less than the number of houses multiplied by 30m it is considered reasonable to connect to the public foul sewer. The development consists of 10 dwellings, 30m x 10 = 300m. As the nearest adopted sewer is within 300m of the site boundary, it can be considered that the site is within a sewered area.</p>
	<p>Original consultation (July 2023) – Objection I object to the removal of Condition 17. Condition 13 – foul water scheme, still has issues and is yet to be approved. The original consent was for connection of foul water to Thames Water System.</p>
Forestry Officer (South and Vale)	<p>Revised consultation (Nov 2024) – No response received</p>
	<p>Original consultation (July 2023) – No response received</p>

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Community Infrastructure Officer & S106 Officer	Revised consultation (Nov 2024) – Comment CIL concluded; amendments do not result in CIL uplift
	Original consultation (July 2023) – Comment CIL cases on system – payment plan in place

3.3 Public responses

4 representations were received during the consultation (Nov 2024) raising objections to the drainage matters.

<i>Representation</i>	<i>Comments</i>
Foul water drainage	<p>There is no viable ditch to the west of this site at Townsend Road. There is a ditch of sorts in the paddock behind the site but it never fills with water, and does NOT run down to the canal, as stated by the Environment Agency.</p> <p>Although the EA have stated the proposed option is acceptable, the amount of waste being discharged appears to be above the acceptable limits.</p>
Maintenance of foul water system	<p>Unclear how the foul drainage system will be properly managed, even with a Management Company in place. The development results in the permanent imposition on residents who will be responsible for managing the sewage treatment permanently.</p>
Public connection	<p>The appropriate way to deal with the foul water would be to connect to the main drainage as originally intended. This is surely preferable to discharging into a ditch that does not carry flowing water all year round. A dry ditch, particularly over the summer, does not appear suitable for the discharge from 10 dwellings.</p> <p>There is a new connection almost directly across Townsend Road; it is not clear why this connection, in close proximity to the site, cannot be used.</p> <p>A foul water connection to the new rising main at Cozens Grove opposite should be required once that main is adopted by Thames Water – only 50m away from the site, and surely reasonable to connect into.</p>
Environmental impact	<p>The Drainage strategy references an un-named watercourse which is the currently disused canal. There are plans by the Wilts and Berks Canal Trust to reinstate this canal as a benefit to the local community and the environment. If successfully reinstated then there would be no confluence with the River Cole, other than possibly an overflow from the canal in the event of high canal water levels. Consequently, the foul water would be accumulating within the canal rather than continuously discharging into the River Cole.</p> <p>The process appears to be focussed on cost-saving, without due regard to the local environment.</p> <p>The Environment Agency's decision to grant a permit is not defensible. Although it has weight in planning terms,</p>

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	it cannot hold enough weight to justify the clear harm that will be done to the local environment by allowing a private discharge of 5.7m ³ per day into a crop field, with a shallow ditch that is dry for much of the year.
Diminishment of development	The numerous submissions indicate a diminishment of the design of the development, and a watering-down of the requirements originally set out in the conditions.

4.0 RELEVANT PLANNING HISTORY

Application Number	Description of development	Decision and date
P23/V1515/DIS	Discharge of conditions 8(Landscaping Scheme), 12(Surface Water Drainage) & 13(Foul Water Drainage) on application P20/V1279/FUL.	Withdrawn (14/11/24) To allow condition detail to be considered under current application.
P23/V0633/DIS	Discharge of conditions 8(Landscaping Scheme), 10(CTMP), 12(Surface Water Drainage), 13(Foul Water Drainage), 16(AMS and TPP) & 17(Thames Water) on application P20/V1279/FUL	Condition detail partially agreed (05/05/2023)
P22/V2618/S73	S73 application to vary condition 2 (approved plans) and remove condition 9 (obscured glazing) on application P20/V1279/FUL. Condition 2 will be changed due to the substitution of plans. (As amended by plans reconfiguring internal layout and removing obscure glazing on back bedrooms to Plot 7, and as amplified by landscape and external works plan, and Landscaping Method Statement received 20 January 2023)	Approved (10/02/2023)
P22/V2617/DIS	Discharge of conditions 3(Materials), 4 (Specified Visibility Splays), 5 (Access, Park. & Turn), 6 (Roads to OCC spec), 7 (Bicycle Parking), 8 (Landscaping Scheme), 10 (CTMP), 11 (Electric Vehicle Charging Points), 12 (Drainage Details (Surface Water)), 13 (Drainage Details (Foul Water)), 14 (Boundary Details), 15 (Mitigations of PEA), 16 (AMS and TPP), 17 (TW Condition) & 18 (Gateway Feature) on application P20/V1279/FUL (as amended by plans received 20 December 2022, and as	Condition detail partially agreed (13/01/2023)

amplified by updated Construction Method Statement and details of Electric Charging Points received 3 January 2023).

[P20/V1279/FUL](#) Redevelopment of the site to provide 10 new dwellings (a net gain of 9 units) and associated parking, gardens, access improvements and landscaping, following the demolition of the existing workshops and bungalow. (as amended by details received 28 October 2020 and 4 November 2020 and visibility details 7 May 2021). Approved (02/06/2021)

[P19/V2164/PEM](#) The proposal is for the redevelopment of the site to provide 6 new dwellings (net gain of 5 units) following the demolition of the existing unoccupied workshops and bungalow. Advice provided (25/10/2019)

5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The size of the site and the scale of the proposal are well below the EIA threshold, and are not located within an area classified as sensitive, for example, a National Landscape. This has informed the officer's decision that an EIA screening opinion is not required.

6.0 POLICY & GUIDANCE

6.1 National Planning Policy Framework and Planning Practice Guidance

6.2 Development Plan Policies

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

CP20 - Spatial Strategy for Western Vale Sub-Area

CP23 - Housing Density

CP29 - Change of Use of Existing Employment Land and Premises

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

CP40 - Sustainable Design and Construction

CP42 - Flood Risk

CP43 - Natural Resources

CP44 - Landscape

CP46 - Conservation and improvement of Biodiversity

A Regulation 10A review (five-year review) for Local Plan Part 1 (LPP1) has been completed. 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:

DP02 - Space Standards

DP16 - Access

DP23 - Impact of Development on Amenity

DP28 - Waste Collection and Recycling

Emerging Joint Local Plan 2041

The Council is currently preparing a Joint Local Plan (JLP) for South Oxfordshire and Vale of White Horse, which, once adopted, will replace the existing local plans. The JLP has reached the Regulation 19 stage, with the pre-submission version open for representations between 1 October and 12 November 2024. In line with paragraph 48 of the National Planning Policy Framework (NPPF), decision-makers may give weight to relevant policies in emerging plans depending on several factors: the stage of preparation, the extent of unresolved objections, and the degree of consistency with the NPPF.

The starting point for decision taking remains the policies in the current adopted plan(/s). The JLP is at an advanced stage of preparation and carries some weight. However, as the examination process has not yet commenced, the weight must be tempered by the potential for any necessary modifications. Whilst the representations period is ongoing there will not be sufficient information to assess which policies are the subject of objections or the extent to which they may be resolvable. Even when the representation period has ended, particular care will need to be given when considering any unresolved objections to policies, which may limit the weight assigned to certain policies until further clarity is achieved through the JLP examination process. Therefore, limited weight can be attributed to its policies at this stage.

6.3 Neighbourhood Plan

Shrivenham Neighbourhood Plan policies (2018 – 2031) Made 18/05/21

DS1 – Settlement Gap

H1 – General requirements for development

H2 – Housing mix

H5 – Housing for elderly and younger residents

D1 – Design

D3 – Provision of support for electric vehicles

D4 – Provision of fibre to premises

P1 – Car Parking and Layout

LC2 – Landscape setting

HE2a – Green environment – existing trees

HE2b – Green Environment – new planting

HE3 – Hedgerows, trees and Ancient Woodland

HE4 – Biodiversity

6.4 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

7.0 **PLANNING CONSIDERATIONS**

7.1 **The relevant planning considerations are the following:**

- **Section 73 applications – varying condition requirements**
- **Principle of development**
- **Private foul water drainage system**
- **Maintenance and Riparian rights**
- **Assessment of proposed variations**
- **Condition detail**

7.2 **Section 73 applications – varying condition requirements**

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.

7.3 When assessing section 73 applications the Council can only consider the original condition and the reasons for applying the condition; new conditions can be attached but only in so far as they apply to the original condition. If the Council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

7.4 In this case the development is substantially complete. The application is being made retrospectively under S73A of the Town and Country Planning Act 1990.

7.5 **Principle of development**

The principle of 10 new dwellings (a net gain of 9 units) and associated parking, gardens, access improvements and landscaping in this location was established under the original permission, P20/V1279/FUL, and varied / implemented under P22/V2618/S73. This is unchanged; the principle of development continues to comply with the development plan.

7.6 **Private foul water drainage system**

Plans have been submitted showing a private drainage scheme which treats foul water on site and then discharges to the neighbouring ditch. The original, and varied scheme, set out a drainage scheme that connected into the Thames Water network along Townsend Road. Condition 15 of P22/V2618/S73 requires the applicant to confirm that either:

1. Wastewater network upgrades have been delivered, or
2. A housing and infrastructure plan to be agreed with Thames Water.

7.7 As these both relate to a Thames Water connection, the applicant is seeking to vary the condition to allow a third option which has regard to the private foul drainage scheme, as follows:

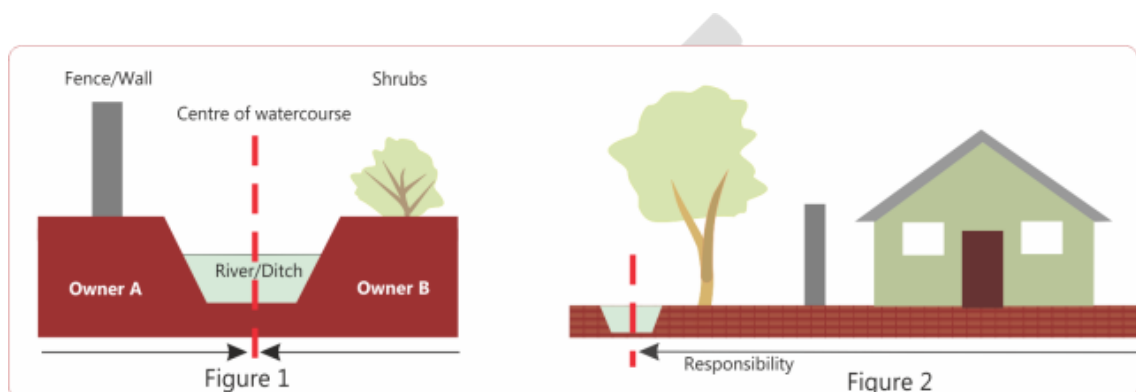
3. The implementation of a wastewater scheme in accordance with foul water drainage scheme

Detail reserved by conditions 12 and 13 of P22/V2618/S73 requires a surface water and foul water scheme to be submitted and approved by the council. These details are under consideration as part of the current application.

7.8 Policy CP42 of the LPP1 requires developments to provide a drainage strategy. The starting point for foul drainage is to drain to the public network. Both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so, and this approach is reflected in the initial consultation responses from the council’s drainage engineer. Since approval of the original scheme, the applicant has obtained an EA permit, which allows for treated foul water to drain into the ditch adjacent to the western boundary. Appendix 4 to the report includes excerpts from the response to the parish council, following their complaint to the EA regarding the permit. This is useful in setting out the reasons for issuing the permit and explaining why this drainage solution is reasonable in this instance. The issuing of the permit provides weight in planning terms as an alternative option, ie. it would be unreasonable to insist a Thames Water connection is provided, if an alternative option has been assessed and permitted by the EA.

7.9 The principle of a private foul water drainage system is acceptable, and this approach is also accepted by the council’s drainage engineer. Subject to the assessment of technical detail, a variation to Condition 15 of P22/V2618/S73, and condition detail relating to the surface water and foul water schemes can be considered within this application.

7.10 **Maintenance and Riparian rights**
Owners of land adjoining, above or with a watercourse running through it, have certain rights and responsibilities. In legal terms the landowner is a ‘riparian owner’. Where the watercourse marks the boundary, the adjacent landowners are likely to own the land up to the centre of the watercourse, unless title deeds specifically indicate otherwise. This is the case along the western boundary of the application site, specifically adjacent to plot 10.



7.11 **Ensuring the ditch is maintained**
The site already drains to the ditch and was in use (serving one dwelling) prior to the current development for 10 dwellings. The Land Drainage Act is legislation that requires the clearance of watercourses; the requirement would

extend to the section of watercourse adjacent to the site. This would have also been the case for the adjacent landowners prior to the current development.

7.12 On the transfer of landownership, ie. occupation of the new dwellings, Riparian Rights would fall to the landowners either side of the ditch; one of which would be the occupants of plot 10, which shares a boundary with the watercourse. For the avoidance of doubt, this requirement has been set out as an advisory note which would be attached to any permission. It is also recommended that a condition is added relating to Plot 10 to remove permitted development rights for any additional outbuildings, structures and boundary treatment. This is to ensure the boundary remains clear for maintenance and inspection of the ditch.

7.13 *Conclusion*

The EA permit has been issued, and the application for Land Drainage Consent is being considered by the Council at the moment. Both these procedures sit outside the planning process, but are part of legislation setting out how the adjacent landowner is required to maintain and manage the ditch, and stating that this is enforced by the EA. As other legislation manages this process, planning conditions should not be added to control matters that are dealt with by other legislation. Officers are satisfied that legislation exists outside the planning process to ensure the ditch, into which the treated foul water would drain, can be managed and maintained in the longterm. In taking this approach, which is fundamentally a technical matter, Officers have taken advice from EA technical officers, the Council's Drainage Engineer and Planning Enforcement Officers, who have advised that based on the EA's assessment and the issuing of the permit, there are insufficient grounds to insist the drainage scheme should revert to a public sewer connection.

7.14 **Assessment of proposed variations**

7.15 **Condition 15 of P22/V2618/S73 – Wastewater solution**

It is proposed to vary the wording of condition 15 of P22/V2618/S73 to include an option which takes account of the private foul drainage system. The varied wording (reference: condition 12 at Appendix 1) would read:

No properties shall be occupied until confirmation has been provided that either:

- 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or*
- 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or*
- 3. A foul water scheme has been implemented in accordance with the requirements of condition 9 [Detail of foul water drainage scheme].*

7.16 The reworded condition does not weaken or override the previous requirements of the condition, but introduces a further option which reflects the amended

drainage solution, in light of the EA permit having been issued. The condition continues to require confirmation that whichever option is implemented, has been carried out in accordance with the relevant requirements. Officers consider this to be a pragmatic approach to responding to the updated position of the private foul drainage scheme now being acceptable, and the varied wording is recommended for approval.

7.17 Condition 2 of P22/V2618/S73 – Materials

The applicant also seeks to vary the materials used for the horizontal boarding on the fronts of each dwelling: to replace the grey boarding with Cladco Composite cladding boards (red in colour). The change in materials would not adversely affect the design or character of the dwellings, or be at odds with the established character of the area. The change in materials is recommended for approval.

7.18 Condition detail

7.19 Conditions 10 and 11 of P22/V2618/S73 - Surface and foul water drainage

A surface water and foul water drainage scheme and strategy have been submitted as part of the current application in response to the requirements of conditions 10 and 11 of P22/V2618/S73.

7.20 During the course of the application additional information has been provided to meet technical requirements, at the request to the council's drainage engineer. These details clarify:

- How surface water is to be managed through the use of permeable paving to private parking bays and attenuation tank
- Construction details for all drainage components
- Manhole schedule / connection levels
- Details and layout of the package treatment plant
- Section plan showing outfall pipes into ditch

7.21 The main change to the drainage system involves replacing an existing septic tank, which has an outfall on the south-eastern boundary of the site, with a sewage treatment plant to serve the 10 dwellings, with two outfall points on the western boundary of the site. The treated waste and surface water run-off from the development would discharge into the existing field ditch.

7.22 A sufficient level of detail has been provided to review the surface water and foul water drainage schemes. On the basis of the EA permit having been issued, and subject to the levels of foul manhole connections being implemented in accordance with the manhole schedule (reference: condition 13 at appendix 1), the surface water and foul water drainage schemes and drainage strategy are appropriate to serve the 10 dwellings. It is recommended that conditions 10 and 11 are discharged and the conditions are reworded as a single 'compliance condition' (reference: condition 8 at appendix 1), ie. subject to the schemes being implemented in accordance with approved details, no further information is required to be submitted.

7.23 Conditions 7 of P22/V2618/S73 – Landscaping scheme

A landscaping scheme has been submitted as part of the current application in response to the requirements of condition 7 of P22/V2618/S73.

7.24 As a result of the redesigned drainage scheme and the inclusion of the package treatment plant, drainage runs are shown to run through the proposed landscaping scheme. The scheme provided with this application is not sufficient to agree the amended landscape plan, or to discharge the condition. For the avoidance of doubt, the landscaping scheme shown on Landscaping and Boundary Treatment Plan drwgn 2917_500_G is not discharged, and the plan has not been included on the approved plans list. The original condition wording is retained, and further details will need to be submitted prior to occupation to provide compensatory planting in order to discharge the condition (reference: condition 6 at appendix 1).

7.25 Conditions

The PPG clarifies that section 73 decision notices should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Conditions that continue to apply from P22/V2618/S73 have been either re-imposed or re-worded to take account of the amended documents/information submitted as part of this application. Regard has also been had to additional information provided to meet previous conditions.

7.26 The conditions have largely been reworded to be ‘compliance’ or ‘prior to occupation’, with the exception of landscaping (Condition 6) which requires further detail to take account of landscaping lost through drainage runs, and condition 12, which requires confirmation that a wastewater solution has been implemented in accordance with the requirements of the condition.

There are no pre-commencement conditions.

7.27 Community Infrastructure Levy

The CIL contribution was managed under the previous permissions and the variations do not result in increased floorspace. There is no CIL uplift, and no outstanding CIL payment.

7.28 Biodiversity Net Gain

The application was submitted before the BGN 10% uplift requirements were introduced (April 2024), and is therefore exempt from having to meet the national BNG target.

8.0 Other Relevant Legislation

8.1 Human Rights Act 1998

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

8.2 Equality Act 2010

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

8.3 Crime and Disorder Act 1998

In considering this application, due regard has been given to the likely effect of the proposal on the need to reduce crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will/will not undermine crime prevention or the promotion of community safety.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The principle of residential development in this location complies with the spatial strategy and the development plan.

9.2 The development complies with policy in terms of residential amenity, design, highway safety. The varied scheme for the management of surface and foul water drainage has been reviewed and is in accordance with policy. The variation to external materials is acceptable. Subject to conditions, the development provides ecological enhancements, landscaping, boundary treatment, cycle and vehicle parking, turning areas and safeguards visually important trees.

9.3 The development is in accordance with the development plan policies, and national policy set out in the NPPF.

9.4 **Abbreviated versions of the recommended conditions are listed below and shown in full in Appendix 1**

10.0 RECOMMENDATION

Grant planning permission, subject to conditions

(amended in line with the details hereby varied, and accepting additional information provided to meet condition requirements)

1. In accordance with approved plans and documents
2. In accordance with external material schedule
3. Vehicular access and visibility splays
4. Parking and turning areas to be kept unobstructed
5. Provision of cycle stores
6. Details of landscaping scheme to be submitted
7. Provision of EVCPs
8. Provision of surface water and foul water drainage scheme
9. Provision of boundary treatment
10. Ecological enhancement and mitigation
11. Tree protection
12. Wastewater solution
13. Manhole cover / connection levels
14. PD rights removed (buildings, structures, boundary treatment) – Plot 10

Advisory notes

1. Works within the public highway
2. S278
3. Riparian rights – Plot 10

Officer: Katherine Canavan

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Tel: 01235 422600

Appendix 1

Recommended Conditions (full text):

Sequence	Description	Details
1	In accordance with approved plans and documents	<p>That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans:</p> <p>Site Location Plan drwgno 2917-001C Site Plan Existing drwgno 2917-100A Site Plan Proposed drwgno 2917-120E Landscaping Ext Works Enclosures Plan drwgno 2917-500C</p> <p>Elevations & Floor Plans Plots 1 2 9 & 10 Proposed drwgno 125 A Elevations & Floor Plans Plots 3 & 8 Proposed drwgno 126 B Elevations & Floor Plans Plots 4 5 & 6 Proposed drwgno 127 A Elevations & Floor Plans Plot 7 Proposed drwgno 128 B</p> <p>Cycle Store drwgno 501 [as approved under P22/V2617/DIS] Ditch outfalls drwgno 6181-C-214 Manhole Schedule drwgno 6181-C-215 REV D Attenuation Tank Details drwgno 6181-C-240 REV A Drainage Layout drwgno 6181-C-200 REV F Drainage Details Sheet 1 of 4 drwgno 6181-C-210 REV A Drainage Details Sheet 2 of 4 drwgno 6181-C-211 Drainage Details Sheet 3 of 4 drwgno 6181-C-212 REV A Drainage Details Sheet 4 of 4 drwgno 6181-C-213</p> <p>Visibility Splays drwgno 6181-C-100 [as approved under P22/V2617/DIS] Private construction details drwgno 6181-C-170 [as approved under P22/V2617/DIS]</p>

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		<p>Highway layout drwgno 6181-C-130 [as approved under P22/V2617/DIS]</p> <p>and the following approved documents: Drainage Strategy Issue 2 Nov 2024 Tricel-Novo-Sewage-Treatment-Plant-Manual-UK6-50 (January 2022) External Materials Schedule - Rev B Ecological Appraisal (Ascerta, May 2020, Ref: P.1317.20) [as approved under P20/V1279/FUL]</p> <p>except as controlled or modified by conditions of this permission.</p> <p>Reason: To secure the proper planning of the area in accordance with Development Plan policies.</p>
2	In accordance with external material schedule	<p>The development shall be built using only the external materials specified in the External Materials Schedule - Rev B,</p> <p>and as shown on: Elevations & Floor Plans Plots 1 2 9 & 10 Proposed drwgno 125 A Elevations & Floor Plans Plots 3 & 8 Proposed drwgno 126 B Elevations & Floor Plans Plots 4 5 & 6 Proposed drwgno 127 A Elevations & Floor Plans Plot 7 Proposed drwgno 128 B,</p> <p>unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity (Policy CP37 of the Local Plan 2031 Part 1).</p>
3	Vehicular access and visibility splays	<p>The vehicular access and visibility splays, as discharged under planning reference P22/V2617/DIS, shall be provided in accordance with the details shown on drwgno 6181-C-100 and drwgno 6181-C-170 prior to the occupation or use of the new development. Thereafter, the visibility</p>

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		<p>splays shall be permanently maintained free from obstruction to vision.</p> <p>Reason: In the interest of highway safety (Policy CP35 and CP37 of the Local Plan 2031 Part 1 and Policy DP16 of the Local Plan part 2).</p>
4	Parking and turning areas to be kept unobstructed	<p>Prior to the use or occupation of the new development, 24 car parking spaces shall be constructed, surfaced, drained and marked out on the site in accordance with drwgno 2917-120E. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the spaces shall be kept permanently free of any obstruction to such use.</p> <p>Reason: In the interest of highway safety and to avoid localised flooding (Policy CP35, CP37 and CP42 of the Local Plan 2031 Part 1 and policy DP16 of the Local Plan Part 2).</p>
5	Provision of cycle stores	<p>Prior to the use or occupation of the new development, cycle storage for each plot shall be provided in accordance with the details shown on drwgno 2917-120E, and drwgno 501 as approved under P22/V2617/DIS.</p> <p>Reason: To encourage the use of sustainable modes of transport (Policies CP33 and CP35 of the Local Plan Part 1).</p>
6	Details of landscaping scheme to be submitted	<p>Prior to the use or occupation of the new development and within 3 months of the date of this permission, detailed Landscape Method Statement and Landscaping Plan shall be submitted to the Local Planning Authority to include:</p> <ul style="list-style-type: none"> - Landscape and planting plan, including trees, shrubs and hedges, and details of species - Infill hedge planting at plot 7 - Landscape Method Statement, including maintenance and watering schedule over a 5 year period - Details of areas to be managed by management company

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		<p>Following written approval from the Local Planning Authority of the Landscape Method Statement and Landscaping Plan, the landscaping scheme shall be implemented as approved within 6 months of the date of this permission and thereafter be maintained in accordance with the approved scheme.</p> <p>In the event of any of the trees or hedge plants, so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or hedge plant or equivalent number of trees or hedge plants, as the case may be, of a species first approved by the Local Planning Authority, be planted and properly maintained in a position or positions first approved by the Local Planning Authority.</p> <p>Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development and in the interest of visual amenity (Policy CP44 of the Local Plan 2031 Part 1).</p>
7	Provision of Electric Vehicle Charging Points	<p>The Electric Vehicle Charging Points shall be provided in accordance with drwgn 2917-120E and be available for use prior to the occupation of that dwelling. Thereafter each Electric Vehicle Charging Points shall be maintained for each dwelling it serves.</p> <p>Reason: To ensure sustainable forms of transport are provided (Policies CP33, CP35 and CP37 of the Local Plan 2031)</p>
8	Provision of surface water and foul water drainage scheme	<p>Prior to the use or occupation of the new development, the development shall be carried out in strict accordance with the detailed scheme for the surface water and foul water drainage hereby approved, as shown on:</p> <p>Drainage Layout drwgn 6181-C-200 REV F Drainage Details Sheet 1 of 4 drwgn 6181-C-210 REV A Drainage Details Sheet 2 of 4 drwgn 6181-C-211</p>

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		<p>Drainage Details Sheet 3 of 4 drwgn 6181-C-212 REV A Drainage Details Sheet 4 of 4 drwgn 6181-C-213 Ditch outfalls drwgn 6181-C-214 Manhole Schedule drwgn 6181-C-215 REV D Attenuation Tank Details drwgn 6181-C-240 REV A</p> <p>and in accordance with the following documents: Drainage Strategy Issue 2 Nov 2024 Tricel-Novo-Sewage-Treatment-Plant-Manual-UK6-50 (January 2022) Preliminary Ecological Appraisal (Ascerta, May 2020, Ref: P.1317.20)</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DP42 of the Local Plan 2031 Part 1).</p>
9	Provision of boundary treatment	<p>The boundary treatments for each dwelling shall be completed in accordance with drwgn 120 E prior to the occupation of that dwelling, and the approved boundary treatments for the whole site shall be completed in accordance with drwgn 120 E prior to the occupation of the last dwelling.</p> <p>Reason: In the interests of visual amenity and residential amenity (Policy CP37 of the Local Plan 2031 part 1, and DP23 of the Local Plan Part 2).</p>
10	Ecological enhancement and mitigation	<p>The development hereby approved shall be implemented strictly in accordance with the recommended mitigation and enhancement measures stated in section 5 of the supporting Preliminary Ecological Appraisal (Ascerta, May 2020, Ref: P.1317.20) as approved under P20/V1279/FUL, and as shown on Landscaping Ext Works Enclosures Plan drwgn 2917-500C.</p> <p>Reason: To minimise the impacts of development on biodiversity, in accordance with CP46 of the Local Plan Part 1 and paragraph 180 of the NPPF.</p>

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11	Tree protection	<p>The tree protection measures shown on drwgno 2917_500_C shall be installed prior to, and remain in place for, the duration of any demolition, construction, excavation and making good of the site.</p> <p>Reason: To protect trees in the interest of visual amenity (Policy CP44 of the adopted Local Plan 2031 part 1)</p>
12	Wastewater solution	<p>No properties shall be occupied until confirmation has been provided that either:</p> <ol style="list-style-type: none"> 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or 2. A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. A foul water scheme has been implemented in accordance with the requirements of condition 9. <p>Reason: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. (Policy CP42 of the Local Plan 2031 Part 1)</p>
13	Manhole cover / connection levels	<p>Notwithstanding the levels shown on the Drainage Layout drwgno 6181-C-200 REV F, the manhole cover and invert levels shall be implemented strictly in accordance with the levels shown on Manhole Schedule drwgno 6181-C-215 REV D.</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DP42 of the Local Plan 2031 Part 1).</p>

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14	PD rights removed – Plot 10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the provision within the curtilage of the dwelling on Plot 10 of:</p> <ul style="list-style-type: none"> - any building, enclosure or swimming pool as described in Schedule 2, Part 1, Class E of the Order, or - the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order, <p>shall not be undertaken without obtaining planning permission from the Local Planning Authority.</p> <p>Reason: To ensure the effective, longterm access to the adjacent ditch for maintenance and inspection purposes, as the watercourse forms a fundamental element of the drainage strategy for the site (Policy DP42 of the Local Plan 2031 Part 1).</p>
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Advisory notes

1	Works within the public highway	<p>If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of either:</p> <ul style="list-style-type: none"> i. - a Section 184 Notice under the Highways Act 1980, or ii. - a legal agreement between the applicant and Oxfordshire County Council
2	S278	<p>A separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works under S278 of the Highways Act 1980.</p> <p>For guidance and information please contact the county's Road Agreements Team via https://www.oxfordshire.gov.uk/cms/content/contact-roadagreements-team.</p>
3	Riparian rights – maintenance of ditch	<p>For the attention of the landowner(s) adjacent to the western boundary of the site [Plot 10]</p>

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		<p>If you own land adjoining, above or with a watercourse running through it, you have certain rights and responsibilities. In legal terms you are a 'riparian owner'.</p> <p>If a watercourse runs alongside your garden wall or hedge you should check your property deeds to see if the wall or hedge marks your boundary. If the watercourse marks the boundary, it is assumed you own the land up to the centre of the watercourse.</p> <p>You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks.</p> <p>You should always leave a development-free edge on the banks next to a watercourse. This allows for easy access to the watercourse in case any maintenance or inspection is required.</p> <p>If you do not carry out your responsibilities, you could face legal action.</p>
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